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Senate

The Senate met at 10 a.m. and was called to order by the Honorable RICHARD J. DURBIN, a Senator from the State of Illinois.

PRAYER

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

Let us pray.

Eternal Spirit, clothed with honor and majesty, You make the clouds Your chariot and walk upon the wind. You cause the Earth to yield its harvest and send blessings to those who fear You.

Guide our lawmakers today to fulfill Your purposes. Lord, enable them to see the stamp of Your image in each person they serve, realizing that when they lift the marginalized, they labor for You. Use them to bring order out of chaos as You keep them on the road of integrity. Reward their diligence with Your bountiful blessings.

We pray in Your great 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 11, 2014.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD J. DURBIN, a Senator from the State of Illinois, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. DURBIN thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. BOOKER). The majority Leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate will resume consideration of the motion to proceed to S. 1963, the Military Retirement Pay Restoration Act. Senator-designate JOHN WALSH of Montana will become a Senator today at 12:15. The Senate will recess today from 12:30 until 2:15 to allow for our weekly caucus meetings.

WELCOMING LIEUTENANT GOVERNOR JOHN WALSH

Mr. REID. Mr. President, today it is my pleasure to welcome the next Senator from Montana, Lt. Gov. JOHN WALSH. Governor WALSH will be sworn in prior to the weekly caucus meetings.

I am really happy with this man coming here. My friend the assistant leader has heard me say this before, but I think it is worth repeating. When I served in the House of Representatives, I served on the Foreign Affairs Committee, and Henry Kissinger appeared before the subcommittee chaired by Congressman Solarz from New York. The Congressman said to Henry Kissinger: ''I am really at a loss as to what to call you. Doctor?'' He was a Ph.D. ''Mr. Ambassador?'' He had been an ambassador. ''Mr. Secretary?'' He went through some other titles he previously had. Finally, Kissinger interrupted him and said: ''Your Excellency'' would be just fine.

We now have the same problem. JOHN WALSH has been a general. He has been Lieutenant Governor, and it is protocol when one is Lieutenant Governor to be referred to as ''Governor.'' So he has a number of different titles, but soon he will be Senator.

I have talked to him on many different occasions. He is a fine man. I am confident he will find his time here among the most rewarding experiences of his distinguished career. And he is distinguished. He spent his entire adult life serving the people of Montana and our Nation.

Lieutenant Governor WALSH served in the Montana National Guard for more than three decades. After enlisting as a private, he rose through the ranks to lead the Montana National Guard as Adjutant General. He led 2,000 guardsmen in response to the devastating wildfires in 2000. General WALSH also led 700 soldiers of the Montana National Guard's 1st Battalion, 163rd Infantry Regiment in combat in Iraq. And combat it was. It was some of the most difficult fighting that took place in the entire war. It was the largest mobilization of guardsmen in Montana since World War II. The battalion was awarded the Valorous Unit Citation, and General WALSH received a Bronze Star for his exemplary service.

In 2008 Lieutenant Governor WALSH was appointed Adjutant General for the Montana National Guard. He led the State's guardsmen until 2012, when he retired to continue his public service in a new capacity as Lieutenant Governor of the State of Montana. Both as Adjutant General and as Lieutenant Governor, he has fought for access to education for veterans and for every Montana child. The Walsh family places great value on the power of education. Lieutenant Governor WALSH was the first member of his family to graduate from college. His wife of 29 years, Janet, has taught in the public schools in Montana for many years. In fact, JOHN and Janet met while they were

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

both attending Carroll College in Helena, MT. They have two children and one grandchild, all of whom they are very proud. JOHN WALSH received his master's degree at the U.S. Army War College in 2007.

JOHN WALSH possesses a true independent Western spirit and a commendable dedication to the people of Montana. I have no doubt he will continue to serve his State and the Nation with distinction as a U.S. Senator.

RESTORING EARNED PENSIONS

Mr. REID. Mr. President, in addition to the swearing-in of Lieutenant Governor WALSH, I expect that this afternoon the Senate will adopt the motion to proceed to legislation to restore the earned pensions of military retirees. This measure restores cost-of-living adjustments for military retirees. Although no veterans will be affected until the end of next year, there is no reason to delay a solution. I will continue to work with my Republican colleagues to process what we need to do to pass this important measure. We know the Ayotte amendment is one Republicans have indicated they want a vote on, and I see no reason why we shouldn't allow them to have a vote on it.

OBAMACARE

Mr. REID. Mr. President, I was surprised this morning to hear Republicans literally howling over President Obama's decision to ease the transition for medium-sized businesses to providing health insurance for all of their employees. Republicans have complained that health care reform is a burden to employers, but now they are complaining that President Obama is trying to ease that burden and smooth the transition to a new system. Think about that one.

But this Republican duplicity should come as no surprise. After all, Republicans are the ones who invented the individual mandate. It was their idea. It is a conservative idea that every American has a responsibility to seek insurance to cover their health care needs, and the government has a responsibility to make that coverage accessible and affordable. But now Republicans are attacking their own brain child—the individual mandate. The individual mandate was their idea, and Republicans are willfully ignoring the fact that the Affordable Care Act creates a transition period for individuals to obtain insurance as well.

It is time for Republicans to stop talking out of both sides of their mouths. If they have legitimate concerns about the Affordable Care Act, or ObamaCare, and not just political gripes, they should work with the President and the Democrats in Congress to fix and improve the law; otherwise, they should stop complaining and get out of the way.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

IRS REGULATIONS

Mr. MCCONNELL. Mr. President, the two parties have engaged in a lot of big debates over the past several years, and no one, obviously, should be surprised by that. The President came into office vowing to fundamentally transform the country, and a lot of us have had big problems with the policies he has tried to implement in pursuit of that goal. But there are some things we should all agree on, and one of them is this: No President—no President of either party—should use the power of the Federal Government to punish his ideological opponents. That is why, when the targeting of conservative groups by the IRS came to light after the last Presidential election, just about everybody denounced the Nixonian tactics up and down and loudly declared that it should never be allowed to happen again. They knew that this kind of targeting represented a direct attack on our most fundamental freedoms—on our abilities to organize and educate and engage in the democratic process. And while the abuse may have been aimed at conservatives this time, it is easy to see how it could one day be used against organizations of any ideological hue.

So America's culture of civic engagement simply has to be defended—by all of us. Yet, with the passage of time, that is not what we have seen. Instead of putting safeguards in place to protect our civil liberties, the Obama administration is now dragging the IRS back in the opposite direction. It is now pushing a regulation that would actually entrench and encourage the harassment of groups who dare to speak up and engage in the conversation. It is trying to intimidate into silence those who send donations to civic groups too.

Predictably, the Obama administration has tried to spin these regulations as some sort of ''good government'' measure, as reforms initiated in response to the IRS scandal, but, of course, we know that is simply not true. In recent days we learned that these regulations—regulations designed to suppress free speech—have been in the works for years.

So let's be clear. All of this is simply unacceptable. After denouncing the abuse last year, I believe it is shortsighted of our friends on the other side not to oppose these rules forcefully today. The path this administration is embarking on is a dangerous one with the slipperiest of slopes. Left-leaning civic groups should be just as alarmed about what these regulations could mean for them in the future as what the rules almost certainly will mean for conservative groups today. That is why some, such as the ACLU, have begun to speak out against these regulations.

Last week I joined several of my colleagues in sending a letter to the new Commissioner for the IRS that laid out these concerns. We reminded Commissioner Koskinen that he was confirmed with a mandate to reform the IRS and return the agency to its actual mission—processing tax returns, not suppressing speech. We expect him to fulfill that mandate—to prove his reformist credentials—by halting the regulations immediately and to enact new rules that would stop similar harassment from occurring in the future. This is something the Commissioner can and must do now. He needs to realize this isn't some issue to move past but a serious threat to be confronted.

Commissioner Koskinen could go down in history as a hero, as did the IRS Commissioner who stood up to Nixon and said no to harassment of political opponents. I want to believe that this is the choice he will make, that he wants to be remembered as a strong and independent public servant rather than some political pawn. But we can't be sure what he will do, and the American people need a backup plan in case he decides his fealty lies with the opponents of free speech rather than with them.

That is why today I, along with Senators FLAKE, ROBERTS, HATCH, and others, have introduced legislation that would prevent the IRS from enacting regulations that would permit the suppression of First Amendment rights. It aims to return the agency to its mission and get it out of the speech police business altogether—a goal that should be a bipartisan one.

This is something worth fighting for. It is something I hope Commissioner Koskinen will work with us to achieve. But if he does not—if he does not—he should know we are prepared to go to the mat to defend the First Amendment rights of our constituents and our neighbors—and that we will continue to do so until those rights are safe once again.

I yield the floor.

RESERVATION OF LEADER TIME

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

REPEALING SECTION 403 OF THE BIPARTISAN BUDGET ACT OF 2013—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1963, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 298, S. 1963, a bill to repeal section 403 of the Bipartisan Budget Act of 2013.

The PRESIDING OFFICER. The Senator from Illinois.

AYOTTE AMENDMENT

Mr. DURBIN. Mr. President, the Presiding Officer is new to the Senate, and we are glad to have him. He will find in the course of his senatorial experience that occasionally good legislative ideas come from unexpected places. Occasionally they come from phone calls to your office, emails, and letters, where people tell their stories, and from those stories you see the need for a new law, a change in policy.

That happened to me 13 years ago. A Korean-American mother called my office in Chicago with a problem. Her problem was that her daughter Tereza was about to graduate from high school and had an opportunity to go, on scholarship, to the Manhattan Conservatory of Music in New York.

This was a poor family. Mom worked at a dry cleaners. They barely got by. But her daughter had an extraordinary musical talent. She was an accomplished pianist, even as a senior in high school, and this was her chance.

As her daughter started to fill out the application form for the Manhattan Conservatory of Music, there was a box that asked her to identify her nationality, her citizenship. She turned to her mom and said: What should I put here? Her mother said: I'm not sure.

You see, Tereza Lee was brought to the United States at the age of 2 on a visitor's visa. When the visa expired, her mom, her dad, and she stayed in the United States and did nothing else. Technically Tereza, having lived about 16 years in this country, was just another undocumented kid.

So they called my office and said: What do we do about this? Well, we checked the law. The law is very clear. Tereza and those just like her were to be deported from the United States for a minimum of 10 years and then be allowed to petition to come back in.

That seemed to me fundamentally unfair. So I wrote a change for the law called the DREAM Act. The DREAM Act said if you are a child under the age of 16 brought to this country by parents, if you will finish high school, have no serious criminal record, and you are prepared to go to college or enlist in the military, we will put you on a path to citizenship.

I introduced that 13 years ago. As you can see, the wheels of justice grind exceedingly slow in the U.S. Senate. But over the years, this idea of the DREAM Act has really caught hold. The reason is not because of me; it is because of the DREAMers. Initially, they were frightened, afraid of deportation, raised as children in families where they were warned every day: Be careful. Do not get in a position where you are going to get arrested. You will get deported, and the whole family might get deported. We don't want to break up our family, so be careful. So they held back in the shadows, wondering, worrying about a knock on the door.

Over time, though, something happened, and I cannot explain it. The same kids who used to stand outside my meetings, after I would talk about the DREAM Act in Chicago—waiting in the darkness, in the shadows, to tell me, in a whisper, they were DREAMers—decided to step up and speak to the United States, to identify themselves. It was an act of courage. Some people say: Well, they were kids, and kids do rash things. I think it was more courageous than rash.

I came to the floor on more than 50 different occasions to tell the story of the DREAMers: who they are, what they have done, what they hope to do—amazing stories, incredible stories, of young people across America just asking for a chance to be legalized, to be part of America's future. They felt they were Americans start to finish.

The Presiding Officer's colleague, Senator BOB MENENDEZ, used to talk about Hispanics, who are the largest group of DREAMers, standing in those classrooms, hand over their heart, pledging allegiance to the only flag they have ever known, who faced the cruel reality that they were not going to be American citizens unless we changed the law.

Here is the good news. Over time—a long time; 13 years—the sentiment not just of the American people but of Members of Congress started to change. It changed for the better. The House of Representatives enacted the DREAM Act. Even the Senate, in the comprehensive immigration reform bill this last year, enacted the strongest DREAM Act ever written.

In fact, just last week, when Speaker BOEHNER, in the midst of his examination, if you will, of the immigration issue, issued a statement of principles, smack-dab in the middle of it, in clear language, was an endorsement of the DREAM Act. So although the Speaker may have some misgivings—and I am sorry to say I disagree with him—but may have some misgivings about comprehensive immigration reform, he acknowledged that on a bipartisan basis the DREAM Act was something that both parties should embrace.

I still believe in comprehensive immigration reform. The DREAMers will be the first to say: Don't forget my mom and dad when you are talking about immigration reform. But the reason I give this preface to my remarks is to put in perspective an amendment which will be on the floor of the Senate this week offered by Senator KELLY AYOTTE of New Hampshire. It is an amendment which addresses a provision of the Tax Code.

Here is what our laws currently say when it comes to taxes and families working in America. If you are undocumented, you are not legally allowed to work in America. That is what the law says. But if you do work in America, even undocumented, you have a legal obligation to pay your taxes. So how would an undocumented worker pay their taxes? Well, they would have an ITIN, they call it, a basic identification number that they can use to file their tax returns; and so many do.

Undocumented workers here in the United States pay their income taxes, as required by law. One of the provisions in our Tax Code—for every taxpayer—says if you are in certain income categories, you are allowed to claim a credit for your children. It helps 38 million American families who take this credit on their tax returns because they are working families and have children and the Tax Code said: We will help you raise your children.

On its face, it is worth about $1,000 a year in reduced taxes. But there are limitations. If your income reaches certain levels, you do not qualify for this tax credit.

Now comes Senator AYOTTE who makes a proposal that we basically change this child tax credit as it applies to the tax-paying undocumented workers—that we say to them their children can only be claimed for this child tax credit if the children can produce a Social Security number. Therein lies the problem, because many of these children, although they are legally claimed today, do not have a Social Security number.

Let's talk about DREAMers, because that is a group affected most directly by the Ayotte amendment. DREAMers—those who would qualify if the DREAM Act becomes law—have been given a special status because of President Obama. He created a deferred deportation, deferred action program so that DREAMers could step up, identify themselves to the government, register, be given a work permit, and be allowed to apply for a Social Security number—DACA it is called.

We estimate there are about 2.1 million eligible DREAMers in America for the law that I want to change. So far, a half a million of them have applied for DACA and therefore can obtain Social Security numbers. That leaves 1.6 million DREAMers who cannot, under the Ayotte amendment, be counted as children under the child tax credit.

So ultimately what Senator AYOTTE is doing is to deny those who are working in America and paying their income taxes that provision of the Tax Code which says: You get a special consideration for your children. I think that is just plain wrong.

Listen to these numbers: The child tax credit—a refundable credit for working families—of $1,000 for each child under the age of 17 is limited, as I mentioned earlier. The most anyone can claim for the tax credit is 15 percent of family income minus $3,000, regardless of the number of children. For example, a minimum-wage worker earning $14,500 with two or more children would receive at most $1,725 as a tax credit or refundable tax credit. The credit is only available for taxpayers who are working, earning income, and raising children.

The Ayotte amendment, though, has to be put in this perspective. Nearly 38 million families are expected to benefit from this child tax credit this year—I should say this year, filing for last

year's income. Sixty percent of those who claim this tax credit earn less than $25,000 a year. Nearly half of the workers, members of families working in America claiming the child tax credit, earn $10 an hour or less, and 90 percent of those who would be hurt by the Ayotte amendment are Hispanic.

The tax credit is legally available for qualified taxpayers who have children with ITINs—these are individual tax identification numbers—and not everyone who uses an ITIN is undocumented. This amendment, the Ayotte amendment, would also affect lawfully present children who use ITINs, including victims of human trafficking, DREAMers, as I mentioned, under DACA, Cuban and Haitian entrants, and those with a pending application for asylum.

The child tax credit, we estimate, lifts about 3 million people, including 1.5 million children, out of poverty every year. It is an incentive for these low-income families who are working and paying taxes but not earning enough to take care of their kids. The Ayotte amendment would eliminate the use of a tax credit for 1 million children, pushing many low- and moderate-income families with children deeper into poverty.

What Senator AYOTTE is trying to do is to use the proceeds from this amendment she is offering to pay for the cost-of-living adjustment under the military pensions. Those veterans have already paid for their pensions. They paid by volunteering to serve this country and risk their lives. Some of them have come home with visible and invisible wounds of war that will be with them for a lifetime.

I do not believe we should come up with a pay-for for something these veterans have already paid for, No. 1. And, No. 2, I think it is unfair for us to impoverish more children in America as a means of helping our veterans. What a cruel choice to put before the U.S. Senate.

Do not take my word for it. Mr. President, I ask unanimous consent that the statement I am about to refer to be printed in the RECORD.

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

[From the NETWORK, Feb. 10, 2014]

IMMIGRANT FAMILIES SHOULD NOT PAY THE PRICE

(By Simone Campbell)

For a while now, kids—particularly those in immigrant families—have been unfairly under attack in the Senate, and the only plausible explanation is unconscionable: to score political points.

Sen. Kelly Ayotte, R–N.H., recently proposed variations of a plan to strip away the refundable Child Tax Credit that now goes to millions of children of taxpaying immigrant workers in low-wage jobs.

Ayotte alleges that immigrants are fleecing taxpayers by claiming children who do not live in the country or do not really exist. At one point, the senator said she wanted money gained by denying the tax credit to pay for extension of emergency unemployment insurance benefits. Then she switched her focus to helping restore earlier cuts to veterans' pension benefits. In fact, there are much fairer sources of funding for these goals. For example, New Hampshire's other senator, Jeanne Shaheen, said veterans' benefits could be paid for by closing offshore tax loopholes.

In the end, it doesn't really matter where the money would go since taking money away from children of low-wage, tax-paying families is indefensible. Ayotte's proposal is misguided and antithetical to the Gospel call to care for children and those at the margins of society. It violates our long-held values as a nation, and it should be rejected.

To set the record straight, children targeted by her plan do exist and they do live in the U.S. Four million of them are U.S. citizens and others are ''little DREAMers,'' young children brought to this country by their families. Under existing tax laws, their families may apply for the child tax credit if they qualify financially. If fraud is suspected, the solution is not to deny all eligible children access to this critical anti-poverty program. That is cruel and ineffective.

The Child Tax Credit is a proven success in addressing poverty. Senators concerned about child poverty agree that funding for other programs can be found without targeting needy children.

Ayotte says she understands families' needs, yet wants to deny a child tax credit to taxpaying immigrant families. Actions speak louder than words, and her proposal hurts families.

Our political leaders should never place poor children in a position of competing with other vulnerable populations for funds that help pay for food and other basic needs.

Deliberately harming immigrant families goes against the fundamental goodwill of Americans, including thousands of people we met last year as our ''Nuns on the Bus'' traveled 6,500 miles across the U.S. to speak out for justice. Throughout our journey, we stood with, prayed with, and heard the stories of hundreds of immigrants who have long served the needs of our nation.

Responsible leaders in Congress should look into their hearts and reject proposals like this one pushed by Ayotte. This political tactic is not good for our economy or the wellbeing of our entire nation—especially children who are the future of our country. We are better than this.

Mr. DURBIN. Sister Simone Campbell is somebody whom I greatly respect. Sister Simone Campbell is executive director of NETWORK, a national Catholic social justice lobby. She is also one of the organizers of Nuns on the Bus, Catholic nuns who have traveled all over the United States speaking out on issues of social justice.

She has sent us a statement opposing the Ayotte amendment. It is a lengthy statement. I will not read it all, but I do want to read several parts that I think are important. Sister Simone Campbell says:

To set the record straight, children targeted by [the Ayotte amendment] do exist and they do live in the U.S. Four million of them are U.S. citizens and others are ''little DREAMers,'' young children brought to this country by their families. Under existing tax laws, their families may apply for the child tax credit if they qualify financially. If fraud is suspected, the solution is not to deny all eligible children access to this critical anti-poverty program. That is cruel and ineffective.

Those are the words of Sister Simone Campbell in reference to this proposed amendment. She concludes by saying:

Responsible leaders in Congress should look into their hearts and reject proposals like this one pushed by [Senator] Ayotte. This political tactic is not good for our economy or the wellbeing of our entire nation—especially children who are the future of our country. We are better than this.

I agree with Sister Campbell. Why is it, week after week, from the other side of the aisle, from the other side of the Rotunda, we hear proposal after proposal to make it harder for working families, and particularly lower income families, to get by in America?

When we talked about unemployment benefits for those who have lost their jobs so they can find additional work, only four Republicans Senators would step up and join us in that effort. When we talk about extending the minimum wage so that those who get up and go to work every single day have a fighting chance, the opposition consistently comes from the other side of the aisle.

Now we have before us this proposal to change the Tax Code to the disadvantage of the poorest workers and the poorest families and the poorest children in America. We are better than this. Sister Campbell is right. I would say to my colleagues, if you believe in the DREAM Act—and many of you have said you do—you cannot vote for the Ayotte amendment without realizing what it does to these children. To impoverish these children on 1 day in the Senate, and before that say that we think they should be citizens some day—we have to have a consistent moral ethic when it comes to the way we treat children in America.

Denying children the most basics in life, whether it is food stamps or assistance on the tax returns of their parents, is just not what America should be about. This Ayotte amendment will really call into question our dedication to these kids and their families. These workers are stepping up, meeting their legal obligation to pay their taxes. All they are asking for is to be treated like everyone else under the Tax Code. The Ayotte amendment will deny that to millions of these children. That is absolutely unacceptable.

Now, let me address a very real issue. Senator AYOTTE has identified some instances—I do not know how many—of fraud in the use of this child tax credit. I stand with her in trying to fight back and end that fraud. But let's be honest. A person making barely minimum wage, filing their tax returns and claiming this credit, is not likely to set out to game the system.

The people who are gaming the system are the tax preparers. They are the ones who may be lying to the government and are guilty of fraud. I will join with Senator AYOTTE and any other colleague who wants to stop that perpetration of fraud. I do not stand for fraud in any program. I do not think any Senator would. But to take this out on the children and low-income taxpayers is just plain wrong.

I urge my colleagues, let's stand by the veterans and restore their pensions. Let's do it as quickly as we can. But please do not help our veterans at the expense of children in America. This is an important amendment. It is one that calls into question our values. I urge my colleagues to look at this very carefully.

This is the last point I will make before I yield the floor; I see other colleagues here. I support comprehensive immigration reform. If the Ayotte amendment is enacted into law, the cost of bringing the DREAMers into citizenship has just gone up by billions of dollars, which we will have to raise to undo the Ayotte amendment at a future time. Let's not put ourselves in that position.

For the good of these children and their families and to put this Nation in the right place by fixing our broken immigration system, I urge my colleagues to oppose the Ayotte amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Mr. President, I ask unanimous consent to enter into a colloquy with my colleagues.

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

IRS POLITICAL TARGETING

Mr. FLAKE. Mr. President, I rise today to bring attention to the latest installment concerning political targeting by the IRS. Last spring we learned of the IRS's targeting of conservative groups that were applying for 401(c)(4) tax exempt status, thanks to a report by the IRS's inspector general. This report detailed how the IRS singled out conservative groups for excessive scrutiny, which caused some applications to lie pending for more than 3 years and another 28 organizations to actually give up on their unanswered application.

The President claimed the targeting was due solely to ''boneheaded decisions.'' Unfortunately, with the head of the tax-exempt organizations unit at the agency, Lois Lerner, choosing to plead the Fifth and resigning rather than answer questions before Congress, we may find that the source of this problem is a little more troubling than that.

Thankfully, multiple investigations are taking place to answer lingering questions such as this one. I look forward to their findings wherever they may lead. Uncovering who directed and participated in the inappropriate targeting and why will allow us to bring justice to the groups affected and ensure that no such targeting like this occurs again.

So imagine my surprise when over the Thanksgiving holiday I learned that the IRS had diagnosed the problem and offered its regulatory solution, despite the fact that multiple investigations are far from complete. On Friday, November 29, without warning, the IRS published a proposed rule that would restrict the activities of 501(c)(4) organizations, effectively limiting their speech and curtailing their civic participation.

This brings a whole new meaning to the term ''Black Friday.'' This rule singles out the same conservative groups that were previously targeted by the IRS and threatens to shut them down. It further attempts to legitimatize the targeting of organizations that hold ideological views that are inconsistent with the administration's views.

It should be no surprise, since critics of these conservative organizations have openly called for their extinction, that this is occurring. At the least, some would like to force 401(c)(4) organizations into ill-fitting structures devised more appropriately for political committees in order to require the disclosure of conservative supporters.

The IRS and the White House claim innocently that the proposed rule is meant to clear up confusion about the process of applications for 501(c)(4) organizations involved in political activities. Over the past several months, we have heard this administration tell the public multiple times how confusing the applications are. Yet 501(c)(4) applications have been processed for years without excessive complaints of confusion that has occurred in recent months.

In fact, before the IRS began flagging the applications of conservative groups in February 2010, these types of applications were being processed within 3 months. Email traffic between IRS employees shows that the applications of conservative organizations were not flagged out of confusion but, rather, because of media attention and potential interest to Washington.

So let's call this rule what it is. It is an attempt to silence the voices of conservative organizations. To be clear, 501(c)(4)s are permitted to engage in the political process and in political discourse, and they should continue to be allowed to do so. But this regulation seeks to limit their participation in a host of advocacy and education activities, even nonpartisan voter registration and education drives.

These activities have a clear role in promoting civic engagement and social welfare, the precise purpose of the 501(c)(4) structure. Unfortunately, the rule would suppress conservative voices by forcing organizations to quit these activities or to be shut down. In fact, according to evidence collected by the House Ways and Means Committee and Chairman DAVE CAMP, the administration has been working on this rule since 2011.

Not surprisingly, the Treasury Department kept quiet of its plans. In fact, it neglected to mention consideration of this rule in the agency's 2011 or 2012 policy guidance plan. These are usually the ones that detail upcoming projects. If it sounds suspicious, it is. Just 3 months after the IRS abuse surfaced, the Treasury Department listed in its 2013 plan the development of guidance related to the political activities of 501(c)(4)s.

Conveniently, the publicity of the IRS abuse provided an opportunity to finally roll out the agency's rule as a solution to its ''boneheaded decisions.'' But this administration is not fooling anyone. Over 20,000 people have already submitted comments to the proposed rule. According to the new IRS Commissioner, this is the largest number of comments ever received by any agency. Clearly, the public sees through the administration's veiled attempts to squash free speech and to shut down opposition to its priorities. This is not a way to win back trust.

Just this past December the IRS Commissioner, known for his ability to turn around organizations, was confirmed as the new IRS Commissioner. This is John Koskinen. He promised to work towards restoring trust to the scandal-ridden agency. But he has yet to turn things around and is allowing this politically charged rule to move ahead.

So I come to the floor today, along with my friend from Kansas, Senator ROBERTS, and with the support of 37 additional Members of this body, to introduce legislation to stop the rule's implementation. I see Senator HATCH from Utah and Senator CORNYN of Texas who will also speak to this in a moment.

The Stop Targeting of Political Beliefs by the IRS Act will prevent this rule or any other that seeks to continue the targeting of groups based on their ideology. It is time to end the intimidation and harassment. Let's preserve the First Amendment rights of all groups regardless of their ideology, especially those that commit themselves to improve our society. Let's restore the public's faith in the ability of the IRS to fairly administer our Nation's laws. I hope the rest of the Senate will join us in this effort. I look forward to coming back to the floor later in the week to ask unanimous consent to pass this legislation outright.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I would like first to thank my colleagues for working with Senator FLAKE and myself to bring this proposal forward. This is a critical issue, one that really gets straight to the heart of our American democracy.

The current investigations of the IRS clearly show it is not an overreaction to say that the Internal Revenue Service did suppress political opposition. Now, to Kansans, to Arizonans, to Texans, to Utahns all across the country, and to my colleagues, this is not only a scandal but one that is egregious.

There is a great deal more than a ''smidgen'' at stake here. It gets right to the heart of our system of government. The government must be held accountable for its actions and must

never be permitted to trample on the constitutional rights of our citizens. The behavior of the IRS in singling out select groups at their discretion for extra scrutiny and harassment just because they hold views that differ from the administration is simply outrageous.

Worse, the IRS continues to target groups whose politics it does not like even as we speak on the floor of the Senate. In fact, the proposed IRS 501(c)(4) regulations will even more directly prevent groups the IRS does not favor from really participating in the political process.

The proposed regulations would place much tougher controls on what would be considered political activity, effectively blocking the normal practice of a wide range of not-for-profit organizations, not only conservatives. Under the proposed rules, healthy debate and discussion of political issues, political candidates, and Congressional actions would be prohibited.

This is, in effect, suppression of free speech for these Americans. The proposed regulations would result in continued sanction, intimidation and harassment to these groups, and permit the Federal Government to be used as a partisan tool. We recently learned that the proposed regulations have been under development for some time. Senator FLAKE has just mentioned this. This is nothing new, and perhaps it is as far back as 2011. Some say even 2010.

These proposed regulations until recently have been considered off-line—my colleagues, pay attention to this—off-line. Off-line means that the regs are being considered outside the normal regulatory process, which, in my view, has been done in order to circumvent the Administrative Procedures Act. There is no transparency here.

I cannot help but think that all of this, the targeting, the slow walking of exemption applications, and the proposed regulations are part of a calculated plan to deny unfavored groups their First Amendment rights to participate in the political process of the Nation.

My colleagues, this is simple. What we are seeing is a deliberate effort to infringe the peoples' First Amendment rights. It is incredible. I never thought I would live to see the day that this would happen in the United States and we would have to be debating this. This is a copy of the Constitution of the United States—the First Amendment by James Madison. This was given to me by Robert C. Byrd, the institutional flame of the Senate, who sat right over there to the left of the distinguished ranking member from Utah, and I know who is our Republican lead in regards to the investigation of all of this in the Finance Committee.

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof or abridging the freedom of speech.

The freedom of speech, my colleagues, or the press or the right of the people peaceably to assemble and/or to petition the government for a redress of grievances.

As former chair of the Intelligence Committee, I can say that the arrogant response of the administration to the IRS actions, the denials, the evasions, the attempts to downgrade the implications of the IRS efforts, and now counteraccusations—they look like they came from some counterespionage handbook.

The real problem is that the IRS has proposed these regulations before Congress has even completed, as the Senator from Arizona pointed out, its investigation of the agency's actions in these matters. The manner in which these regulations have come up raises questions about the integrity of the rulemaking process—the exact opposite direction the agency should be taking.

Even worse, the IRS proceeds with these rules when they have done as much as possible to slow down the Finance Committee's investigation—I am a member of that committee; Senator HATCH is leading the effort on the Republican side—by responding to document requests at a glacial pace at best and redacting large amounts of critical information.

Senator FLAKE and I have proposed a very straightforward, very commonsense approach to this entire mess. We simply halt further action on the proposed regulations until the Justice Department and the congressional investigations by the House Ways and Means Committee and the Senate Finance Committee into the IRS actions are completed. The bill freezes further IRS action for 1 year and would make it clear that the IRS could only enforce the regulations that were in place before all this mess began.

It is no wonder, given the IRS's behavior, that Kansans and virtually every American—with very good reason—doubt that the agency can in good faith administer the Tax Code. Clearly, the IRS has no capacity to regulate any political activity without running roughshod over the people's fundamental constitutional rights.

I have said this many times, but the scandal also shows that the IRS is too big, too intrusive, and too involved in taxpayers' business. The time for us to scale it back is now. In fact, it is easily the most distrusted agency in the Federal Government. That is a shame. The IRS has become a four-letter word.

This growing lack of faith in the IRS is a very strong reason why Congress should consider a wholesale rewrite of the tax system by simplifying tax collection and reducing the government's intrusion into economic and other affairs of the public. This is the main reason I am supporting legislation to scrap the Tax Code and move to a simplified, single-rate tax system. We do not need the IRS regulating constitutionally guaranteed free speech and muzzling lawful activity in regard to politics and taking part as a partner in government.

Will Rogers once said, ''The difference between death and taxes is death doesn't get worse every time Congress meets.'' Today, Will Rogers is wrong. It is not Congress that is making things worse, it is the IRS.

So let's pass this bill and work to get the IRS out of Americans' lives and their freedom of speech.

I thank Senator FLAKE again for being a cosponsor of the legislation.

Mr. FLAKE. I thank the Senator from Kansas.

I yield to the Senator from Utah, the ranking minority member on the Finance Committee.

Mr. HATCH. I thank my colleague from Arizona and my colleague from Kansas as well.

I rise today in support of the Stop Targeting of Political Beliefs by the IRS Act, the bill introduced today by our Senator from Arizona and the senior Senator from Kansas. This is a Senate companion to the bill being marked up today in the House Ways and Means Committee. This is an important piece of legislation that will protect free speech and ensure—at least for the time being—that the Internal Revenue Service is not used as yet another political arm of this administration.

As we all know, last November the IRS unveiled proposed regulations that would fundamentally alter the nature of the activities tax-exempt 501(c)(4) organizations can engage in. Under current regulations, 501(c)(4) organizations—or social welfare groups—can engage in political activities on a limited basis so long as their primary activity is the promotion of social welfare. However, they remain free to educate the public on important issues—even those that may be politically charged—because that falls within the exempt purpose of promoting social welfare. They can also conduct voter registration drives and distribute voter guides outlining candidates' priorities on issues important to the organization.

Under the proposed regulation, virtually all of these activities would be considered political activity and would be considered inconsistent with various groups' exemptions under 501(c)(4) of the Internal Revenue Code. As a practical matter, this would mean that grassroots organizations all over the country would be forced to shut down—or, to put it more bluntly, conservative grassroots organizations all over this country would be forced to shut down.

That is precisely the point. The Obama administration does not want grassroots organizations—even those that are legitimately nonpartisan—educating the public on the issues of the day. They don't want tax-exempt organizations to be able to tell voters where candidates and politicians stand on the issues. And they certainly don't want these types of groups participating in the political process in any

meaningful way. That is why we are seeing these regulations, that is why they were drafted in the first place, and that is why the administration seems set to finalize them right before the 2014 midterm elections or, at the very latest, before the 2016 Presidential election.

We need to call this what it is.

This is an affront to free speech and the right of all American citizens to participate in the democratic process. This is an attempt by the Obama administration to further marginalize its critics and keep them on the sidelines. It is a blatant attempt to continue the harassment and intimidation that has already been taking place at the IRS over the past few years.

This regulation is just one of many problems we see at the IRS. Indeed, the American people have ample reason to doubt the credibility of the IRS, particularly when it comes to dealing with organizations that might be critical of the President and his policies. The IRS is currently under investigation on three separate congressional committees for its targeting of conservative organizations during the run-up to the 2010 and 2012 elections.

On top of that, the agency recently came under widespread condemnation when, in the midst of these ongoing investigations, they announced they were reinstating bonuses that had been canceled in response to the targeting scandal. It is almost as if they believe there was no scandal at all. Of course, if you have been listening to other people in the Obama administration, that type of thinking appears to be the predominant view. Several weeks ago, for example, leaks from the Justice Department indicated that no criminal charges were likely to be filed in the targeting scandal, even though this scandal is still under investigation. Talk about politics. Talk about political control. Talk about ignoring what is going on.

On Super Bowl Sunday, President Obama said in an interview that there was not a ''smidgen'' of corruption at the IRS. Well, when it comes to suppressing free speech, there is far more than a smidgen of corruption at the IRS. If anything, these proposed regulations on 501(c)(4)s are additional proof. It is one side trying to one-up the other in all cases because they happen to control the Presidency and one House of Congress.

When the proposed rule was first made public, the IRS said it was drafted in response to the 2013 TIGTA report that revealed all the issues the agency was having with regard to 501(c)(4) applications. However, as we learned in a Ways and Means Committee hearing last week, those regulations were under consideration for 2 years before the report was issued—2 years.

On top of that, the regulations were pursued outside of the normal channels for IRS and Treasury Department regulatory efforts in a manner that some IRS officials labeled ''off-plan.'' ''Off-plan'' in this case means hidden—h-i-d-d-e-n—from the public. Why does the IRS need to hide a draft regulation from the public when a regulation project is normally listed on a public Treasury guidance plan? I suppose we can only speculate, but I think it is fair to assume they didn't want the public to know these regulations were in the works. And they expect the American people to believe there is no political motivation for these regulations? Give me a break.

The fact is that these proposed regulations demonstrate that the IRS is willing and able to carry the President's political water even when the agency is, by law, supposed to be an independent and nonpartisan agency. That is why this legislation that has been introduced today by the two distinguished Senators who preceded me in their remarks is so important. We need to send a message to the administration that it cannot tamper with the rules of free speech just because it doesn't like what is being said.

If enacted, this legislation would delay the implementation of these rules for a year. This is the least we can do to protect free speech. People from all across the political spectrum—from the ACLU, to the U.S. Chamber of Commerce, to the unions—have recognized just how egregious this proposed rule is. It needs to be stopped, and our bill would stop it.

I urge my colleagues to support this legislation. Indeed, everyone who supports the right of American citizens to participate in the political process, whether they are Republican or Democrat, should support this bill.

I say to our new IRS Commissioner—whom I fought to get confirmed, who I believe is sincere, who I believe is a person who can clean up this mess over there, this nest of partisan people who are in the IRS, where there should not be any partisanship—Mr. Koskinen, you have the power to stop this regulation from becoming final.

The Commissioner should stop this. All he has to do is just not sign it.

I have to say that I will be watching very carefully because I am sick and tired of the IRS being used for political purposes. I don't want to be used for Republican purposes, Democratic purposes, liberal purposes, or conservative purposes. I want freedom in this country, and I want people to be able to express themselves freely.

What they are trying to do is outrageous, and it shows an administration that can't win fair and square with all of the advantages that it has.

We know that many of the 501(c)(4)s are basically organizations that have a conservative tilt. The 501(c)(5)s are the unions that we know almost 100 percent support Democrats, even though 40 percent of union members are Republicans. I know; I used to be a skilled tradesman. I learned a skilled trade, went through a formal apprenticeship, worked for 10 years in a building construction trade union, and I am proud of that, and I was proud to be a union member. Forty percent of union members are Republicans. Yet almost 100 percent of their effort goes to elect Democrats. The uptick in 501(c)(5) applications was just as high as the uptick for conservative organizations in 501(c)(4)s. We didn't see any of this—neither the targeting nor the regulations—being used against 501(c)(5)s. The only conclusion is that there is a group of people who basically want to support only one side of the equation.

We have to get politics out of the IRS. I don't know what that means. It may mean—like other agencies where we don't want any politics involved—getting rid of any partisan controls. That might include the union. Because we have people who were partisan and did wrong things—our investigation is not complete, but it is a matter of great concern to us—and then to come up with this type of stuff, it is enough to just make you want to cry or, should I say, throw up.

I am a Republican. The Presiding Officer is a Democrat. We are friends. We don't agree on a lot of things. That is what makes this country great. But when one side tries to stifle the free speech of the other side, we both have to stand together. I hope Mr. Koskinen, the new Commissioner, will do what is right and get rid of these regulations. My gosh, let's not have regulations that give a tilt to one side or the other. Let's have the IRS be down the middle, straightforward, decent, and honest, which it has not been in the last number of years. We are going to show that.

All I can say is I commend my two colleagues for their leadership in introducing this bill. It is long overdue, and I hope every Senator in this Senate will support it.

I yield the floor.

Mr. FLAKE. I appreciate the comments of the Senator from Utah and his recitation of the chronology and how this happened.

These regulations are supposedly in response to the scandal that came up, although the President is not calling it a scandal. He says there is not any evidence there was any wrongdoing. But these plans were actually being developed a couple years ago—long before we knew the IRS was targeting conservative organizations. So the notion this is in response to what just occurred is wrong.

What is equally troubling—or more troubling—as the Senator from Utah noted, these plans were described, in an internal memo, as ''offplan,'' around the process—that were hidden. So that is what we are asking for in this legislation. Let's not do any rulemaking until the results of the investigations that are going on come back to us. That is a prudent thing to do, and I hope we will follow through.

I now yield to the minority whip, Senator CORNYN.

Mr. CORNYN. Mr. President, I will be brief, but I just wanted to commend

the Senators from Arizona, Kansas, and my friend and colleague from Utah, Senator HATCH, for their comments and for their support for getting the IRS out of the speech police business.

As if the IRS doesn't have its hands full already with the addition of the implementation of ObamaCare, on top of all of its other problems. I don't know anybody who thinks they need more to do, particularly when it comes to discriminating against people based upon their political affiliations and their desire to engage in debate and advocate their views in the arena. This is a politically neutral issue because we know this legislation will protect people on the left as much as on the right.

I have to agree with my colleagues that it appears there has been a disproportionate amount of attention given to people on the right under this administration. I know my colleague from Arizona has heard of Catherine Engelbrecht of Houston, TX, with the King Street Patriots and True the Vote. She founded two organizations dedicated to improving elections and furthering the ideals of our Founding Fathers. She led a coalition of citizen volunteers to work as election monitors who provide resources for voter registration and to root out election fraud.

One would think those would be commendable actions, not a reason for government discrimination and investigation. But for 3 years the IRS denied her organization tax-exempt status while comparable organizations—as I think the Senator from Arizona pointed out—had received expedited or fairly routine treatment. In the meantime, she was subjected to over-the-top inquiries by the IRS and even by the ATF and other government organizations. The IRS wanted to subpoena every one of her tweets on her Twitter account as well as entries made on her Facebook account.

You can't make up this stuff. It is extraordinarily offensive.

What these proposed rules are going to do is to institutionalize the role of the IRS as the speech police, something we ought to avoid like the plague. We ought to make sure people of all ideological and political affiliations are free to engage in their constitutional rights of association and of political speech.

I wish to point out, in conclusion, that 60 years ago the Supreme Court of the United States handed down a very important decision. It is called the NAACP v. Alabama. The question there was whether the government could compel the disclosure of the membership list of the NAACP when the NAACP felt its members would then be targeted by the government in a negative sort of way. The Supreme Court said the Constitution of the United States and the First Amendment guarantees the right of free association in addition to a right of free speech and that was constitutionally protected activity. Given the importance of that right under the Constitution and also given the likelihood of negative attention by the government, they said the NAACP could keep its membership list confidential.

So at a time when the American people have taxes on their minds—I know my wife and I have a deadline in our family that by the end of February we like to get everything to the people who help us prepare our tax returns—and with a midterm election looming, the last thing we need to do is to support the IRS becoming the speech police and suppressing the constitutionally protected rights of the American people.

I would particularly say to my friend from Arizona that I pulled out a Gallup poll report, dated January 15, 2014, where government was cited as the top problem. That report shows that 21 percent of people in the poll said they were dissatisfied with the government, Congress, politicians, poor leadership, corruption, and abuse of power. What greater abuse of power could there be than to confer upon the IRS the legitimacy to intimidate and suppress people exercising their constitutionally protected rights of free speech.

So I commend the Senator from Arizona and others who are working on this. They can count on me to lend my voice and support to their efforts.

Mr. FLAKE. I thank the Senator from Texas and my other colleagues who have participated in this colloquy. I hope we can speedily bring the Stop Targeting of Political Beliefs by the IRS Act to the floor. When the Senator from Texas talks about his constituents and what they endured at the hands of the IRS, how anybody can say there is nothing amiss there or there is nothing wrong, especially when somebody is asked, upon application for a 501(c)(4), to give up their Facebook posts and tweets and let the IRS review them to see if they are worthy of receiving such status, there is something wrong. I think Americans know that.

I appreciate the support of my colleagues on this legislation and I appreciate the Senator from Kansas, my partner in this effort.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

NOMINATIONS

Mr. PRYOR. Mr. President, I rise for the purpose of notifying my colleagues that later today or tomorrow I intend to ask unanimous consent for two of my judge nominees to be voted on this week. Both are noncontroversial, both have been heartily endorsed by Senator BOOZMAN, my colleague from Arkansas, and basically everybody else who has looked at this. These two judges came out of the Judiciary Committee, one of them on October 31 and the other on November 14.

These two judges are completely noncontroversial, but we have a sense of urgency, not only because we have two vacancies on the Federal bench in Arkansas, which is in and of itself a problem, but we have a real sense of urgency because one of these judges is an elected judge. In Arkansas, those are nonpartisan elections. One of these judges is an elected judge and the filing period for his seat opens on February 24 and closes on March 3.

We find ourselves in a situation where we are here this week, then we will be in recess next week. We will then come back on the evening of February 24, presumably for 5:30 p.m. votes, if things work on that day as they typically do around here. We would presumably have a 5:30 p.m. vote, and at that point the filing would be open, with other lawyers and judges interested in that position, and there is a domino effect that happens in Arkansas because of that.

So I am not going to ask unanimous consent right now, but I wanted to put all my colleagues on notice that I intend to do that either later today or tomorrow.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. BEGICH. Mr. President, first, I wish to thank Senator PRYOR. Senator PRYOR and a group of us have introduced a piece of legislation that rights a wrong; that makes sure our military continues to receive their COLA in full course and in the full amount.

As the Presiding Officer knows, we had a budget issue we worked through, and in that process the COLA for our active retired military was reduced by 1 percent. We all knew we would take the time, because we had the time after the budget passed, to fix this problem. We have already done it for our disabled retired veterans and now we need to fulfill the final and full promise of their COLA in total.

I spoke last night about this issue, and then we had the vote on cloture, with the result being 94 to 0—94 to 0. If that isn't an indication of how much support there is to make sure the COLA comes back in full force, I don't know what is.

I do know starting right after that vote we began hearing from people already coming up with, well, I voted for cloture, but I have a caveat. I have some qualifications I want to add on that vote. I want to have these things in Washington that are called pay-fors.

Let me make it very clear to the veterans in my State—and there are 77,000 veterans who live in my State. The highest per capita in the Nation is in Alaska. They have paid the bill. They paid the bill time and time again.

This is a perfect photo to use as an example of our military who have served in combat, who served on the

frontlines. Think about those who have already paid the ultimate bill—almost 6,800 servicemembers have died in Iraq and Afghanistan; from Alaska alone, 22, and I will read some of those names in a second.

First, I wish to make it very clear we are going to hear these convoluted reasons as to why we should have this pay-for. I wasn't here when they paid for these wars—no, I am sorry, they didn't pay for these wars. They didn't pay the $2 trillion-plus for the wars, but now that it is time to pay the bill for those who committed to serve our country, to go to the frontlines when called upon and ensure we have the freedom we enjoy in this country, some are saying: Well, yes, we want to give them that retirement COLA, but—there should be no ''but'' here. A promise made is a promise we need to keep.

My view is we should have their backs every single day, and this is the day to do it. Let me make it very clear to those who are going to have this convoluted reason for this pay-for: This is a vote for vets or a vote against vets. You can have all the gobbledygook, all the convoluted arguments, but at the end of the day if you vote against this bill, without all this stuff added to it—just a clean and simple giving the COLA back and then let's move on, give them their full COLA—you are voting against vets.

I don't care how they try to press-release it, spin it, or what amendments they want to add to create a political situation for other Members on other issues unrelated to vets. A promise made is a promise we need to keep. We need to have their backs. They have our backs every single day to make sure this country is safe, no matter where American citizens are in this country or in this world. It is our time to do what is right for veterans.

I shared some stories last night about Alaskans who are struggling with this issue and the commitment they thought they had. One gentleman served 18 years in the military and is close to retirement. He is wondering what did he sign up for. He has had enormous pressures on his family. He has moved six different times. He has two children, one disabled, and a variety of personal issues. But he continues to serve this country. And for us to play politics and start talking about immigration, child tax credits, forget it. It is time to do what is right for our veterans, to put this COLA back in full force.

Over 30 veterans organizations support this bill with no pay-for, clean and simple. Senator PRYOR and I were on a phone call last week and talked to many—the Air Force Association, Army Aviation Association, the Fleet Reserves, Gold Star Wives—I can go through the list of 30-plus organizations who work with our veterans every single day and want us to pass this bill—not an amended bill but this bill: Get it done and give peace of mind to our veterans and retirees and active military.

To some degree this puts our readiness at risk. If someone is thinking about joining the military, they are looking at the benefits. They know at some point they may be called to duty and put their life on the line. So they are looking at the benefits: What can they provide for themselves and their families? What is the retirement if they become a career officer or a career enlisted member? And now they are questioning if they should.

I received emails from some parents whose sons and daughters are currently enlisted and are now wondering, what did they get into when at a moment's notice the commitments, the promises we—Congress—made can change overnight.

Our readiness is at risk, and the promises and commitments we make to our military are in question. Today is the start to make sure our commitments are there. We cannot say to our veterans: Sign up; we will promise you these things, and tomorrow we might change them. That doesn't help our readiness and commitment.

I get that there is going to be a lot of policy wonk conversation by some Members because they want to confuse the issue and make it hard for people to understand what is really going on in Washington. But it is simple. The chairman of the Veterans' Affairs Committee knows this issue is simple. It is about our vets. If you vote yes, you are for our vets; if you vote no, you are against our vets. That is it. They can put in all the spin and all the amendments to make it sound good. But in reality, they are trying to cover an activity they are struggling with; that is, they don't necessarily like some of us who are sponsors. I get that. But let's put aside our politics. Let's do what is right for the vets, let's have their backs, let's keep the promise we made to them.

Again, this bill is simple. It is so simple it is 1 page. It just says: Repeal that action.

I hope my colleagues on the other side who are wondering about what they should do will vote for the vets. Vote yes. Don't mess with amendments, don't try to have this pay-for convoluted argument. The vets at home who will be watching don't care about that. They just want to make sure their COLA is there. Let's give them the peace of mind they deserve.

I will read a few of the names who have paid the ultimate sacrifice. I read some of these last night: GySgt Christopher Eastman, Marines, age 28, from Moose Pass, AK; SGT Joel Clarkson, Army, age 23, Fairbanks; LCpl Grant Fraser, Marine Reserves, age 22, Anchorage; SPC Shane Woods, Army, age 23, Palmer.

These are just a few of the 22 Alaskans who have lost their lives. I don't know if they would have been long-term career if they stayed in the Army or Air Force, but they sacrificed their lives. They put their lives on the line to make sure we do the right thing here. It is time we do it. Today is the opportunity. Don't convolute it with all kinds of amendments. Vote up or down. You are either for vets or against vets.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I rise in full support of the legislation on the floor.

I think most Members understand, as part of the 2013 bipartisan budget agreement, language was included which cut COLAs for military retirees. I think most Members here in the Senate and the House understand that was a mistake, an oversight, and is something that should be rectified and it should be rectified now. Promises made to people in the military should be kept, and our job is to do that.

This morning, as the chairman of the Senate Veterans' Affairs Committee, I wish to say a word on broader issues impacting the veterans community.

Shortly after this legislation is disposed of, we are going to move on to a comprehensive piece of legislation which addresses many of the very serious problems facing our veterans community. I will give a brief overview of what the legislation does. The legislation is the Comprehensive Veterans Health and Benefits and Military Retirement Pay Restoration Act of 2014—S. 1982.

The first point I will make is I honestly believe, in terms of the veterans issues, there is widespread bipartisan support. On the Veterans Committee, every Member of our committee—Democrat, Republican, or in my case Independent—believes very much that we owe our veterans more than we can provide them. Their sacrifices are too deep, the pains are great. But all Members of the committee in a bipartisan way are doing their best to protect the interests of our veterans, and I thank all of them for their hard work.

To as great a degree as possible, the bill which will be on the floor—the comprehensive veterans bill—is a bipartisan bill. It contains many provisions brought forth by my Republican colleagues. This bill consists of two omnibus bills unanimously passed by the Senate Veterans' Affairs Committee, supported by Democrats and Republicans. It also includes other provisions which had strong bipartisan support.

This legislation also contains two new provisions, both of which have bipartisan support. The first new addition addresses the restoration of cuts made to military retiree COLAs as a result of the 2013 bipartisan agreement, the exact same issue being debated on the floor right now. We also have that language in our bill. Promises made to veterans have got to be kept. We have to restore those cuts to COLAs for military retirees.

The second new provision not discussed, frankly, by the committee also has widespread bipartisan support, and

authorizes the VA to enter into 27 major medical facility leases in 18 States and Puerto Rico.

Interestingly, the legislation which will soon be on the floor contains two major provisions already passed by House Republicans. So to as great a degree as possible, in terms of language in the bill, in terms of working with our Republican colleagues in the House, this is a bipartisan bill and should have the support of every Member of the Senate who believes in protecting the interests of veterans. And I hope that is the vast majority of the people here.

As Senator BEGICH mentioned a moment ago, our veterans have paid a very heavy price. What I have learned in the little bit more than the year in which I have been chairman of the Veterans' Affairs Committee is I think most Americans, including myself, were not fully aware of what that sacrifice was. And what that sacrifice was in recent years was not just the loss of over 6,700 Americans who lost their lives in Afghanistan and Iraq but the impact of those wars on hundreds and hundreds of thousands of veterans who came home either wounded in body—loss of arms, loss of legs, loss of hearing, or loss of sight—or the more invisible wounds of war.

What most Americans don't know is a rather shocking number, but we are now dealing with hundreds of thousands of men and women who came home from Iraq and Afghanistan who are doing their best to cope with posttraumatic stress disorder, which has a terrible impact on their lives, on their families' lives, and on their ability to get a job and keep a job; and traumatic brain injury, the result of being in the presence of IEDs and the explosions in Iraq and Afghanistan.

We are also dealing in this rough economy, this struggling economy, this high unemployment economy, with many young veterans coming home unable to find jobs. Some in the National Guard left decent jobs and came home to find those jobs are not there.

I think virtually every Member in the Senate understands that at a time when the VA went from paper to digital and made the transformation which was necessary to deal with the claims process, the claims process today remains too long. The backlog is too great. We have to deal with that issue.

We are dealing with a situation where young men and women were wounded in war who had hopes and dreams of starting their own families, but as a result of injuries sustained in those wars, for whatever reason, lost their reproductive capabilities and they still want to have families.

We are dealing with issues of sexual assault—a scandal, an outrage I know every Member of the Senate feels strongly about. Women and men who were sexually assaulted are coming home in need of treatment and are unable to get that treatment.

We are dealing with a situation today above and beyond the wars in Afghanistan and Iraq, where there are people—often women, wives and sisters—who are under great stress taking care of disabled veterans who have no arms and no legs. They have devoted their lives to those people and they are hurting as well. As chairman of the veterans' committee, what I have done is listened as carefully as I could to what the veterans community—representing some 22 million veterans—had to say about the problems veterans are facing.

My very fine staff and I—along with my Republican colleagues and their very fine staffs—worked together. We said: These are the problems facing our veterans. We all know that on Veterans Day and Memorial Day every Member of the Senate goes out and gives a great speech about how much they love and respect veterans and how much they appreciate the sacrifices made by veterans.

Now is the time to stand and go beyond words and rhetoric. Now is the time to, in fact, address the real and serious problems facing those men and women whose families experienced the ultimate sacrifice and those men and women who came home wounded in body and spirit.

We cannot solve all of the problems facing veterans. We cannot bring back loved ones lost in Iraq, Afghanistan, Vietnam, and the other wars. We cannot bring them back to their wives, their mothers, their dads, and their kids. We cannot do that. We cannot magically replace the arms and the legs or eyesight lost in war, but we do have the moral obligation to do everything humanly possible to protect and defend those men and women who protected and defended us. We can do that and that we must.

I am very proud the legislation that will soon be on the floor has the strong support of virtually every veteran and military organization in this country, and that includes all of the major organizations representing millions and millions of veterans.

I thank the American Legion, the Veterans of Foreign Wars, the VFW, the Disabled American Veterans, also known as DAV, Vietnam Veterans of America, the Military Officers Association of America, the Iraq and Afghanistan Veterans of America, the Paralyzed Veterans of America, the Gold Star Wives, and dozens and dozens of other veterans and military organizations that are supporting this legislation.

The Senate Committee on Veterans' Affairs has received letters of support from virtually all of these organizations, and if Members want to check out why these organizations that are representing millions of veterans are supporting this bill, they will find those letters on our Web site.

I will quote from one of the letters. This letter is from the Disabled American Veterans, DAV.

> This . . . bill, unprecedented in our modern experience, would create, expand, advance, and extend a number of VA benefits, services and programs that are important to DAV and to our members.

They see it—as do many of the other veterans organizations—as one of the most comprehensive pieces of veterans legislation brought forth in the modern history of Congress. I am proud of it. I thank the veterans organizations not just for their support of this legislation but for the help they gave us in drafting this legislation.

This legislation did not come from BERNIE SANDERS or from anybody else on the committee. It came from the veterans community itself. It came from representatives of veterans organizations who came before us in hearings, who came before us in private meetings, and said: Senator, here are the problems facing our veterans. If you are serious about going beyond rhetoric and speeches and truly want to help veterans and their families, this is what needs to be done.

We listened. We could not do everything, but we did put many of the major concerns facing the veterans community in this bill. Again, I thank the veterans organizations for being our partner in drafting this legislation.

I also wish to take this opportunity to thank those people who have currently cosponsored this legislation, and that includes Senator LANDRIEU, Senator BEGICH, the Presiding Officer Senator SCHATZ, Senator BROWN, Senator BLUMENTHAL, Senator HIRONO, Senator BOXER, Senator CASEY, Senator GILLIBRAND, Senator HEINRICH, Senator HEITKAMP, Senator MERKLEY, Senator MURRAY, Senator REED, Senator SHAHEEN, Senator WHITEHOUSE, Senator ROCKEFELLER, Senator TESTER, and Senator CANTWELL. I thank all of them for their strong support.

I will take a few minutes to touch on some of the areas this comprehensive bill covers. As I return to the floor in the coming days, I will go into greater length about each of these provisions. Each of these provisions, unto themselves, is enormously important in terms of the needs of our veterans.

As I mentioned earlier, our comprehensive veterans bill—consistent with the Pryor bill—will restore the cuts made in the Bipartisan Budget Act of 2013 to military retirees. We address that issue in our bill.

This comprehensive veterans legislation deals with another issue—not necessarily a sexy issue—that in fact impacts a large number of veterans in communities all over America, and that is that it will allow the VA to enter into 27 major medical facility leases in 18 States and Puerto Rico. That means—for a variety of reasons too complicated to get into right now—we have CBOC, community-based outpatient clinics, and other veterans facilities that are ready to go. They are on the drawing board.

Actually, it is beyond the drawing board, but we have not been able to pull the plug on it. This is very important to veterans all over this country.

It is important to Republicans, it is important to Democrats, and it is time to get this done. By the way, this has been passed in the House of Representatives. We need to do it and that is part of this legislation.

This legislation includes groundbreaking provisions that would expand access to VA health care. In my view and in the view of veterans all over this country, the VA provides high-quality, cost-effective care to millions and millions of our veterans. There are approximately 6.2 million veterans accessing VA health care today. About 8 million are signed up for VA care.

This legislation expands access to VA health care, allows more veterans to come in, and ends a very complicated priority 8 eligibility. Priority 8 is a situation where there are hundreds and hundreds of different eligibility levels all over the country, and it makes it very confusing for priority 8 veterans to determine whether they are eligible. We ended that and simplified it. The result is that more veterans will be able to access VA health care. We have also expanded complementary and alternative medicine within the VA. The truth is the VA is now doing a good job in providing complementary and alternative medicine, and that means meditation, acupuncture, yoga, and other treatments to veterans who are concerned about not being dependent on medication. One of the great problems we have nationally and in the VA is overmedication of people who have problems associated with pain and other ailments. The VA has done a good job. We are going to expand that opportunity.

My experience—having gone around the country—is that both within the Department of Defense hospitals and the VA, more and more veterans are looking at these alternative-type treatments and want to break their dependence on overmedication.

What we also do in this legislation is something that is terribly important. It is my strong belief that dental care must be considered a part of health care. The fact is that in this country there are millions of people—above and beyond the veterans community—who cannot find affordable dental care. Right now within the VA, dental care—with the exception of service-connected problems and homeless veterans—is not open to veterans, and we begin the process to do a significant pilot program to bring dental care into the VA. That is extremely important for the veterans community.

I think all of us remember not so many months ago the Government of the United States was shut down and caused all kinds of problems for all kinds of people. What is not widely known is that disabled veterans and veterans receiving their pension were 7 to 10 days away from not getting their checks. We have disabled veterans all over this country who live from month to month through those checks, and they were 7 to 10 days away from not getting those checks. This legislation provides for advanced appropriations for mandatory VA benefits. By passing that provision, we will never again put disabled vets or veterans who are dependent on their pensions in the position of not getting their checks when they need it.

One of the issues that has been discussed a great deal is the issue of benefits backlog. There is no disagreement in this Senate—whether one is a Republican, Democrat, Independent—that it is not acceptable for veterans who applied for benefits to have to wait for years to get those benefits. In my view, what the VA is now doing is undergoing a massive transformation of their benefit system, going from paper—which was incomprehensible to me. In 2008 their system was paper. They are going from paper to digital. They are making progress, but I want to see them make more progress. This legislation includes some important provisions to make sure we end this unacceptable backlog of VA benefits.

One of the issues that has also received some attention is the issue of instate tuition assistance for post-9/11 veterans. A number of years ago we passed very significant legislation which enabled some 900,000 post-9/11 veterans and family members to get higher education throughout this country. This legislation would give our transitioning servicemembers a fair shot at attaining their educational goals without incurring an additional financial burden.

We deal with the issue of somebody from out of State moving into another State and making sure that veteran is paying no more than what the instate tuition is for that State. This is a very important provision and, by the way, a provision that was passed in the House of Representatives. The language is pretty much the same in this bill.

We promised veterans who served in Iraq and Afghanistan that they would have 5 years of free VA health care when they came home. For a variety of reasons, people have not taken advantage of that. We think it is important to extend—from 5 to 10 years—unfettered access to VA health care for recently separated veterans, and that is what this legislation does.

I don't have to mention to anybody that our economy—while slowly improving—still has many challenges. Unemployment is much too high. What this legislation would do is reauthorize provisions from the VOW to Hire Heroes Act of 2011, including a 2-year extension for the Veterans Retraining Assistance Program, otherwise known as the VRAP program. In other words, what we are saying to our veterans is when they come home, we want a job to be there for them. We want them to get integrated back into civilian life, so we have some very important provisions in here for employment opportunities for our veterans.

As I mentioned earlier, sexual assault is a scandal. The numbers are appallingly high. What this legislation does is enable those women and men who were sexually assaulted to come into the VA to get the quality of care their situations require and deserve.

This provision was inspired by Ruth Moore, who struggled for 23 years to receive VA disability compensation. So we have language making sure those who suffered sexual assault will get the care within the VA they absolutely are entitled to.

I mentioned earlier, also, that several thousand men and women who served in Iraq and Afghanistan were wounded in ways that make it impossible for them to have babies. These are people who really want families, and some of them are now spending a very significant amount of money in the private sector through a number of approaches in order to be able to have babies. We have language, a provision in this bill, which would help female and male veterans who have suffered significant spinal cord, reproductive, and urinary tract injuries to start a family. I think that is absolutely the right thing to do.

Several years ago this Congress did the right thing by establishing a Caregivers Act, which said to those people who were caring for disabled vets that we understand how difficult—how difficult—that work is, that you are taking care of people who need constant attention, loved ones who need constant attention, and we are going to help you do what you have been doing.

The good news is we passed that legislation. The bad news is it only applied to post-9/11 veterans. I think there was a general understanding, an assumption, that we were going to expand that program to all veterans—Vietnam, World War II, Korea—so those people, mostly women who are staying home, taking care of veterans, get the support they need. So the extension of the Caregivers Act is also included in this legislation.

Those are some of the provisions. This is a 400-page bill, and I just touched on some of them. But let me end in the way I began. There is no way we can ever fully repay the debt we owe to the men and women who put their lives on the line defending this country. That is just the simple nature of things. We are not going to bring back the husbands who were lost in war, the wives who came back without any legs. We are not going to bring fathers and mothers back to children who lost their dad or their mom. We are not going to restore eyesight to people who are blind. We cannot do that.

But if this country means anything, it means that we have to keep the promises we made to veterans and their families; that while we cannot do everything, we have to do as much as we can to make the lives of our veterans and their families, their loved ones, as happy and productive as we possibly can.

So this legislation is from Senators who listened to our veterans, heard

their concerns, worked with them, and developed this comprehensive bill.

Let me conclude once again by thanking all of the veterans organizations. We have virtually every veterans organization in America—not all but almost all—supporting this legislation. We thank them for the work they do every day on behalf of our veterans. I thank them very much for all the help they have provided me and the committee in writing this legislation.

Speeches on Veterans Day or Memorial Day are great. That is good. It is important we all do it. But now is the time to go beyond speeches. Now is the time to address the problems facing the veterans community. This legislation does this in a very comprehensive way, and I ask for the support of all my colleagues in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, before my colleague, the chairman of the Veterans' Affairs Committee, leaves the floor, I say thank you to him for his passion and advocacy. The legislation he spoke of this morning is incredibly important. I say to Senator SANDERS, if I am not yet on that bill, I need to be and will be. Please sign me up.

It is absolutely true we need to do more than just make speeches. We need to put our commitment, our resources, and keep our promises to our veterans. That is what this bill does, and we thank the Senator very much.

Mr. SANDERS. I thank the Senator.

Ms. STABENOW. We also, Mr. President, have a bill in front of us that is about our veterans. This bill is about our veterans, and the question is on a ''yes'' or ''no'' on this final bill. If we support our veterans, we vote yes. If we do not support our veterans, if we want to play political games with it, find some other excuse not to support veterans, then you vote no. It is very simple. To keep our promise, vote yes. If you do not care about keeping our promise, vote no.

We had a vote last night in the Senate to end the filibuster. I think it was embarrassing we had to have the vote. I thank our friend and colleague, the senior Senator from Arkansas Mr. PRYOR for putting this bill forward, along with a number of colleagues. But we should not even have had to have a vote to end a filibuster to move forward on this bill. This is something that everyone should want to do as quickly as possible. It should not be controversial.

Unfortunately, instead of moving it forward and getting this done, we are seeing Republican colleagues who are arguing about amendments, amazingly, that would increase taxes on families in order to ''pay for'' helping our veterans.

Now, I think every veteran in America should find this absolutely outrageous. I know I do. These men and women have sacrificed for our Nation. Some did not come home. Some came home without an arm or a leg or a closed head injury. They have paid in full for this bill. ''Paid in Full'' is what we stamp on this piece of legislation.

I am proud to represent nearly 700,000 veterans who are living in Michigan—veterans and their families. That is my pay-for for this bill. They have paid in full to make sure they get their veterans benefits, their pensions, the health care we promised them.

I would like to read just a very few of the names of people in Michigan who are the pay-for I offer today on the floor of the Senate:

Richard Belisle from Saint Joseph, MI, who retired from the Coast Guard after 21 years of service—twenty-one years of service—has paid in full for this bill.

Bill Garlinghouse of Holland spent 22 years in the Navy—I am partial to the Navy; my dad was in the Navy—and then 5 years working for the Navy as a civilian. With twenty-two years in the Navy; 5 years working for the Navy as a civilian, he has paid in full for this bill.

Richard Eversole of Sumner spent 22 years in the Air Force and retired as a master sergeant. Richard has paid in full for this bill.

Frank Bell from Kalamazoo retired 10 years ago as a senior master sergeant in the U.S. Air Force. He is 51 years old, so he will see his pension cut by 1 percent every year for the next 11 years.

This needs to be fixed now—no games, no debating about amendments—yes or no on making sure Frank Bell gets his full pension because he has paid in full for this bill.

David Lord of Cheboygan retired from the Navy after 20 years of service. Again, he has paid in full.

John Frollo of Saint Charles spent 20 years in the Navy before retiring in 2006.

Joseph Boogren of Gwinn, MI, spent 32 years—32 years—in the Navy. He served in Iraq and Afghanistan. He flew 177 combat missions defending our country, putting himself in harm's way on behalf of all of us. I believe Joseph Boogren has paid in full for his pension and the other benefits we have promised him and his family.

Debbie Rasmussen from Sheridan, MI, wrote in on behalf of her military family. Debbie and her husband are both Navy veterans, and their son Matt is an Active Duty sailor with over 15 years of service, including service in Afghanistan. They believe—and I believe—the Rasmussens have paid in full for this benefit.

Karen Ruedisueli is the wife of an Active Duty Army major currently stationed at the Pentagon. Kurt and Karen have been a military family for 12 years. The Ruedisuelis have paid in full.

I could go on and on with so many similar letters. Every service is represented in these letters because veterans from every part of our armed services would be hurt by what has been put in place.

We know this needs to be addressed and needs to be fixed. We have all said that—that this needs to be fixed, we need to honor the commitment we have made to the men and women who have served us, and continue to serve us. This bill will restore the cost-of-living adjustments for all military retirees.

We need to act now so our veterans have the certainty and the peace of mind they need to move forward with their lives. We should not be involved in wrangling, in folks trying to find political advantage, and take political hostages, score points in some way. We need to just get this done—no amendments, no jockeying here, just vote for this bill and get this done.

This bill is about keeping our promise to the men and women who have served us and continue to serve us. A ''yes'' vote says we have your back. A ''yes'' vote says we honor and support you. A ''no'' vote or other votes that confuse the situation and play political games are really votes that turn your back on our veterans. Very simply, vote yes to get this done—no distractions, no extraneous issues. No matter how people feel about other things, bringing them into this is not right. It is not fair. This is about yes for veterans or no for veterans.

I hope we will all stand together and understand the ''paid for'' are the people who have served in our States and continue to serve us today. They have paid in full. We need to vote yes and get this done.

The PRESIDING OFFICER (Ms. HEITKAMP). The Senator from South Dakota.

THE ECONOMY

Mr. THUNE. Madam President, I come to the floor today to discuss the stagnant Obama economy and how ObamaCare is making it worse. This Monday marks the fifth anniversary of the day the President signed his trillion-dollar stimulus bill into law. In remarks he gave in Denver that very day he signed the bill, the President stated that the legislation marked ''the beginning of the end'' of the Nation's ''economic troubles.''

Five years later, however, the end of the Nation's economic troubles is nowhere in sight. The headlines of the jobs report released Friday say it all. The headlines from the Associated Press said, ''U.S. Economy May Be Stuck in Slow Lane for Long Run.''

The New York Times headline: ''Weakness Continues as 113,000 Jobs Are Added in January.''

From CBS News: ''Another month of weak job growth raises slowdown fears.''

From the Wall Street Journal: ''U.S. Adds 113,000 Jobs, in Latest Worrying Sign on Growth.''

From Reuters: ''U.S. employment fails to rebound strongly from winter chill.''

Well before passage of the stimulus, Presidential adviser Christina Romer predicted that the stimulus bill would reduce the unemployment rate to 5 percent by the year 2014. In fact, over the

past 5 years, the unemployment rate has never come close to falling that low. Last month's unemployment rate was 6.6 percent. If so many people had not dropped out of the labor force over the past several years, that number would be even higher.

If the labor force participation rate were the same as it was when President Obama took office, our current unemployment rate would be a staggering 10.5 percent. Despite the fact that the recession technically ended 55 months ago, we are still nowhere near where we need to be in terms of economic recovery.

CBS News reported on Friday that the economy would have to gain an average of 285,000 jobs per month for the next 3 years just to get us back to where we were before the recession. Yet job creation for the past year has not even come close to that. In fact, our economy has added just 180,000 new jobs per month, approximately, over the past year. If we continue at that same rate, it will take us over 5 years to return to where we were before the recession.

President Obama's economic policies have left our economy mired in stagnation. His health care law is making things even worse. Last week the nonpartisan Congressional Budget Office released a new report on ObamaCare. It found that ObamaCare will result in the equivalent of 2.5 million fewer full-time jobs over the next 10 years—2.5 million fewer jobs. Our economy is millions of jobs away from where it needs to be.

Our labor force participation rate is near a 35-year low. The President's health care law is going to result in 2.5 million fewer full-time jobs. How will that work? Well, the CBO report made it clear that ObamaCare provides disincentives to work, particularly for those at the low income end of the spectrum.

An individual receiving ObamaCare subsidies to pay for his or her health insurance may decide not to accept more hours or a higher paying job so that she or he does not exceed the income caps for receiving subsidies. At the higher end of the wage spectrum, workers may decide not to rise too far up the ladder so their income does not reach the point at which it would be subject to ObamaCare taxes. Thus, ObamaCare essentially traps workers in lower paying jobs, putting a de facto limit on the prosperity of literally millions of Americans.

The CBO reinforces that notion, not just by projecting that 2.5 million people will drop out of the workforce but also by projecting that those who stay in the workforce will earn less.

According to one analysis of the CBO report, ObamaCare will reduce total wages by an estimated $70 billion per year. Without question, most of this burden will be placed on lower and middle-income families who already are struggling to make ends meet. Furthermore, by providing Americans with disincentives to work, ObamaCare will limit our economic growth.

As the editors of the National Review put it, ''The depth of the Obamacare crater in the labor force isn't some abstract unemployment rate, but the lost value of the work those Americans would have done.''

Americans working creates economic growth. It is as simple as that. Encouraging Americans to work less or quit work altogether will undermine American prosperity and American families' security. Those who find work and are willing and able to fulfill their jobs deserve wages that are unhindered by a government takeover of health care.

Combine the CBO report with our experience of ObamaCare so far and the future does not look promising: lower income Americans living off meager salaries and government health care subsidies just to get by; middle-income Americans struggling to pay higher health insurance premiums and deductibles; and upper income Americans and small business owners too reluctant to create jobs and wealth for fear that they will be subjected to ObamaCare's burdensome taxes and regulations.

That is not the kind of future any American desires, but that is exactly the future ObamaCare is bringing us. In fact, for too many Americans, that future is already here. With ObamaCare's full implementation this year, Americans are facing huge premium increases and steep hikes in their out-of-pocket costs. They are losing access to their doctors and hospitals. All too often they are facing fewer hours with fewer benefits at their jobs as their employers struggle to comply with ObamaCare's taxes and mandates.

Even the President has tacitly acknowledged the burdens his health care law places on employers by once again delaying one of the law's job-destroying mandates. While I am glad some businesses will get relief until 2016, Congress should go further, much further, and ensure that every single American is protected from this disastrous law.

We can do better than ObamaCare and the President's economic policies. The President has called for 2014 to be a year of action. Republicans could not agree more. It is past time to take action to start reversing ObamaCare's damage and finally get our economic recovery off the ground.

Almost 2 weeks ago, the Obama State Department released its fifth environmental review showing that the Keystone XL Pipeline would have no significant impact on global carbon emissions. There is strong bipartisan support in both Houses of Congress for approving that pipeline and the 42,000 jobs it will support. The President needs to stop pandering to far-left environmentalists and immediately approve the pipeline and the good-paying jobs it will open for Americans.

Next, the President should pick up that phone he keeps talking about to call the Senate majority leader and tell him to bring the bipartisan trade promotion authority legislation to the floor. Passing trade promotion authority will help U.S. farmers, ranchers, entrepreneurs, and job creators gain access to 1 billion consumers around the globe. The majority leader needs to stop obstructing the jobs this bill would create and join Members of both parties to pass this important legislation.

Finally, the President should throw his support behind a repeal of the medical device tax in his health care law. This tax on lifesaving medical technology such as pacemakers and insulin pumps is forcing medical device companies to send American jobs overseas. There is strong bipartisan support for repealing the tax, and the President should add his.

Far too many Americans have spent the past 5½ years of the Obama Presidency struggling to get by. Household income has fallen. Health care costs have risen. Jobs and opportunity have been few and far between. For many Americans, the possibility of a secure economic future seems further and further out of reach. It does not have to be this way. We can turn our economy around by abandoning the President's failed economic proposals and embracing the kind of legislation that will open up new jobs and opportunities for the American people.

The three proposals I have outlined above are a good place to start. I hope the President will join Republicans and Democrats to get these priorities done.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The VICE PRESIDENT. Without objection, it is so ordered.

CERTIFICATE OF APPOINTMENT

The VICE PRESIDENT. The Chair lays before the Senate a Certificate of Appointment to fill the vacancy created by the resignation of Senator Max Baucus of Montana. The certificate, the Chair is advised, is in the form suggested by the Senate. If there is no objection, the reading of the certificate will be waived and it will be printed in full in the RECORD.

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

STATE OF MONTANA

CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Montana, I, Steve Bullock, the governor of said State, do hereby appoint John E. Walsh a Senator from said State to represent said

State in the Senate of the United States until the vacancy therein caused by the resignation of Max Sieben Baucus, is filled by election as provided by law.

Witness: His Excellency our governor Steve Bullock, and our seal hereto affixed at Helena, Montana this ninth day of February, in the year of our Lord 2014.

By the governor:

STEVE BULLOCK,
Governor.
LINDA MCCULLOCH,
Secretary of State.

[State Seal Affixed]

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senator-designee will now present himself at the desk, the Chair will administer the oath of office.

The Senator-designee, escorted by Senator TESTER, advanced to the desk of the Vice President, the oath prescribed by law was administered to him by the Vice President, and he subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations, Senator.

(Applause, Senators rising.)

REPEALING SECTION 403 OF THE BIPARTISAN BUDGET ACT OF 2013—MOTION TO PROCEED—Continued

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. HEITKAMP). 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.

Ms. HIRONO. Madam President, there is overwhelming bipartisan support to repeal the COLA reduction for military retirees that was enacted last December in the budget bill. The debate now is whether and how to pay for the cost of this repeal. I agree with my friend Senator MARK BEGICH of Alaska that our veterans have already paid for this repeal with their service to this country. However, there are some Senators who take a different view and have offered what we refer to as pay-for amendments.

Today I rise in strong opposition to the Ayotte pay-for amendment. The bill before us, S. 1963, the Military Retirement Pay Restoration Act, would repeal the COLA reduction for military retirees. This bill is sponsored by Senators PRYOR, HAGAN, and BEGICH, and I applaud their leadership on this issue.

Cutting military pensions was a bad idea. An even worse idea is to set up a contest between providing pensions to veterans and providing antipoverty assistance to children. That is the choice Republicans want us to make. I wish I could honestly say this so-called choice is hard to believe, but I can't. It is like choosing between cutting off an arm or a leg from the body politic. Vets or poor children—aren't they both in need of fair treatment?

Again, there is bipartisan support to restore the COLA cuts for veterans, but I am told that my Republican colleagues won't allow us to have an up-or-down vote on the Military Retirement Pay Restoration Act unless we also vote on the Ayotte amendment No. 2732.

What does this amendment do? The Ayotte amendment would deny antipoverty assistance to the children of undocumented immigrants who are working and paying billions of dollars in taxes. It would cut this child poverty program by more than $18 billion over 10 years to pay for the restoration of COLAs for military retirees, which would cost about $6 billion over 10 years. In other words, the Ayotte amendment would deny $3 of antipoverty assistance to children in order to restore $1 of retirement pay to our veterans. That is unconscionable. We should not take the benefits we provide to veterans by hurting children in the process. Hurting children does no honor to our veterans' service.

The children targeted by the Ayotte amendment did not decide on their own to come to this country illegally. They were brought here by their parents. These children are DREAMers—our DREAMers. We should not punish them for their parents' decisions. We should help these children to succeed so they can contribute to this great country. Their parents are doing their part by working and paying more than $16 billion in taxes each year, more than $160 billion over 10 years. We should not deny them this small measure of help.

Let me acknowledge that it is politically difficult to vote against the offset in the Ayotte amendment. Why? Because the amendment targets people who have no political power. These are children of parents who cannot vote. These are children of parents who are very poor, who themselves live on the edge of poverty or far into the depths of it. Their parents work one, two, or even three jobs and pay the taxes they owe, but they are barely making ends meet. They are far removed from the level of wealth that too often today translates into political power. These are children of parents who came to this country the same way many of our ancestors came to this country 100 or 200 years ago and for the same reasons—to escape poverty, to seek opportunity, and to give their children a better life than they had. Their parents are working and paying billions of dollars in taxes each year, which is extending the lives of the Social Security and Medicare trust funds, as examples. Their parents are working and paying taxes, but they came here illegally, and therefore they must live in the shadows and live in fear.

Put simply, these are children of families who have no political power—none. They are the easiest to go after, and that is what this Ayotte amendment does. But we should help these families. We should help these DREAMers. It is an ancient and universal principle that we should help the least among us. To paraphrase the Book of Matthew, we should treat the least among us as we would treat the mightiest among us. That is why the U.S. Council of Catholic Bishops opposes the Ayotte amendment. We should not hurt the least among us in order to help our veterans.

How much money would the Ayotte amendment deny to these children? The maximum child tax credit is $1,000 per child, which is about $2.74 per day per child. To many of us, $2.74 per day seems like a small amount, but to a child in poverty it is literally the difference between eating and not eating.

According to the Bureau of Labor Statistics, in 2011 the average cost of one meal for one person was $2.67. That was the average cost, which means that a lot of people spent less than $2.67 on each meal. By way of comparison, SNAP benefits average about $4 per person per day—$4 for three meals, not just one. So our own food program is less than what our own Bureau of Labor Statistics says is the average cost of a meal.

So for a low-income child, the $2.74 per day she gets from the child tax credit is equivalent to about one meal. If a child is very poor, it probably means two meals. Put simply, if she gets the child tax credit, she eats. If she doesn't, she doesn't.

Of course, not every child receives the maximum refundable credit. The amount of the refund is determined, in part, on a family's income, so poor families receive even less. The average income for the families who would be affected by the Ayotte amendment is about $21,000 per year. They have to be working and paying taxes to get even one dime from the child tax credit program. Their average child tax credit refund is about $1,800, which is about $5 a day. That may not be much money to the Senators in this body, but that $5 pays for a meal for the whole family. It is about 8 percent of their income.

We should not be denying this basic level of assistance to any child in this country, no matter who their parents are or how they came here. We should not deny children this assistance when their parents—and I am going to repeat it—will pay over $160 billion in taxes in the 10 years during which this provision is cutting $18 billion. The way the child tax credit is structured, only working families who are paying these kinds of taxes can claim the refundable portion. It is not fair that families work and pay taxes but are then denied help—$2.74 per day per child.

We should not deny children this assistance under the guise of combating fraud. Imposing a Social Security number requirement on qualifying children will not end the fraud the proponents of this amendment have cited. We should go after the fraud, but it should

be obvious that any criminal willing to commit the fraud described by the proponents will not be deterred by having to fill in a 9-digit Social Security number. This does not solve the fraud problem.

The fraud we have heard about involves undocumented immigrants who are falsifying where they live and where their children live in order to claim their tax credit. We are told about four immigrants using a single address, and yet we hear nothing about the 18,000 corporations that use one address in the Cayman Islands to avoid paying their fair share of corporate tax. Instead of going after working families who are paying taxes, we should close the loophole that allows these corporations to evade their taxes.

How many groups in this country is this Congress going to hurt? We hurt women when we don't raise the minimum wage. We hurt people who are out of work through no fault of their own when we don't extend unemployment benefits. Now we are hurting DREAMers. We should not do this. I urge my colleagues to oppose the Ayotte amendment.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:33 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

REPEALING SECTION 403 OF THE BIPARTISAN BUDGET ACT OF 2013—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, I ask unanimous consent to speak as if in morning business.

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

REMEMBERING WILLARD HACKERMAN

Mr. CARDIN. Madam President, there is an epitaph on the wall above where Sir Christopher Wren—one of England's greatest architects—is buried. The epitaph reads in part:

> Here . . . lies . . . Christopher Wren, who lived beyond ninety years, not for his own profit but for the public good. Reader, if you seek his monument, look around you.

A similar epitaph would be entirely suitable for my dear friend, the great businessman, engineer, philanthropist, and devoted Baltimorean Willard Hackerman, who died yesterday at the age of 95.

In 1938, Willard was a 19-year-old civil engineer who had just graduated from Johns Hopkins University. He went to work for the Whiting-Turner Contracting Company in his native Baltimore. G.W.C. Whiting and LeBaron Turner had started the construction firm in 1909. In 1955, Whiting promoted Willard to be the president and chief executive officer of the firm, and he served in that capacity until his recent death.

Whiting-Turner issued a press release which stated:

> Mr. Hackerman led Whiting-Turner from a modest-sized local and regional contractor to a highly-ranked nationwide construction manager and general contractor working in all major commercial, industrial, and institutional sectors.

Last year—Willard's 75th year with the firm—it reported $5 billion in revenue. The firm, which has 33 regional offices and more than 2,100 employees, is ranked fourth in domestic general building by Engineering News Record and ranked 117th on the list of America's largest private companies.

As the Baltimore Sun noted, Whiting-Turner Contracting Company built the new University of Baltimore School of Law last year, the Joseph Meyerhoff Symphony Hall, the National Aquarium, and the M&T Bank Stadium. The firm's clients included Yale and Stanford universities, the Cleveland Clinic, Target, IBM, and Unilever, and the Hippodrome Theater. If you seek his monument, look around you.

Through Whiting-Turner, Willard teamed with then-mayor William Donald Schaefer to help transform Baltimore by building the Convention Center, Harborplace, and the Aquarium. These statistics and lists attest to Willard's incredible skills as an engineer and businessman, but they don't begin to capture the magnitude of his accomplishments, his charitable contributions, or his generous spirit.

Willard and his beloved wife Lillian have been lifelong supporters of Johns Hopkins University. He helped to reestablish the university's stand-alone engineering school in 1979, and secured the school-naming gift from the estate of his mentor, G.W.C. Whiting.

Other activities include funding the Willard and Lillian Hackerman Chair in Radiation Oncology at the Johns Hopkins School of Medicine, construction of the Hackerman-Patz Patient and Family Pavilion, and the Hackerman Research Laboratories at the Sidney Kimmel Comprehensive Cancer Center. He and his wife also provided major support for the Robert H. and Clarice Smith Building at the Wilmer Eye Institute.

In 1984, Willard and Lillian donated a mansion on Mount Vernon Place adjacent to the Walters Art Gallery to the city of Baltimore, which in turn entrusted the property to the gallery—now known as the Walters Art Museum—to house its collection of Asian art.

In December 2001, Mr. Hackerman gave the largest gift in the history of the Baltimore City Community College Foundation to establish the Lillian and Willard Hackerman Student Emergency Loan Program, which provides no-interest loans to BCCC students. If you seek his monument, look around you.

Timothy Regan, the Whiting-Turner executive vice president who will succeed Willard as the firm's third president in its 105-year history, noted:

> He is a legend for his good works, and the irony is that most of his good works are not even known.

The Sun recounted a story Baltimore architect Adam Gross told about accompanying Willard through a newly completed project at the Bryn Mawr School. According to Mr. Gross, Willard asked the school's headmistress how many women were graduating with engineering degrees. Then, a few days later, he sent a sizable check to the school to provide scholarships for women in engineering. ''He was like that. He did deeds that nobody knew about,'' Mr. Gross said.

Willard was a man of quiet strength who professionally and charitably enriched his beloved Baltimore. He was an active alumnus of Johns Hopkins University who gave back to the school and its hospital in countless ways. He was a humble man and rarely stood still to take credit for his many successes because he had already begun to tackle the next challenge. Despite being at the helm of one of the largest general building companies in America, Willard never outgrew his city or his fellow citizens. The Meyerhoff, the National Aquarium, and M&T Bank Stadium all stand as enduring monuments to a great man. His benevolent legacy extended to the synagogue where my family and I worship, Beth Tfiloh Congregation, where he will be missed as a man of great faith. Willard Hackerman was a true son of Baltimore.

My thoughts and prayers go out to his wife Lillian, their daughter Nancy, their son Steven Mordecai, their five grandchildren and 23 great-grandchildren, and his extended family at Whiting-Turner, all of whom loved him deeply.

I encourage my fellow colleagues, my fellow Baltimoreans and Marylanders, and all Americans to celebrate Willard Hackerman ''who lived beyond ninety years, not for his own profit but for the public good. If you seek his monument, look around you.''

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

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

Mr. BARRASSO. I ask unanimous consent to speak for up to 10 minutes as if in morning business.

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

HEALTH CARE

Mr. BARRASSO. Madam President, I come to the floor week after week and talk about the President's health care

law. As a physician who has practiced medicine in Wyoming for 25 years, I am here to give a doctor's second opinion about the law. As we continue to learn more and more and see more and more, I am concerned about how the law affects my former patients, the doctors and nurses who take care of those patients, and the taxpayers who, of course, have been impacted as well.

It has been clear for a long time that this health care law is not working. It has been obvious from the beginning that this law would not work out the way the Democrats had promised the American people it would work out. Republicans had warned that it was a terrible idea, and even some Democrats have admitted this law has been a train wreck.

The Obama administration has been desperate to talk about anything but the failure of the health care law, and they have been desperate to hide some of the biggest problems with the law. The President has unilaterally made one change after another—sometimes with, in my opinion, no legal authority to do so—and tried to do this in a way that, perhaps, nobody would even notice.

Late yesterday the administration leaked word that it would delay again the law's unpopular employer mandate. It was the second time the Obama administration had changed the health care law in just a few days.

On the front page of USA Today, above the fold: ''Health law faces new delay.''

The Wall Street Journal: ''Health-Law Mandate Put Off Again.''

The Washington Post reported on modifications over the weekend. This is from Saturday: ''Administration to allow some changes to health-care plans.'' That article says:

> The Obama administration has quietly reworked rules and computer code for HealthCare.gov to try to stem an outpouring of discontent—

''an outpouring of discontent''—

> by . . . Americans who have discovered that the health plans they bought do not include their old doctors or allow them to add new babies or spouses.

So the administration then sent out a 14-page memo to insurance companies with changes to how its Web site works and new rules for how people can buy coverage.

The Washington Post article goes on to say:

> The changes reflect recent work—still underway—to improve the computer system for the marketplace, as well as fresh thinking about the needs of people who are buying the coverage.

''Fresh thinking about the needs of people who are buying the coverage''? Did the administration not think of these people before they wrote all of these things? The Obama administration has been working on this Web site for 4 years. Do they not talk to people and think about people and lives? I know a lot of these folks who work for the administration have gone right from college to graduate or law school and then right into some cubicle on the administration's payroll. Do they have no clue about how the real world works?

It is worse than that. On Super Bowl Sunday, President Obama sat down for an interview, and he was asked about the failure of his health care Web site, healthcare.gov—the Web site. This is what he said:

> It got fixed within a month and half, it was up and running and now it's working the way it's supposed to.

I do not think many people around the country who have gone on this Web site even today believe it is working the way it is supposed to.

The President was with Bill Clinton in September at the Clinton Forum, and President Obama said: Easier to use than Amazon, cheaper to buy than your cell phone bill. I assume the President actually believed that. I assume the President believes it is working the way it is supposed to today. But I think that is the reason the President's poll numbers are so low—because the American people say the President is out of touch with what the American people are seeing in their own homes and in their own communities, and the President in the White House has very little realization of what is happening in America. So according to the President, healthcare.gov is now working the way it is supposed to work.

Well, if that is true, why did we learn a week later that there are another 14 pages of rules changes and changes to the Web site? Did the President not have a clue that they were even coming? Why do we learn now that their work is ''still underway,'' trying to think about the needs of people who have been forced to buy insurance through this Web site?

Back in December the press gave President Obama the lie of the year award for his statement that if you like your health care plan, you can keep it. Well, when the President says that his Web site is working the way it is supposed to, either he continues to be in denial or he has another entry for this year's lie of the year.

On Sunday, Bob Schieffer on ''Face the Nation'' asked about the latest rules changes. Those were the rules changes that were before Sunday, not the ones that came out yesterday. The President has changed these rules now over two dozen times.

Bob Schieffer said: ''Things just seem, in every day and every way, to be more confused.'' This is Bob Schieffer, who for years, as the face of ''Face the Nation,'' has become a trusted person whom people turn to. As he says in a reasonable way, things just seem, in every day and every way, to be more confused. He then asked: ''Is there any hope of getting it straightened out?'' That is what Bob Schieffer asked—''any hope of getting it straightened out?''

Well, the majority party whip was on the show. The Democratic Senator was on the show, and instead of answering the question, he avoided it. He tried to change the subject, and he repeated an old Democratic talking point. This time that Senator claimed that ''10 million Americans have health insurance today who would not have had it''—this is the Democratic Senator—without the President's law—not actually responding to the question from Bob Schieffer about whether we can get things straightened out—no, not at all, not answering whether there is any hope of getting the law straightened out, just the same old talking points, and the talking points are not even true.

The Washington Post Fact Checker said the statement was so wrong, it deserved four Pinocchios—the most you can get. Well, that is the highest number possible—four Pinocchios. The Washington Post called the Democratic Senator's claim ''simply ridiculous.''

The reality is that the overwhelming majority of the American people signing up under the Obama health care law already had health insurance, so they are actually not getting new insurance or are newly insured because of the law. These are people who got cancellation letters and then said: Uh-oh, I need to get insurance. So then they went to the Web site to buy something—often much more expensive, requiring higher copays, higher deductibles. The law forced them to lose the coverage they had and the coverage that actually had worked for them.

Many people are paying far more now than they were for worse coverage, and it is not the right fit for their families. They are often paying for insurance which they are not going to use, do not want, which is more than they would ever need, and they are paying more than they ever had intended. That is what I hear when I talk to people in Wyoming. I was in Wyoming—in Cheyenne and Casper—this weekend. That is what I hear at home. The administration does not want to talk about that. Democrats in Washington do not want to talk about it at all. They just want to repeat their talking points even though they are completely false and have been proven to be false. Democrats want to avoid the tough questions about how the law has failed. They rely on denial and deception.

The Web site still is not working in spite of what the President may have said on Super Bowl Sunday. The law is not working. The answer to the question is, No, there is no hope of getting it straightened out. The Web site problems we have seen are just the tip of the iceberg.

People are paying higher premiums. Coverages are canceled. People cannot keep their doctors. Fraud and identity theft are going to continue to be a plague of this health care Web site. People are paying higher copays and deductibles.

It has been reported, interestingly enough, that in California, with the so-

called navigators—the people who are the certified navigators—over 40 of them are convicted criminals. Forty convicted criminals were hired and certified—certified—to be navigators in California in spite of the fact that people are being asked to give personal information, health information, financial information to these navigators. So it is no surprise that we are going to continue to see issues of fraud and identity theft.

Another interesting thing we learned recently: The Congressional Budget Office came out with its new estimates about the health care law and its effect on parts of the economy and on jobs. It also talked about the number of people who do not have insurance. It said that in the year 2024—10 years from now—there will be 31 million Americans who will be uninsured: Ten years from now, 31 million Americans uninsured.

Madam President, I ask unanimous consent to speak for an additional 5 minutes.

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

Mr. BARRASSO. Let's think about the speech the President gave in 2009. He came to Congress. He wanted to talk about health care reform. He talked about why it was so urgent that the Congress pass health care reform. He said: ''There are now more than 30 million American citizens who cannot get coverage.'' So in 2009 the President said 30 million Americans could not get coverage.

The Congressional Budget Office just comes out and says: Ten years in the future—15 years after the President gives his speech—31 million Americans with no insurance. Yet we will have spent trillions of dollars, and yet it will not fix so big of a problem that we know we need to deal with—health care in America—and this present law, this enormous law, this 2,700-page law, has completely failed to deal with the reason the President said we had to deal with this in 2009. Fifteen years later, the same numbers—30 million; over 30 million in 2024. How is that a victory for uninsured Americans? How can the President say this law has succeeded? How is it a sign that the health care law is working in the way it is supposed to work?

On top of that, middle-class people all across the country are paying more because of the health care law. Their premiums have gone up. Their deductibles have gone up. Their copayments have gone up. Millions of hard-working Americans have had their insurance policies canceled because of the law. And the administration is still working on the Web site, in spite of what the President may say about it.

The President says it is working as it is supposed to. On this and so many issues, the President continues to be wrong, and the American people see it. The Web site is not working. The health care law clearly is not working. It is not working the way he promised. It is not working the way the American people need health care to work for them in this country.

It is time for the administration to stop sneaking out these changes under the cover of darkness, in blog posts. If the President is going to make a change, why doesn't he come and tell the American people what he is going to do?

It is time for the Democrats to stop the four-Pinocchio talking points. It is time for folks to be honest about the failings of the health care law. It is time to eliminate this terrible health care law and replace it with real reform that gives people better access to quality, affordable health care—the care they need, from a doctor they choose, at lower cost.

I yield the floor.

The PRESIDING OFFICER. The Republican whip.

Mr. CORNYN. Madam President, we have reached a historic moment in the history of our Republic when the President of the United States claims the unilateral power to waive, delay, or just simply ignore the law of the land.

One of the most frequent questions I get back home in Texas is, How can the President do that? How can he do that? They remember when he was sworn in and put his hand on the Bible and swore to uphold the Constitution and laws of the United States, and now how can he simply ignore what those laws are? How can that contradiction exist?

Usually what I find myself doing is saying: Well, Congress has the authority to pass the laws, and it is the executive branch—the President—that has the authority to enforce the law. That is why he has the authority to appoint the head of the Department of Justice, the Attorney General of the United States, Attorney General Eric Holder.

But when the President and, by extension, his own Department of Justice refuse to enforce the law of the land, what have we become? Well, we certainly cannot claim in good conscience to believe in the rule of law, where the law applies to all of us no matter whether you are the President of the United States or you are the most humble of our citizens. That is the promise over the top of the Supreme Court of the United States. All you have to do is look out the window here. It says: Equal Justice Under The Law.

Quite simply, the President has no legal authority under our Constitution or under any law in America to pick and choose which laws he is going to enforce or not enforce based on political expediency. And the fact that he claimed to do so again, for perhaps the two-dozenth time, does not change anything.

So my constituents at home ask me—they say: Well, Senator CORNYN, what are you going to do about it? I said: Well, I am going to support private litigation to challenge the President. Indeed, that is the nature of the litigation that originally challenged the Affordable Care Act, or ObamaCare. There was private litigation that challenged the President's claimed authority to make a recess appointment and bypass the advice and consent function in the Constitution for the Congress to the National Labor Relations Board, which has now been held unconstitutional by the DC Circuit Court of Appeals, and now the Supreme Court of the United States is considering an appeal from that court.

So there is a way to challenge the President, although it takes time and it is not exactly very satisfying because people say: Well, months, if not years, will go by before we will ultimately get a decision. But just think about the implications of what the President is doing. How would our Democratic friends feel if a Republican President decided not to enforce certain laws—let's say as they pertained to the environment?

They would be outraged. You know what. They would be right; it is wrong. I do not care whether you are a Democratic President or you are a Republican President or an Independent or whatever. It is wrong for the President to put his hand on the Bible, to take an oath to uphold the law of the land and then refuse to do so and to have no embarrassment, no sense of regret, but just the hubris and the arrogance to say: I am going to do it until somebody stops me.

I have said it before, and I will say it again. The issues here go far beyond the health care policy and ObamaCare. Checks and balances are not optional. They are the very fundamental structure of our Constitution. James Madison and the authors of the Federalist Papers, who wrote so eloquently about the new Constitution, at the time said that the concentration of power in a single branch of government is the very definition of tyranny. If the Obama administration continues to undermine checks and balances, it will not only undermine respect for the rule of law but also will create even greater distrust of the Federal Government and Congress itself, not to mention the office of the Presidency.

Make no mistake. We all understand why the President is going down this path. It is because ObamaCare has proved to be even more unworkable than its biggest critics might have imagined. The entire law needs—well, we need a do over. Let me put it that way. This side of the aisle has repeatedly encouraged the President and his allies to work with us to try to replace ObamaCare with patient-centered reforms which would bring down the cost and make sure that we as patients and our families get to make decisions in consultation with our family, and not outsource those to the Federal Government.

We could come up with some ideas, and we actually have ideas that would lower costs, expand coverage, and improve access to care. Unfortunately, the President has shown zero intention in addressing those. I know I heard him say, even at the latest State of the

Union: If my Republican friends have some good ideas, bring them to me.

We have been bringing them to him since 2009 and he simply has ignored or affirmatively rejected any other idea because he is so wed to this signature piece of legislation. I cannot help but think that one reason why the President claimed the authority to unilaterally waive the employer mandates until after the election is because he is focused on—you guessed it—the November elections, and he realizes what an albatross this is around the necks of those people who are going to be going to the voters and asking for them to reelect them.

But if he is wondering why Americans have grown so cynical about Washington, DC, all he needs to do is to look at his own administration's handling of this signature piece of legislation, a program that has come to symbolize big government overreach, and—I hate to say it, but it is true—contempt for the rule of law.

I want to say just a few more words in conclusion about America's fiscal health. As you know, Members of Congress have once again been asked to raise the debt ceiling, even though the national debt is in excess of $17 trillion. The President likes to boast about short-term deficit reduction. That is the difference between what the government brings in on an annual basis and what it spends.

It is true that on an annual basis the last couple of years the number has gone down a little bit, primarily because the President raised taxes by $1.7 trillion, coupled together with the caps on discretionary spending in the Budget Control Act. But the long-term trajectory remains just as bad as it ever was, and America continues to spend money that it does not have.

We are waiting for the President. He is the Commander in Chief. He is the leader of the free world. We are waiting for the President to put out a serious plan to address this problem. Many of us held out hope in December 2010 when the Simpson-Bowles bipartisan fiscal commission got together and made some bipartisan recommendations for doing exactly that. Unfortunately, they were ignored by the President. He demanded, in exchange for the so-called ''grand bargain'' that he wanted $1 trillion more in revenue, more taxes.

Imagine what a body slam that would have been to the American economy. The American economy is still so weak that unemployment is at a historic high, particularly compared to recoveries following recessions. But $1 trillion of additional taxes would have been catastrophic in terms of people looking for work and not being able to find work.

But since the President took office in 2009, our national debt has increased by $6.6 trillion. It is now larger than our entire economy. I wonder who the President thinks will have to pay that back. Probably not our generation; we will not be around. But this generation will be around. They will be left holding the bag as a result of our irresponsibility and unwillingness to deal with this important problem.

Even though interest rates are at a very low point now, and, yes, the interest we have to pay the Chinese government and our other creditors is at a relatively low rate, imagine what will happen, as the Congressional Budget Office has, when interest rates start to tick back up to their historic norms. We will see that more and more of the tax dollars of the American people are used to pay interest on the debt. Whether you are concerned about safety net programs that our most vulnerable citizens need or our national security, we will not be able to do either the way we want to and need to.

According to the CBO's baseline projections, the annual deficit will steadily rise after 2015 and exceed $1 trillion in 2022, at which time the Federal Government will be spending $755 billion a year on net interest payments alone. To put that in another perspective, net interest payments in 2014 are estimated to be $233 billion. That is not money that helps the most vulnerable in our society. That is not money that helps the warfighter keep us safe. That is money we are paying on the debt to our creditors, to the Chinese and other creditor nations as interest for all of this money we are borrowing that eventually somebody some day is going to have to pay back.

The Congressional Budget Office has consistently reminded us that even a small change in U.S. economic growth or interest rates or inflation could dramatically affect the Federal budget outlook. In fact, if interest rates were to rise just 1 percentage point above the CBO baseline each year over the next decade, our cumulative deficit will increase by $1.5 trillion. That shows you how fragile the condition of our fiscal house is.

On multiple occasions back in the mid 1990s, this Chamber came within one vote—one vote—of passing a balanced budget amendment to the U.S. Constitution. Since the vote in March of 1997, our national debt has gone from $5.3 trillion to $17.2 trillion. It has more than tripled. Yet even as the debt problem has gotten massively worse, the number of folks on the other side of the aisle who are willing to acknowledge that we cannot continue to spend money that we do not have and that the debt is a threat to our national security and our ability to do the things we know we want to do and need to do, continue to seem to ignore it.

I am proud to say that everyone on this side of the aisle has cosponsored a balanced budget amendment to the Constitution that would force Washington, whether led by Democrats or Republicans—it would force Washington to live within our means and meet the same type of fiscal requirements that virtually all State governments have to meet.

To those who think that a balanced budget amendment to the Constitution is not the answer, I ask: Where is your plan? I realize that there are some who think that we can raise taxes. Let's raise taxes some more. But even they must understand that we simply cannot tax away our long-term debt problem. The only way we can solve that is by controlling our spending and reforming our programs like Social Security and Medicare. Sooner or later, even the President will have to acknowledge that.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Arkansas.

Mr. PRYOR. Mr. President, I rise today to talk about S. 1963, which is supported by well over 30 veterans organizations. I want to thank my colleagues for their help and their support of the military retirement pay restoration bill that repeals section 403 of the budget agreement, which unfairly singled out our brave men and women in uniform.

I could spend a long time here, but I do not intend to because I know we have other colleagues who are on the way to speak. But I do want to thank my colleagues for their support. We got a huge vote the other night to move to this measure. I do not think there were any dissenting votes. I appreciate my colleagues voting to move to it.

The bottom line is this bill is about honoring the commitments we have made to our servicemembers. My State is the home of nearly 255,000 veterans—255,000 veterans. We only have a population of 3 million. So if you do the math, per capita we have a lot of veterans in my State—a very patriotic State. These brave men and women have put their lives on the line, and they have also put their lives on hold to serve their country, oftentimes in faraway places, far away from their homes and their families and from their beloved country to protect our Nation and defend our way of life.

They have fulfilled their obligations, and we need to fulfill ours. Day after day we get emails and letters and phone calls from Arkansas veterans and their families. They talk about what the Senate is talking about today; that is, whether we should fix this cost of living adjustment or not and even down to the details of whether we should pay for this or not.

Let me just read a few. I have eight Arkansans here who have written in recent weeks.

MAJ Adam Smith of Sherwood said:

> When I signed on twelve years ago, I swore an oath to defend my country, one that I have upheld through four combat deployments in Iraq, Afghanistan, and the Horn of Africa. It pains me to see that my government is not keeping its faith in my oath. I have served and will continue to serve faithfully, but I want my government to properly compensate me for all the times I nearly made my wife a young widow.

The second one is from Therese Wikoff of North Little Rock. She is an employee of the VA, and she is married to someone in the military. She says:

I see [our veterans] every day struggling. They served and it is our duty to respect and take care of them.

John Barnwell of Fort Smith says:

I spent a career in the U.S. Air Force defending this great country from all enemies . . . How could [Congress] even consider cutting veterans benefits when our sacrifices are the reason we are even able to live in a free country?

SMSgt John W. Smith of Cabot writes:

I served my country for 28 years with the promise that once I completed my part, I would be given a retirement for the rest of my life to include the cost of living increases. However, it appears the government has decided to change the promise made and not honor their part of the bargain.

Sam Garland of Jacksonville says:

When I enlisted I was told if I did my time that I would receive retirement . . . [Don't take away] this hard worked promise.

Marshall Harmon of Vilonia wrote:

This is a military retirement that I worked extremely hard for and in fact earned! The documents I was provided at the time of retirement assured me that my buying power would remain strong and consistent . . . It seems that is just not the case.

Chadwick Cagle of Sherwood wrote to say:

I am a military veteran of almost 15 years, including two deployments to Iraq. I was an Infantryman in the Marine Corps . . . I find it very frustrating that the reductions in benefits were taken from the very men and women who have served and protected this country.

The next will be the last one. I could go on for a long time. As people can tell, I have a lot more where these came from.

Bill Patrick of Mountain Home says:

As a veteran of the U.S. Army, I am saddened by the provision in this bill that in essence penalizes those that have given the most for this great country of ours. Although I do realize the importance of keeping the government funded and running, I am opposed to the fact that we are doing it on the backs of those who have served honorably, and long.

I want those words to sink in for my colleagues in the Senate today. These are men and women from my State. The Senators have the same types of folks in their States. They put on the uniform and they serve our country. This is not how we should repay them.

I know that on this floor and out in press conferences and in press releases and all of that, people say: Well, we need to pay for this.

This bill, S. 1963, has no pay-for. The way I feel about it is this cut to their benefits, this cut in their COLA, the 1 percent adjusted downward, doesn't take effect until 2015. We have all of this year to find a pay-for if that is what we decide we are going to do.

But the way I feel about this is they have already paid. They have paid for this with their service. This was something that was added to a budget deal, and it is something I think probably came in and was put in by the House Republicans. In effect, we are trying to solve this problem for them.

But, regardless, I have a list that I did not fabricate for this speech. This stands in my office in Washington every day. I have a similar poster identical to this poster in Little Rock. It is there every day in our lobby, in our entryway for anyone and everyone who comes to the office to see the sacrifice that Arkansans have made to this country. These men and women—there are over 100 listed.

As much as I hate to say it, this list grows all the time. We change this list out frequently. There are over 100 listed. In fact, there are over 110 listed. These are troops from Arkansas or based in Arkansas who paid the ultimate sacrifice in Iraq and Afghanistan. These people paid for this benefit.

All of the veterans who will receive this benefit were in the exact same situation that these men and women were, but by the grace of God they made it home. We need to honor the commitments we have made to our veterans.

This is no laughing matter. This isn't politics, this isn't a Democratic thing or a Republican thing, this is an American thing.

Do you know what. When we make commitments to our veterans, if we cannot honor those commitments, we never should have made them in the first place.

I know a lot of people in Washington make all kinds of promises, but we have made these commitments to our veterans. Some of them mentioned when they signed on in the very beginning or when they take their retirement in the very end, it is very clear the type of retirement benefits they will get. Just because it is hard now, because it is expensive, doesn't mean we back out on the commitments we have made to our men and women in uniform. We don't back out on the commitments we have made to our veterans.

But now what we have is we have people in Washington who are saying: We like our veterans, but they need to pay for this. They need to pay for this. I disagree. We have all this year. If we make that decision later to find a way to pay for this change, we have time to find the pay-for later.

I am always reminded when I think of our folks who served this Nation in the military, of this one verse that is found in John 15:13. It says: ''Greater love hath no man than this, that a man lay down his life for his friends.''

I have been to a number of funerals, and I have made a number of calls to these families. I don't know how many people I have talked to who have lost a loved one in Iraq or Afghanistan—or in some other military operation somehow, some way—and that is the verse I always remember because they laid down their lives for their country.

Everyone else who puts on that uniform, by the very nature of them putting on that uniform, has made the commitment that they are willing to lay down their lives too. They are in harm's way for us.

I think it is wrong for us to try to lower their benefits. I think it is wrong for us to be having a debate about finding a way to pay for this. We have time to pay for this over the course of this year. I am totally open to talking to people about how to pay for this as we go.

But let's, for crying out loud, not send the message to our men and women in uniform, to our veterans, that we are going to balance the budget on their backs. They are the ones who have made the commitment. They are the ones who have traveled and served overseas.

When it comes to government spending—I just heard a couple of speeches by my friends on the other side of the aisle—everybody who is paying attention knows we can cut unnecessary government programs. We can eliminate duplicative policies. We can do good in the regulatory world to make government more efficient, more effective. We can do that, but we should not use these folks to balance our budget.

I see my colleague from Florida has stepped in. I know he would like to say a few words.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. I am here to support Senator PRYOR's bill. I am a cosponsor. We were about to have a press conference, and the bottom line is there is no way to fully repay someone who puts their life on the line for our country, but we can do what we can, and this legislation ensures that we continue to do all we can. That is a summary of the whole thing.

I have the privilege of being a senior member of the Armed Services Committee, and from day one one of the things we recognize is that we want to keep our promises to the men and women of our military. The strength of the military will always be the people, and they commit their lives to the service of the country. During that commitment there is a lot of sacrifice: overseas deployments, they miss births, birthdays, and countless other hardships.

A retiree has spent years earning the benefits they looked forward to and those were some of the reasons they made the sacrifices when they took the oath of office and put on the uniform.

When that servicemember joins the military, they look at the retirement system in place at the time, and they began to build their life and their plans around those specific retirement benefits. Those who choose to devote long years and the retirement period of 20 years of service—and then happen to retire and pursue a second career—it gives them the flexibility to move back to a location where they can help out a family member or finally become a full-time part of a family business, whatever it is. Those folks shouldn't be penalized because they are not yet 62 years old. They have already done 20 years of service, if not more.

They are choosing to innovate to serve their community or to finally

start that small business they had always dreamed about, and so it is unfair to penalize them when others are not. Why in the world would we want to make a difference between those who had retired from the military?

So safeguarding the benefits servicemembers have earned not only protects the all-volunteer force, but it also attracts and will continue to attract the best talent and encourage somebody to make the military a career. For the career soldier, sailor, airman or marine, what they give back over those 20-plus years is immeasurable.

We have bipartisan agreement that restricting military benefits in this way is not the correct path to address defense cuts and the debt. We must restore this full cost-of-living adjustment for military retirees.

With that vote yesterday, zero against it, why are we out here having to spend all this time? Why don't we just take it up and pass it, because the votes are obviously here. I am hoping that is what the Senate is going to do in the next few hours.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. I come to the floor to talk about an amendment I have pending to the bill pending on the floor to fix the unfair cuts to our military retirees.

Let me remind everyone of how we got to this point. It was right before the holidays and there was a budget agreement that was reached between the chairman of the Senate Budget Committee and the chairman of the House Budget Committee.

Let me remind everyone in this Chamber that I serve on the Senate Budget Committee. No one on the Senate Budget Committee—at least myself, I wasn't included, I guess I missed it—brought to our attention the budget agreement before it was brought as a fait accompli to the floor, and that is one of the problems that brought us to where we are today. Only in Washington could you serve on the actual Budget Committee, they come up with a budget agreement and actually never show it to you—even though you are on the Budget Committee.

Had they shown it to me in advance, I can tell you what I would have told them, that this idea to single out our military retirees is totally unfair. It is the wrong priority for America to single out those who have taken the bullets for us when, if we look at the changes that were made in the budget agreement to the contributions for Federal employees, they were prospective. Only new hires had to pay additional contributions.

But for our men and women in uniform, those working-age retirees under 62—and originally our wounded warriors were included in that as well—took the cut. So when I did find out about it—and I see my colleague from South Carolina, who also serves on the Senate Budget Committee, is here—when we and others found out about it—also my colleague Senator WICKER from Mississippi—we pointed out from the beginning, before this body even voted on the budget agreement, that the cuts to military retirees were unfair; that of all the people we were going to single out, why would we single out the people who have taken the bullets for us? What kind of message does that send to those who have served us and sacrificed so much for our country?

So I remember it. We came down here before Christmas, before the holidays. Senator GRAHAM, my colleague from South Carolina, came down here, Senator WICKER from Mississippi, and we said to our colleagues then: Let's fix this. Let's fix this unfair cut now before we actually pass this budget into law, because we have time to do it. Do you know the response we got? We are in a rush. We have to get home to our families before the holidays, rather than fix what was wrong from the beginning.

Right now I hear so many of our colleagues coming to the floor and saying: We have to fix this, even though they voted for this budget agreement.

Mr. GRAHAM. Will the Senator yield for a question?

Ms. AYOTTE. Yes, I yield for a question.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. I thank the Chair.

Does the Senator agree with me, if the budget deal had not been paid for it would never have passed?

Ms. AYOTTE. I would agree with that.

Mr. GRAHAM. Most Republicans, and I am sure some Democrats, would not have voted for a budget deal unless it was deficit-neutral and paid for. I know it wouldn't have passed the House. So now, after the fact, if you fix the COLA problem without paying for it, haven't you basically blown the budget deal apart?

Ms. AYOTTE. Well, that is the irony of where we find ourselves. We have people who came to the floor, even though we warned them and said this is really unfair, why are we doing this to military retirees, we should fix this now and we can find other ways to cut spending—

Mr. GRAHAM. And their response was: We can fix it later. Our response was: Well, will you pay for it later? And everybody said yes.

So here we are. I appreciate Senator PRYOR and Senator HAGAN from North Carolina wanting to fix it. The good news is everyone in the body wants to undo the damage done to our military retirees. That is the good news. The bad news is we are doing it in a fashion that would break the budget agreement, and I don't think that should be our choice.

In order to right a wrong done to the military retirement community—which was a $6 billion taking from them, unlike anybody else in the country—can we not find $6 billion over the next 10 years to make up for it? Because if we don't, we have broken the budget agreement and put a burden on the next generation. So, really, to help the military retiree, do you have to turn around and screw future generations by adding $6 billion of debt on top of the $16 trillion? I guess that is the question. And I would say no. That is why I appreciate the Senator's offset.

Ms. AYOTTE. The answer is no. Of course we don't. We don't have to burden the next generation to fix what we should have fixed from the beginning, which was unfair from the beginning. That said, I have an offset——

Mr. GRAHAM. What is the Senator proposing here?

Ms. AYOTTE. I have an offset that is pretty straightforward. We have two major refundable tax credits in our Tax Code, the earned income tax credit and the additional child tax credit, both of which, when you claim them, you actually get money back under the Tax Code. My amendment is pretty straightforward. When you file for the earned income tax credit, you actually have to put a Social Security number when you file for it as the tax filer. Also, if you have a dependent, you have to put a Social Security number. For the additional child tax credit, there was a Treasury IG report done under this administration in 2011 and it raised real concerns about the way this tax refund was being administered, because when you filed for it, you didn't have to put a Social Security number. Also, for any child for whom you were seeking a refund, you didn't have to put a Social Security number.

My fix is very straightforward: All I am asking is, if you want to seek that tax refund for your child, you list a Social Security number for the child. Why is that important? It is important because the Treasury IG found with this tax refund billions and billions of dollars going out the door. In fact, with the amendment I just mentioned, we can save $20 billion over the next 10 years.

There were investigations done of this tax refund, and guess what they found. Massive examples of fraud, which I will go through in detail, of people claiming kids who may not even live in this country; of people claiming kids who might live in Mexico, because there are absolutely no parameters on the way this is being interpreted right now.

So here is the question: Should we fix fraud in our Tax Code and really address this issue, still allowing American children and children who the President has said are eligible—certain DREAMer children—to get this tax refund—real children in this country—or should we let this fraud continue and also add to our debt and not address the underlying problems facing our Nation?

I don't understand why we can't pass something commonsense like this.

Mr. GRAHAM. Let me see if I have this right. There is an earned income

tax credit you can receive based on need; is that right?

Ms. AYOTTE. Exactly.

Mr. GRAHAM. We are not going to get it. You are not going to get it for your kids because you make too much money.

Ms. AYOTTE. Right.

Mr. GRAHAM. I think this is a Ronald Reagan idea. If you are working, even though you may not have any income tax liability, we are going to give you an earned income tax credit. I think it is $500 per child; is that right?

Ms. AYOTTE. This is the earned income we are talking about.

Mr. GRAHAM. Yes, I know. But under the earned income tax credit——

Ms. AYOTTE. I don't know the amount.

Mr. GRAHAM. I think it is $500. But the point is, do you have to have a Social Security number?

Ms. AYOTTE. Yes.

Mr. GRAHAM. Ok. If the argument is that by adding a Social Security number requirement to the additional credit you are somehow burdening people, why isn't that an argument made against the EITC? Because to get the earned income tax credit you have to have a Social Security number.

This new additional tax credit, on top of the earned income tax credit, doesn't have the same requirements. So those who come to the floor to say we are destroying families, why wouldn't you come down here and propose to do away with the Social Security number on the earned income tax credit? That would make perfect sense to me.

If requiring a Social Security number is a bad thing for families, why do you tolerate it for the EITC? The reason you wouldn't propose that change is because people in Treasury would say you would be crazy, because now you have an additional tax credit, something new on top of the EITC, that Senator AYOTTE has found without a Social Security number you have $19 billion in fraud.

So I am curious. If you think requiring a Social Security number for a child to get an additional tax credit is destroying the family, why don't you come down here and suggest changing the law for the EITC? If you did that, you would get blistered by the auditor saying you are opening a new line of fraud.

So could the Senator tell us what would happen to the American taxpayer, what benefit would inure to the American taxpayer if we followed the Senator's proposal and accepted her amendment of requiring a Social Security number?

Ms. AYOTTE. The American taxpayer would save $20 billion over the next 10 years. This is about protecting the American taxpayer. Let me talk about some of the fraud that was found.

In Indiana, they found 4 workers were claiming 20 children living inside 1 residence. The IRS sent these illegal immigrants tax refunds of a total of $29,000-plus. They also found many people were claiming the tax credit for kids who live in Mexico. These are our taxpayer dollars going out the door in this way.

An Indiana tax preparer, who acted as a whistleblower, said: We have seen sometimes 10 or 12 dependents, most times nieces and nephews, on these tax forms. The more you put on there, the more you get back, even though they are not verifying that any of these children live here or exist. That is our tax money going out the door. The whistleblower had thousands of examples.

Another example from a whistleblower: We have over $10,000 in refunds for nine nieces and nephews, he said. It is so easy. I can bring out stacks and stacks. It is so easy, it is ridiculous.

In North Carolina, investigators tied at least 17 tax returns totaling more than $62,000 in returns to a Charlotte, NC, apartment that 1 woman leased. At another apartment nearby, investigators discovered 153 returns valued at over $700,000 in refunds. Another address in the same apartment complex had 236 returns worth over $1 million in returns.

This is money taken into our treasury and turned back in. All I am saying with this amendment is if you can put a Social Security number for the child you are claiming the credit for, you can get this credit. That is all this is, making this consistent with the earned income tax credit. And in fact, the filer can be an undocumented worker in this country and have a child who legitimately has a Social Security number and get the credit for it. So I have modified my amendment to address that issue.

What I am saying is this: Let us end fraud and let us take that money that is being taken from the American taxpayer—$20 billion—and take $6 billion of it to be used to restore these military cuts. This will make sure we do not burden the next generation and we fix a wrong that should be righted.

Let me talk about some other examples of what we have seen. In Tennessee, a search warrant was prepared by the IRS for a tax company that was encouraging undocumented workers to lie on their tax returns by claiming children who live in Mexico as dependents. Why can this tax preparer even encourage that? Because right now, when the refund for the additional child tax credit is filed for, you don't have to put anything about the child to prove the child even exists. So simply requiring a Social Security number for the child you are getting money back for would end that fraud.

The IRS says the Tennessee tax preparer has filed 6,000 tax returns over the last 3 years, and although his—listen to this—although his clients only paid $3.3 million in taxes, they were able to receive back $17 million in refunds. Imagine that: $3.3 million in taxes his clients as a whole claim they have paid, and they received $17 million in refunds back. Pretty good deal, isn't it. Well, it is a bad deal for the American taxpayer.

This amendment makes so much common sense I just hope I can get a vote on it on the floor of the Senate. In the past, when I have tried to bring this amendment forward, I have been denied a vote on many occasions.

I hope the people of this country understand what the vote on the floor is. The vote on the floor is straightforward. This amendment fixes the unfair cuts to our military retirees and ensures we aren't breaking the budget agreement that was just passed or burdening the next generation with debt. In fact, my amendment will further reduce the debt because it saves more money than just paying for this fix. We can also fix this tax fraud and do the right thing by the American taxpayer.

What worries me most is that because this is Washington, and this makes so much sense, I fear I won't get a vote and that my colleagues will use excuses to say: We shouldn't vote for this because—as I heard my colleague from Illinois on the floor this morning saying—we are going to harm children. Well, children will still be able to get this refund. Put a Social Security number down and American children will get this refund. Also children the President has already deemed eligible—so-called DREAMers. In fact, my colleague from Illinois who came to the floor this morning admitted already ½ million of them have filed for a Social Security number, and they too could receive this tax refund.

If we don't pass this amendment, there are two groups that lose: the veterans, but also, most importantly, all of us—the American taxpayer.

Before I conclude, I wanted to mention the groups endorsing my amendment: the American Legion, American Veterans—AMVETs—Concerned Veterans for America, the Military Officers Association of America, the National Guard Association of the United States, the National Military Family Association, the Naval Enlisted Reserve Association, the Retired Enlisted Association, the U.S. Army Warrant Officers Association, the U.S. Coast Guard Chief Petty Officers Association, and the U.S. Coast Guard Enlisted Association.

I hope my colleagues will vote for this commonsense amendment, so we can fix this unfair cut to our military retirees and pay for it and make sure we aren't also adding to our debt and burdening future generations.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to yield to the majority leader.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that at 4:30 p.m., the

Senate proceed to executive session to consider the following nominations: Calendar Nos. 516, 517, 518, and 593; that there be 30 minutes for debate equally divided in the usual form; that upon the use or yielding back of the time the Senate proceed to vote without intervening action or debate on the nominations in the order listed; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any related statements be printed in the Record; that the President be immediately notified of the Senate's action and the Senate then resume legislative session; further, that there be 2 minutes for debate, equally divided in the usual form prior to each vote, and that all rollcall votes after the first be 10 minutes in duration.

I appreciate the Senator yielding.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask unanimous consent to engage in a colloquy with the Senator from South Carolina.

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

AFGHANISTAN PRISONER RELEASE

Mr. MCCAIN. Mr. President, I would say to my friend from South Carolina that we have received some disturbing news today; that is, the President of Afghanistan, President Karzai, has made a decision to release 65 of the 88 detainees at Parwan prison in Afghanistan.

The Senator from South Carolina and I have known the President of Afghanistan for many years. We have had many meetings with the President of Afghanistan, and I believe we had established a rather cordial relationship over these last 13 years.

Many of my colleagues may not know that the Senator from South Carolina, in his capacity as a Colonel in the U.S. Air Force Reserve, a lawyer, has spent a great deal of his active-duty time in Afghanistan on Active Duty primarily focusing on the whole issue of detainees, how they are tried, how they are incarcerated, and steps for release and detention. In other words, there is no one that I know who has more indepth knowledge of this issue than the Senator from South Carolina. I don't believe anybody has ever worked as hard as he has on this issue, and there have been significant accomplishments as a result of his and other wonderful Americans' work.

I think facts are stubborn things; and I would ask my friend from South Carolina, isn't it true the release of these detainees poses a direct threat to the lives of our service men and women who are serving in Afghanistan? Is it true that 25 of these individuals are linked to the production and/or emplacement of IEDs; that 33 tested positive for explosive residue when processed after capture; that 40 percent are associated with direct attacks, killing or wounding 57 Afghan citizens and allied forces; that 30 percent are associated with direct attacks, killing or wounding 60 U.S. or coalition force members; that 32 were captured after the ANSF assumed responsibility?

So isn't it clear, I ask my colleague, after all these years of work trying to get this whole system of detainees and trials and incarceration, that we are now seeing—sadly—this result of individuals who can be traced to attacks on or directly responsible for the deaths of brave Americans?

Mr. GRAHAM. Senator MCCAIN is absolutely right.

I thank him for showing such an interest in this topic. He has been so helpful in making sure we get this detention issue right. Having been incarcerated in a war, I think Senator MCCAIN knows the difference between a system that works and one that doesn't. It has always been helpful to have Senator MCCAIN travel with me and make a point to the Afghans that he knows what doesn't work.

General Dunford called this morning with a lot of sadness and, quite frankly, anger in his voice. We have captured thousands of Afghans and some third-country nationals during the 12-year war in Afghanistan. Our confinement facility at Bagram Air Base has improved a thousand percent. We have made our fair share of mistakes, but the prison now called Parwan I would put up against any prison in West Virginia, South Carolina or Arizona. It is a state-of-the-art prison. It is being transferred over to the Afghans.

As we take this prisoner population and turn it over to the Afghans with a collaborative process where we work together to determine what force to take, they have what is called an Accountability Review Board, which is an Afghan board looking at the disposition of this prison population. They were about ready to release about 88 about whom our commander felt the evidence in question deserved criminal court disposition.

The Afghan criminal court at the prison, which is attached right to the prison—the JSAF—has heard 6,000 cases with a 70-percent conviction rate. I am very proud of the judges and lawyers who run that facility.

All we are asking is that they not let 65 of the 88 walk out the door because of an administrative review board which is not recognized under Afghan law. The guy in charge of it is openly against the Bilateral Security Agreement. I think he is a corrupt individual.

General Dunford has basically said: You are going too far here. I cannot in good conscience not object.

We have lodged our objections, and we thought this would be fixed, and they were going to turn these cases over to the attorney general. I received a phone call Sunday night. There was a caveat which nobody told us about. They turned the 88 files over to the attorney general we thought for prosecution, but apparently President Karzai told the attorney general to release 65 of the 88.

If you believe in the rule of law, the President of the country does not have the authority under Afghan law to tell the judiciary or the attorney general what cases to dispose of. This is an extrajudicial exercise of legal authority by the President of Afghanistan. The people in question, the 88, are responsible for killing 60 Americans and coalition forces and 57 Afghans, and the Afghan population does not like the idea that these people are going to walk out of the jail.

I will read the statement issued by our commander in Afghanistan right after the phone call:

> United States Forces-Afghanistan has learned that 65 dangerous individuals from a group of 88 detainees under dispute have been ordered released from the Afghan National Detention Facility at Parwan.
>
> The U.S. has, on several occasions, provided extensive information and evidence on each of the 88 detainees to the Afghan Review Board, the Afghan National Directorate of Security and the Attorney General's office.
>
> This release violates the agreements between the U.S. and Afghanistan.

The agreement is called the Memorandum of Understanding, and this violates the spirit and the letter of the agreement we have negotiated.

> We have made clear our judgment that these individuals should be prosecuted under Afghan law. We requested that the cases be carefully reviewed. But the evidence against them was never seriously considered, including by the Attorney General, given the short time since the decision was made to transfer these cases to the Afghan legal system.

So within 24 hours they decided to let 65 people go. Clearly, they didn't spend much time.

> The release of the 65 detainees is a legitimate force protection concern for the lives of both coalition troops and Afghan National Security Forces.

It goes to Senator MCCAIN's question, and I have spent a lot of time looking at every file. This is our own ground commander, General Dunford, who I think is doing a great job, telling us: If you let these people go, it represents a force protection problem.

He further goes on to say:

> The primary weapon of choice for these primary individuals is the improvised explosive device, widely recognized as the primary cause of civilian casualties in Afghanistan.

And quite frankly, the death of our own troops. Senator MCCAIN made a good point. Twenty-five of the 65 are directly linked to planting IEDs against our forces. We have fingerprints on these people. I have literally seen the evidence where there is biometric identification, where we can look at the pressure plate and the tape and all the material around the making of the IED and pick up fingerprints. When we do that, they match to the biometric data. We have identified the person by fingerprint, and they are going to let that person go. Some of

these people have been captured previously. The recidivism rate is growing in Afghanistan.

This is the final paragraph:

The release of these detainees is a major step backward for the rule of law in Afghanistan. Some previously-released individuals have already returned to the fight, and this subsequent release will allow dangerous insurgents back into Afghan cities and villages.

Back into the Afghan cities and villages to kill our troops and kill innocent Afghans.

I thank Senator MCCAIN so much for his interest in this subject matter.

We are drafting a resolution condemning the actions of the Afghan government, President Karzai, in the strongest terms possible. We are suggesting that, in light of the breach of this agreement, putting our troops at risk, letting killers go, that we suspend all economic aid until after the election.

I want to let this body know that the troops are watching this. Can you imagine being one of the soldiers—Afghan and American—who risked their life to capture these people to have them walk right out the door and never face justice for killing one of your comrades? They are watching us. We have to prove to the troops on the ground in Afghanistan—both Afghan and American and coalition forces—that the Congress of the United States will not accept this; that we have their back; and that we should push back as hard as humanly possible to make the message clear to President Karzai and the Afghan government how much this displeases us. They are due to walk out of the jail Thursday.

I hope I don't have to come back on the floor of the Senate and read about the death of an American caused by one of the people President Karzai released.

Senator MCCAIN and I have been to Afghanistan more times than I can think of. I have not found anybody more attuned to the idea that we need a sustaining permanent relationship with the Afghan people than the Senator from Arizona. He understands a follow-on force is necessary, and that we can win this conflict and end it well with honor if we have a follow-on force, and the Senator from Arizona wants to stay involved.

But does Senator MCCAIN agree with me that the actions of President Karzai defying our commander, his own judges, his own legal system has done enormous damage to public support for this war effort—which is already low—and has hurt the relationship between the Congress and the Afghan government?

Mr. MCCAIN. I thank the Senator from South Carolina, and I hope my colleagues will understand the in-depth knowledge which he has about this issue. No one understands it as well or has been more involved, to the point of being involved with each of the individual cases.

Before I respond to the question, I think it important for our colleagues to understand some of these specific cases. I am not going to submit for the record all 65 because it is long. But let me just mention a couple of examples of people who are about to be released into Afghanistan while our men and women are still there in harm's way.

Habibulla Abdul Hady is a Taliban member, emplaced IEDs used in attacks against ANSF and ISAF forces in Kandahar province which took American lives, and was biometrically matched to an IED incident in Daman, Kandahar, where pressure plate IEDs and components which took American lives were seized by coalition forces.

Nek Mohammad facilitated rocket attacks against our forces in Kandahar province, is an IED expert, and transferred money to Al Qaeda.

The list goes on.

Akhtar Mohammad is a suspected Taliban commander who conducts attacks, provides lethal aid and supports Taliban leaders in operations against ANSF and ISAF in Nangarhar and Kunar province. He acted as a trusted courier for the former Ghaziabad Taliban shadow governor. The list goes on and on. These are not random arrests. These are not misdemeanors. These are serious, hard-core professional terrorists who have already committed these acts, and that is what is so disappointing about it.

Again, I say to my friend from South Carolina, we have been there often, and being around these brave young Americans who are serving and sacrificed has probably been the best part of our lives. Some of them have had three, four, five, six tours of duty in Afghanistan and Iraq. It seems to me that we owe them at least the security of not releasing these trained killers—they are not amateurs—into the fight again. We already know that the ones we released voluntarily—I think it was 27 or 30 percent—reentered the fight.

I say to my friend in response: Isn't it almost totally predictable that these hard-core individuals will quickly reenter the fight? They are talented, professional, trained zealots, and it would obviously put American lives in danger.

Finally, in answer to my colleague's question, again, I am saddened because President Karzai, my friend from South Carolina, Senator Lieberman, and I have developed a relationship over many years of cooperation and assistance. There are reasons for some of his behavior. It has been terribly mishandled by this administration. We still don't know the number of troops they want to leave behind.

Having said all of that, and the sadness I feel, I think it has been replaced a bit by anger because this kind of action cannot be excused when we have an obligation to do everything we can to protect the lives of the young men and women who are serving. To let this go without a response is an abrogation of our responsibility to these young men and women.

I still have hopes for the agreement. I would point out to my colleagues that it was first raised a couple of years ago by Senator GRAHAM when he and I were over there. The overwhelming majority of Afghans support this agreement. But when we have people such as this running around, it is not just Americans and our allies who are in danger but the lives of the Afghan people, whom President Karzai was elected to represent, are in danger.

I ask my colleague again how many times he has been through this drill with President Karzai where they were about to release these people and we managed to pull them back from the brink? Apparently they have finally stepped over the line.

Mr. GRAHAM. We are not asking to bring these people back to the United States for trial. We are asking that they go through the criminal process under Afghan law where Afghan judges will decide their fate. Afghan prosecutors and defense attorneys will take over the case, not us. We agreed to 550 people being released under this administrative review board, but these 88—according to General Dunford, and my own review—represent a different case of detainee.

The evidence in some cases is overwhelming. With some investigation, I think a case could be made against all of them. Many of the people who are part of the NDS, which is basically their FBI and CIA rolled into one, lost their lives capturing these folks.

All we ever asked the Afghans to do is basically follow their own rule of law. The accountability review board was never meant to be a release mechanism. General Dunford did the right thing by lodging a complaint.

I talked to the President of Afghanistan personally about how this is against the letter and spirit of the memorandum of understanding we have regarding detainees and how this will play back in America. Apparently what we think doesn't matter to him anymore. I understand being upset with this administration for the uncertainty and a lot of mistakes they made.

We may be the last two in the whole Senate who understand that we need a relationship with Afghanistan post Karzai. I believe a lot of my colleagues understand that too.

I hope every U.S. Senate Member will agree, no matter what they may think about what we should be doing in the future in Afghanistan, that we need to make a clear statement and agree to this resolution. If there are any Members who have any ideas to enhance it, I welcome those ideas.

I want this body to speak with a single voice—Republicans and Democrats—and stand behind our general and tell the President of Afghanistan that we will not let this happen without a push-back. We owe it to those who have died, we owe it to those who are in harm's way, we owe it to our own value system, and now is the time

for the Congress—and particularly the Senate—to speak with one voice and let President Karzai know that he doesn't understand what is going on in America. He is detached from reality when it comes to Afghanistan and America. No President of Afghanistan who understood this issue at all would ever do this. He is making it impossible for an American political leader and an American general to not respond forcefully.

I look forward to working with Senator MCCAIN on this resolution.

Mr. MCCAIN. I will emphasize one point that my friend from South Carolina has already made. We are not giving up on Afghanistan. We believe that we can't afford to see the movie that we saw in Iraq in which the total withdrawal of American forces caused the chaos and the situation in Iraq today.

In the second battle of Fallujah, 96 soldiers and marines were killed and 600 were wounded. Today the black flags of al-Qaida fly over the city of Fallujah. There is no greater metaphor for the failure of this administration in Iraq.

We are saying that we will make a new deal with Karzai's successor. We will provide the economic assistance and we will provide the follow-on force. But right now we cannot stand by without responding to this act which directly puts the lives of Americans and Afghans in danger. These are professional killers. They are terrorists. They are good at their work, and we cannot expose our allies, our friends, and our men and women to this kind of danger without a response.

I will finally say again that no one understands this issue better than Colonel Graham. Colonel Graham has been through every single one of these cases. He has fought this battle many times before, and if anybody has any question about the severity and the consequences of the act being taken today by President Karzai, I suggest they talk with him since he has all the information.

I thank my colleague for his many years of service in Afghanistan and Iraq on behalf of the men and women who are serving and have served with him.

Mr. GRAHAM. I thank the Senator from Arizona.

To conclude, this is not LINDSEY GRAHAM or Colonel Graham saying this. This is what General Dunford is saying. I know he is right. I clearly understand what he is telling us. I have seen it firsthand.

To the folks at 435, who are in charge of the detainee population—they lost two yesterday. An IED killed two of our civilian contractors, Paul and Michael, who were working out of the Pul-i-Charkhi prison. I know them well. I met them a bunch of times. They have been over there as civilian contractors for years trying to improve the Afghan detention facilities and legal system, and they gave their lives for a very worthy cause.

All I am saying is we need to suspend aid. We are taking hundreds of millions of dollars of American taxpayer money and investing it in Afghanistan in a way that is inappropriate.

After President Karzai's decision to release these detainees, we should cut off the money. Not a dime should go to economic development. No more money. I can't go to a taxpayer in South Carolina and say that they should write a check to a government that is being led by Karzai. Hopefully, as Senator MCCAIN said, when somebody new comes along, reason will prevail.

I thank my colleagues and need their support. I urge every Member of this body to speak out with one voice.

I will conclude with recognizing my good friend from Connecticut. His son is a marine who served in Afghanistan, and he has been there many times. I want Senator BLUMENTHAL to know that we are doing this today to let our marines know that their sacrifice will not go unnoticed, and we will not let these guys walk out of jail without a fight.

Mr. MCCAIN. I want to also recognize that the Senator has a son in the Navy as well.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. I thank my distinguished colleagues for recognizing my sons' service. One is a marine reservist deployed to Afghanistan and the other is a Navy officer currently in further training.

I thank them and offer my support to the goals they have articulated today. I look forward to the resolution they are offering and talking further about the specifics of it. I again thank them for recognizing the urgent need for this body to take action at this point in supporting those goals. I look forward to continuing my work with them. Again, my gratitude to them for their courage and determination, and I offer my thanks and support.

I am here today to talk about a bill that undoes an injustice, and frequently the work of this body is to undo injustices, and sometimes even mistakes, such as the repeal of the cost-of-living adjustment reduction for certain military retirees.

I have spoken before in this Chamber and at home in Connecticut about my opposition to the pension cost-of-living adjustment reduction contained in the budget agreement approved by this body. I firmly believe there is no just way to balance the budget on the backs of our military retirees. It was a mistake then, and we can undo it now without a so-called pay-for. Their sacrifice and service has been paid in full. With their sacrifices, military retirees deserve to be paid in full for the promises we have made to them. We made those promises to them for their service and sacrifice that they have given us already, and we should not break that promise.

The reduction in these cost-of-living adjustments impacts both the brave veterans who served for 20 years in the military and those who earned their retirements because of a service-connected medical disability. We should keep our promises to both.

Last month I discussed this problem with about 25 veterans in American Legion Post 96 in West Hartford with Commander Ken Hungerford. Our brave patriots who served and sacrificed for our country understandably agreed they should receive the full benefit of present cost-of-living adjustments. This is a promise we have made and a promise we must keep.

To fix this issue, Senator SHAHEEN of New Hampshire and I first introduced the Military Retirement Pay Restoration Act. I continue to support it. I also support Chairman SANDERS' comprehensive veterans legislation that would restore this cut to military retiree pensions, along with improving access to health care and tackling benefits backlogs for veterans.

I am very proud to have helped draft the omnibus bill, known as the mega bill, that has already been offered on the floor.

There is a very simple, straightforward solution that we should adopt before either of those two options. It is S. 1856, which would repeal section 403 of the Bipartisan Budget Act of 2013. S. 1856 meets this criteria of paid in full. It is simple and straightforward. It has no pay-for because there is no need for an offset when we are talking about fulfilling our promises to our brave and dedicated veterans, who have given on the battlefield their all, who have given us, in service and sacrifice—even before they reach combat or even if they had no combat—the kind of contribution to our national security and our national defense that merits these cost-of-living adjustments.

As a member of the Armed Services Committee, I listened to the testimony of Acting Deputy Secretary of Defense Christine Fox that it was not consulted in the drafting of the cuts in COLA—the cost-of-living adjustments—and does not support the reduction in military retiree benefits enacted through section 403 of the Bipartisan Budget Act of 2013.

If there is a need to combat fraud in any of our programs, let the Department of Justice increase the vigor and effectiveness of enforcement efforts. If there is a need to repair a statute, to prevent waste or fraud or corruption, we should deal with that issue separately and distinctly. If there is a need to reduce the debt and the deficit—and I agree we should be mindful of fiscal responsibility—we ought to do it without breaking our promises to veterans. We ought to keep those promises without worrying about the debt that could be cut by other measures. And we should adopt those other measures rather than demanding a payback or an offset or whatever the terminology may be.

In the next 5 years, we will see 1 million Americans leave the U.S. military.

As troops come home from Afghanistan, as the military downsizes, the Marines and the Army reduce the number of men and women serving in uniform, 1 million Americans will leave the military. That number consists of individuals' lives—it is not just a statistic—individual stories of heroism and bravery on the battlefield, of invisible wounds, as well as horrific visible injuries; invisible wounds involving the issues of post-traumatic stress and chronic brain injury. More than one-third of them, perhaps as many as a half of all of those young men and women leaving the military, will bear those invisible wounds of war.

We need to provide them with the health care, job counseling, skill training, jobs, and treatment for those invisible wounds of war they deserve and they have earned. That is the purpose of the bill I have helped to draft with Senator SANDERS' leadership, the omnibus bill that will address those issues.

I am hopeful, also, we will adopt the VOW to Hire Heroes Act, to extend tax credits for employers who hire those veterans, tax credits that expired at the end of last year. My bill would restore them.

But let us now urgently and immediately adopt S. 1856—a simple and straightforward measure to restore justice to the Federal pension system for military retirees. Let us not balance our budget on the backs of our brave veterans. Let us restore those pensions to the level we promised and keep our promises as a nation to the military veterans who have kept our freedoms strong.

Mr. President, that is the end of my remarks. I thank you. I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank Senator BLUMENTHAL for his remarks, and I am going to utilize the same chart he had in a moment because I think it says it all. It was my colleague MARK BEGICH who first used this terminology—that our soldiers have paid for this benefit already and to get distracted by a discussion on how much to hurt children in order to restore these benefits is not worthy, in my opinion, of the men and women in uniform. So I am proud to stand up in support of Senator PRYOR's commonsense bill.

Mr. President, I ask unanimous consent that I be allowed to proceed for 15 minutes.

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

Mrs. BOXER. Senator PRYOR's bill is a restoration bill. It restores fairness and justice to our military veterans. It repeals the cuts to cost-of-living adjustments—we call them COLAs—for military retirees under the age of 62.

I see the Senator from Alaska just came in the Chamber, and I want to reiterate how much I appreciate his leadership. I say to Senator BEGICH, his analysis of this important restoration bill—restoring fairness and justice—was so right when he said our veterans have paid in full, and to get into some conversation of who do we hurt in order to pay these veterans is not worthy of our men and women in uniform. I want to thank him for his leadership.

Repealing these COLA cuts, well, that is the right thing to do. We are talking about men and women in uniform who have served our Nation bravely for more than 20 years. I have to say, as I stand up in strong support of the Pryor amendment in restoring these benefits to our veterans, I adamantly oppose the Ayotte amendment, which is hurtful to children, very hurtful to children, and I will get into that later.

When these veterans first put on the uniform and they promised to protect and defend our Nation, we made them a solemn promise to provide them with the care and benefits they earned. These men and women have sacrificed so much for us and, tragically, too many of them made the ultimate sacrifice.

In my State of California, we lost 892 service men and women in Iraq, and we have lost 411 in Afghanistan. We cannot break faith with those who put their lives on the line for our Nation. We hear about people who have served 4 deployments, 5 deployments, 6 deployments—I have heard of 10 deployments.

When this benefit was diminished as part of the budget deal, everyone knew we would have to move quickly and change it. We knew right away. That is what we are trying to do. We are not offering a slew of amendments on unrelated matters that hurt children and risk losing this very simple premise: that we honor our men and women in uniform.

We want a simple vote. Either you are for the vets or you are not for the vets. It is pretty simple. Thirty-five organizations are supporting this. We must recognize that when you attach unrelated amendments that have nothing to do with veterans, you slow down the bill. We all know that. It is a way to derail things.

Look what my friends tried to do on unemployment compensation—get us off on some discussion of how to pay for all that in an emergency situation with the long-term unemployed; and that rate is so high historically. Then we said: OK, we will play on your turf. We will agree. We will find a pay-for. We found a pay-for they said they liked. No. It was not good enough for them. We only got 59 votes. We needed 60. If anyone thinks that was not planned, I have a plot of land to sell you in a dump somewhere. Come on. We know how it goes around here. Don't tell me 59 and no more. Please. Those are games. This is not an issue we should be playing games about—restoring veterans' benefits.

So what we have in the Ayotte amendment is an amendment which demeans an entire population—an entire population. The amendment is antichildren, it is anti-immigrant, and it does not do one thing to help our veterans. But it will hurt some of our young DREAMers. We know the DREAMers. We have met the DREAMers—those children who came to the United States through no fault of their own, but now they want to contribute to our great society by staying in school and staying out of trouble. But yet the Ayotte amendment attacks the childcare tax credit, which impacts some of these DREAMers and which protects 1.5 million children from falling into poverty every year.

Honestly, this Ayotte amendment is so mean-spirited, so unnecessary, I just hope it is defeated soundly. The U.S. poverty rate is now the highest it has been in 20 years, with 22 percent of children living in poverty. Why would someone come down to the floor and attack children? Twenty-two percent of children live in poverty.

Low-income immigrant families who claim the child tax credit earn an average of $23,000 a year, and they use this tax benefit to provide for their children's basic needs, including food, rent, and clothing.

This tax credit, which Senator AYOTTE would essentially take away from a whole group of people, is an incentive to do the right thing. These low-income families are working hard. They are earning money. But they need a tax break to help care for their children.

My Republican friends are always fighting for tax breaks for the top, top, top—for the top. What about the people struggling, who are working and earning $23,000 a year? Where are my friends on raising the minimum wage? So far I have not heard of their support. I hope they will change their mind. Where are my friends on giving unemployment insurance to those who through no fault of their own cannot find a job and who paid into that insurance system? Where are they? They are absent. They offer amendments they know are going to get us off track, distract us, and bring the bill down. But we are not doing it this time, I hope. I hope we will say no to the Ayotte amendment because it is an amendment that guts a very important tax break.

So let's be clear. To claim the child tax credit, which is what Senator AYOTTE's amendment wants to weaken, families have to file taxes. So we are talking about tax-paying families. The child tax credit only goes to working people who earn money and pay payroll taxes, who pay State and local taxes, and any other taxes they may owe.

This Ayotte amendment is an outrageously disproportionate response to a problem the Internal Revenue Service is addressing. The IRS has implemented changes to improve enforcement. They are working with the Department of Homeland Security to make sure fake documents do not slip through the cracks.

Let me be clear. If a person commits fraud in this program, as in any other

program, we should go after that person. The law is on the books. I ask Senator AYOTTE, look at the law. The law says: If you commit in any way fraud in the filing of this credit, and you are found guilty of a felony, you will be fined not more than $100,000—$500,000 in the case of a corporation—or imprisoned for not more than 3 years, or both.

So here we have a situation where if fraud is committed by anyone claiming this child tax credit, they can go to jail for 3 years and be fined $100,000.

But what does Senator AYOTTE do? She takes a brush and she paints it all across America to immigrant families with children and says: We do not trust you. I think it is so offensive. It is not fair for law-abiding, tax-paying families to lose their child tax credit because of fraud that might be committed by a few.

I have worked with a number of my colleagues. They have identified billions and billions of dollars of tax-avoidance schemes in this country. We have corporations that use tricks so that they pay zero in taxes. I do not see Senator AYOTTE—and I hope she will do this in the future—come down to the floor and rail against these wealthy individuals and corporations. No. She just goes after the weakest constituency—children. Children. Why should any of us attack children, literally take food out of the mouths of children? Why?

We need to keep our promise to the veterans, but we should keep our promise to the children. You do not say: I will restore one promise, but I will break another promise. We already have a law on the books: If anyone is guilty of fraud in this program, they go to jail for 3 years; they could be fined up to $100,000.

I just think it is so wrong. It is so wrong.

We can do this.

I wish to close by reading from Sister Simone Campbell, executive director of NETWORK, a national Catholic social justice lobby. I know Senator DURBIN has quoted this. I hope I am not being too repetitive, but her words ring to my heart.

Some of you know about Nuns on the Bus. These were nuns who saw the injustice in some of the budgets that came before the Congress. They went on a bus and they said: Please do not cut funds for the most vulnerable people. That is not America. We are already losing the middle class.

The Presiding Officer knows that 400 families are worth more in this country than 150 million Americans. I want us to think about that—400 American families are worth more than 150 million Americans. Surely we can do better than hurt our most vulnerable children as we aim to restore benefits to our veterans.

This is what Sister Simone Campbell says about the Ayotte amendment:

> For a while now, kids—particularly those in immigrant families—have been unfairly under attack in the Senate, and the only plausible explanation is unconscionable: to score political points.

This is Sister Simone:

> Sen. KELLY AYOTTE recently proposed variations of a plan to strip away the refundable Child Tax Credit that now goes to millions of children of taxpaying immigrant workers in low-wage jobs. The proposal is misguided and antithetical to the Gospel call to care for children and those at the margins of society. It violates our long-held values as a nation, and it should be rejected.

I have such respect for Sister Simone Campbell and the work of NETWORK because they do not just read the gospel and go to church and practice their religion, they live it. They live it. When they see things happening on this floor that hurt the most vulnerable people, they speak out. That is what Nuns on the Bus did. That is what Sister Simone Campbell says.

This is what she says further:

> Ayotte says she understands families' needs, yet she wants to deny a child tax credit to taxpaying immigrant families. Actions speak louder than words, and her proposal hurts families. Our political leaders should never place poor children in the condition of competing with other vulnerable populations for funds that help pay for food and other basic needs.
>
> Deliberately harming immigrant families goes against the fundamental goodwill of Americans, including thousands of people we met last year as our ''Nuns on the Bus'' traveled 6,500 miles across the U.S. to speak out for justice. Throughout our journey, we stood with, prayed with, and heard the stories of hundreds of immigrants who have long served the needs of our nation.
>
> Responsible leaders in Congress should look into their hearts and reject proposals like this one . . . The political tactic is not good for our economy or the wellbeing of our entire nation—especially children who are the future of our country. We are better than this.

As I sum up, let's go back to our other chart. Senator PRYOR, Senator BEGICH, and a group of Senators, I believe including Senator SHAHEEN, Senator HAGAN, and Senator LANDRIEU—I believe they are all on this proposal.

With their sacrifice, military retirees paid in full. They paid in full. And to offer amendments that have nothing to do with the subject matter but open an entire battle on immigrant families, who are working so hard, because there are some examples of fraud, just as there are examples of fraud in corporate America—unfortunately, there are examples of fraud all across America, including in politics. But I have to say that to go after the most vulnerable children and the most vulnerable families and try to convince this Senate that is something fair—I think it is off the mark. I hope we will reject the Ayotte amendment. I hope everyone will read what Sister Simone says:

> The proposal to go after children is misguided and antithetical to the gospel call to care for children and those at the margins of society. It violates our long-held values as a nation and it should be rejected.

I want to remind everyone that if anyone commits fraud in this society, I will be the first one on the floor saying: Go after them. We already have a law that is very clear. Anyone who commits fraud in connection with the child credit, the refundable credit, shall be guilty of a felony and upon conviction thereof shall be fined not more than $100,000—$500,000 in the case of a corporation—or imprisonment of not more than 3 years or both.

If the Justice Department or the IRS is not doing enough to go after this fraud, I have to say, let's call the folks in charge and let's tell them we want to make sure there is an effort. Write a letter. But do not say—because a few people are doing a bad thing and should go to jail for it, do not take your paint brush and paint every immigrant family who has dreams with this. This is an outrageous thing to do, especially to claim that you are not doing anything to hurt children and you are doing it to help the veterans. The veterans have paid in full.

Let's vote for the veterans—for the veterans and for the children. You vote for the veterans by voting for Pryor. You vote for the children by voting no on the mean-spirited Ayotte amendment.

Ms. MIKULSKI. Mr. President, I come to the floor today in support of S. 1963, a bill to restore the 1 percent COLA cut for military retirees.

We must honor the sacrifices our military men and women—and their families—have made at home and abroad. We can do this by making sure that they have a government on their side and that promises made are promises kept.

Our men and women in uniform face specific challenges when it comes to their own financial security. It can be difficult to save for retirement while serving abroad or to build equity in a home when relocating every few years. Having a COLA you can depend on and plan for is crucial to building financial security.

That is why I fully support restoring the 1 percent COLA for all military retirees. As chairwoman of the Appropriations Committee, I included a provision in the fiscal year 2014 omnibus spending bill to cancel the COLA cut for working-age disabled veterans and survivors of departed members. This provision was an important downpayment toward restoring COLA for all military retirees.

Today we must finish the job to ensure that no military retiree has his or her COLA reduced. There are smarter and fairer ways to save money than reducing COLAs for men and women who served in uniform. We can start by closing tax loopholes for businesses sending jobs overseas or canceling outdated Dust-Bowl farm subsidies.

Rather than targeting veterans for budget savings, we should be working together to make sure they and their families are supported medically, financially, and emotionally.

Today is the day to right this wrong, and I encourage my colleagues to support this legislation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and that the nominations be reported.

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

EXECUTIVE SESSION

NOMINATION OF RICHARD STENGEL TO BE UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY.

NOMINATION OF SARAH SEWALL TO BE AN UNDER SECRETARY OF STATE (CIVILIAN SECURITY, DEMOCRACY, AND HUMAN RIGHTS)

NOMINATION OF CHARLES HAMMERMAN RIVKIN TO BE AN ASSISTANT SECRETARY OF STATE (ECONOMIC AND BUSINESS AFFAIRS).

NOMINATION OF SLOAN D. GIBSON TO BE DEPUTY SECRETARY OF VETERANS AFFAIRS.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk reported the nominations of Richard Stengel, of New York, to be Under Secretary of State for Public Diplomacy; Sarah Sewall, of Massachusetts, to be an Under Secretary of State (Civilian Security, Democracy, and Human Rights); Charles Hammerman Rivkin, of the District of Columbia, to be an Assistant Secretary of State (Economic and Business Affairs); and Sloan D. Gibson, of the District of Columbia, to be Deputy Secretary of Veterans Affairs.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate equally divided in the usual form.

Mrs. BOXER. Mr. President, I ask unanimous consent that any time in quorum calls be equally divided.

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

Mrs. BOXER. 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. MENENDEZ. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MENENDEZ. I come to the floor to talk about three highly qualified nominees for very significant posts at the Department of State.

The Foreign Relations Committee, which I am privileged to chair, has moved 48 nominees through the committee this year alone. I am pleased these three will move, but I would like to express my concern about the remaining nominees. They are critical to us promoting our foreign policy and our national interests and security interests abroad. I urge my colleagues to support movement of these nominees to the floor as quickly as possible.

There are three today.

Richard Stengel has more than 30 years of experience as an author and journalist. He brings a very unique perspective to his role as Under Secretary for Public Diplomacy and Public Affairs, on which we will be voting.

He has served as the managing editor of Time magazine during the past 7 years, demonstrating his impressive managerial capabilities.

As president and CEO he led the National Constitution Center in Philadelphia, where he led public education efforts to raise awareness about our Nation's founding charter and the values enshrined in it.

This public diplomacy role is incredibly important in a world that is constantly getting closer and smaller by virtue of the mass media, the Internet, and all of the different forms of communication. Our advocacy in public diplomacy is incredibly important to get our message out as the United States in terms of our bilateral and multilateral pursuits.

Dr. Sarah Sewall has been nominated to serve as Under Secretary for Civilian Security, Democracy, and Human Rights. She comes to this position with significant relevant experience. She taught at the Naval War College and served as a director of Harvard's Carr Center for Human Rights Policy. She is highly regarded as an expert on mass-atrocity prevention and response. She is now a senior lecturer in public policy at the John F. Kennedy School of Government at Harvard University.

Her large portfolio includes a range of issues, including challenges to civilian security in Latin America; Syria's growing refugee problem, which is a concern for us in terms of the entire region and our good ally—Jordan, for example; counterterrorism; counternarcotics; human trafficking; and women's issues. These are all incredibly important in the pursuit of our foreign policy.

I am confident Dr. Sewall will be an excellent Under Secretary, and I urge my colleagues to support her nomination.

Finally, we have Ambassador Charles Rivkin's deep experience in the private sector and clear talent for managing large organizations which position him well to take on the position of Assistant Secretary of State for Economic and Business Affairs.

At a time when our country is pursuing the most ambitious trade agenda in generations and our companies and workers are facing tougher and more aggressive competition than ever before, Ambassador Rivkin has demonstrated the skill and the experience needed to lead the State Department's participation in formulating and implementing international economic policies aimed at protecting and advancing U.S. economic, political, and security interests.

Particularly at a time in which we are seeking to create more jobs here at home, our advocacy abroad to open markets, to have transparency, to have the rule of law for our companies that do invest abroad, to ultimately ensure that when they make such decisions, if there is a violation of their contracts, they have a transparent judicial process in which they can litigate their judicial issues are not only incredibly important to our companies' investments abroad but to the jobs created at home that promote the products and services we generate across the globe.

I urge my colleagues to support these nominations in pursuit of the national interest and security of the United States.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MENENDEZ. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MENENDEZ. I ask unanimous consent to yield back all time on both sides, including the 2 minutes prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of Richard Stengel, of New York, to be Under Secretary of State for Public Diplomacy?

Mr. MENENDEZ. Mr. President, I ask for the yeas and nays.

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

The clerk will call the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Tennessee (Mr. CORKER).

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

The result was announced—yeas 90, nays 8, as follows:

[Rollcall Vote No. 27 Ex.]

YEAS—90

Alexander	Blumenthal	Burr
Ayotte	Blunt	Cantwell
Baldwin	Booker	Cardin
Barrasso	Boozman	Carper
Begich	Boxer	Casey
Bennet	Brown	Chambliss

Coats	Isakson	Portman
Cochran	Johanns	Pryor
Collins	Johnson (SD)	Reed
Coons	Johnson (WI)	Reid
Cornyn	Kaine	Rockefeller
Cruz	King	Rubio
Donnelly	Kirk	Sanders
Durbin	Klobuchar	Schatz
Enzi	Landrieu	Schumer
Feinstein	Leahy	Scott
Fischer	Levin	Sessions
Flake	Manchin	Shaheen
Franken	Markey	Stabenow
Gillibrand	McCaskill	Tester
Graham	McConnell	Thune
Grassley	Menendez	Toomey
Hagan	Merkley	Udall (CO)
Harkin	Mikulski	Udall (NM)
Hatch	Moran	Walsh
Heinrich	Murkowski	Warner
Heitkamp	Murphy	Warren
Heller	Murray	Whitehouse
Hirono	Nelson	Wicker
Hoeven	Paul	Wyden

NAYS—8

Crapo	McCain	Shelby
Inhofe	Risch	Vitter
Lee	Roberts	

NOT VOTING—2

Coburn Corker.

The nomination was confirmed.

VOTE ON SEWALL NOMINATION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided in the usual form prior to a vote on the Sewall nomination.

Mr. MENENDEZ. Madam President, I yield back all time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. TOOMEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, shall the Senate advise and consent to the nomination of Sarah Sewall, to be an Under Secretary of State (Civilian Security, Democracy, and Human Rights)?

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Tennessee (Mr. CORKER).

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

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 28 Ex.]

YEAS—97

Alexander	Coats	Harkin
Ayotte	Cochran	Hatch
Baldwin	Collins	Heinrich
Barrasso	Coons	Heitkamp
Begich	Cornyn	Heller
Bennet	Crapo	Hirono
Blumenthal	Cruz	Hoeven
Blunt	Donnelly	Inhofe
Booker	Durbin	Isakson
Boozman	Enzi	Johanns
Boxer	Feinstein	Johnson (SD)
Brown	Fischer	Johnson (WI)
Burr	Flake	Kaine
Cantwell	Franken	King
Cardin	Gillibrand	Kirk
Carper	Graham	Klobuchar
Casey	Grassley	Landrieu
Chambliss	Hagan	Leahy
Lee	Paul	Stabenow
Levin	Portman	Tester
Manchin	Pryor	Thune
Markey	Reed	Toomey
McCain	Reid	Udall (CO)
McCaskill	Risch	Udall (NM)
McConnell	Roberts	Vitter
Menendez	Rockefeller	Walsh
Merkley	Rubio	Warner
Mikulski	Sanders	Warren
Moran	Schatz	Whitehouse
Murkowski	Schumer	Wicker
Murphy	Scott	Wyden
Murray	Sessions	
Nelson	Shaheen	

NAYS—1

Shelby

NOT VOTING—2

Coburn Corker

The nomination was confirmed.

Mr. REID. Madam President, we are going to have one more recorded vote. We think we will have another vote that will not be recorded, but it will be a voice vote and that will be the last vote tonight.

I am totally aware of the weather prediction, that we might get some snow tomorrow night. We will see what happens midday tomorrow and find out how much snow the weather forecasters are predicting, if any.

Tomorrow around 11:30 a.m. we are going to have a series of votes. The floor staff will be working on what the votes will be, and I will be discussing that with Senator MCCONNELL.

We have one more vote tonight and we have a series of votes tomorrow at 11:30 a.m.

VOTE ON RIVKIN NOMINATION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided in the usual form prior to a vote on the Rivkin nomination.

Mr. REID. I yield back all time.

The PRESIDING OFFICER. All time has been yielded back.

Under the previous order, the question occurs on the Rivkin nomination.

Mr. CHAMBLISS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Charles Hammerman Rivkin, of the District of Columbia, to be an Assistant Secretary of State for Economic and Business Affairs.

The clerk will call the roll.

The assistant bill clerk called the roll.

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

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Florida (Mr. RUBIO).

The result was announced—yeas 92, nays 6, as follows:

[Rollcall Vote No. 29 Ex.]

YEAS—92

Alexander	Gillibrand	Mikulski
Ayotte	Graham	Murkowski
Baldwin	Grassley	Murphy
Barrasso	Hagan	Murray
Begich	Harkin	Nelson
Bennet	Hatch	Paul
Blumenthal	Heinrich	Portman
Blunt	Heitkamp	Pryor
Booker	Heller	Reed
Boozman	Hirono	Reid
Boxer	Hoeven	Rockefeller
Brown	Inhofe	Sanders
Burr	Isakson	Schatz
Cantwell	Johanns	Schumer
Cardin	Johnson (SD)	Scott
Carper	Johnson (WI)	Sessions
Casey	Kaine	Shaheen
Chambliss	King	Stabenow
Coats	Kirk	Tester
Cochran	Klobuchar	Thune
Collins	Landrieu	Toomey
Coons	Leahy	Udall (CO)
Corker	Lee	Udall (NM)
Cruz	Levin	Vitter
Donnelly	Manchin	Walsh
Durbin	Markey	Warner
Enzi	McCain	Warren
Feinstein	McCaskill	Whitehouse
Fischer	McConnell	Wicker
Flake	Menendez	Wyden
Franken	Merkley	

NAYS—6

Cornyn	Moran	Roberts
Crapo	Risch	Shelby

NOT VOTING—2

Coburn Rubio

The nomination was agreed to.

VOTE ON GIBSON NOMINATION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided in the usual form prior to a vote on the Gibson nomination.

Mr. SANDERS. Madam President, today I wish to speak in strong support of the nomination of Sloan Gibson to serve as Deputy Secretary at the Department of Veterans Affairs.

Before I speak about Mr. Gibson's qualifications, I believe it is important that my colleagues understand the realities that Mr. Gibson will face if confirmed. He would be responsible for the day-to-day management of the Department charged with operating the Nation's largest integrated health care system and providing a variety of benefits and services to America's veterans, as well as their dependents and survivors.

It is also no secret the Department of Veterans Affairs faces a number of challenges. We know it takes VA too long to issue claims decisions. We know it takes the Board of Veterans' Appeals too long to decide appeals. We know VA and the Department of Defense have spent years on an integrated electronic health record with very little to show for their efforts. We know VA has difficulty managing major construction projects; and we know far too many veterans still do not know about the benefits and health care for which they are entitled. These are the just some of the challenges awaiting Mr. Gibson and highlight the need for this body to move quickly to confirm Mr. Gibson for this important vacancy.

All too often, VA's challenges can cast a large shadow over the things

that VA does well. I think it is also important to acknowledge the amazing things VA is accomplishing each and every day. For instance, patient satisfaction at VA medical centers remains high throughout the country as does the quality of care veterans receive. VA has taken an aggressive stance on homelessness by pursuing the ambitious goal of eliminating veteran homelessness by 2015 and continues to make significant progress in reducing the number of veterans living on the street. Finally, the VA continues to make significant advances in health care through its world-class research programs.

These are the realities and the challenges facing any nominee for a leadership position at the Department. I firmly believe Sloan Gibson is uniquely qualified to address these challenges. Mr. Gibson has a history of service to this Nation that has provided unique insights into the challenges confronting the servicemember and veteran communities. Mr. Gibson began his service as a cadet at the U.S. Military Academy at West Point. He graduated in 1975 and went on to serve as an infantry officer, earning airborne and ranger qualifications during his military service. His service to this country, however, did not end when Mr. Gibson left military service. He continues this tradition of service today by leading the United Service Organizations, commonly known as the USO, which has the important mission of lifting the spirits of America's troops and their families.

I feel the relationships Mr. Gibson has developed with the Congress and senior leaders within the Department of Defense during his tenure at the USO will serve him well as Deputy Secretary. Collaborative efforts between VA and DOD such as the Integrated Electronic Health Record and Integrated Disability Evaluation System have the potential to make the delivery of benefits and services much more efficient and to provide servicemembers with a smooth transition to civilian life. Yet, these efforts continue to face significant challenges. VA needs a Deputy Secretary like Sloan Gibson who will be able to provide the leadership attention necessary to ensure continued and meaningful collaboration between the Departments.

Sloan Gibson also has the business experience, gained from service in both the for-profit and not-for-profit sectors, necessary to serve as Deputy Secretary of the Department of Veterans Affairs. Following military service, Mr. Gibson spent 20 years serving in a number of positions within the banking industry. This service included 11 years as an executive at AmSouth Bancorporation. He retired from AmSouth in 2004 as vice chairman and chief financial officer.

Sloan Gibson's tradition of service, business experience, and educational qualifications make him well suited to manage the day-to-day operations of one of this Nation's largest Cabinet Departments. I am confident that if confirmed Mr. Gibson's service as Deputy Secretary would improve the lives of America's veterans and their families and as chairman of the Veterans' Affairs Committee I look forward to working with Mr. Gibson to do just that.

I urge my colleagues to join me in voting today to confirm the nomination of Sloan Gibson to serve as Deputy Secretary at the Department of Veterans Affairs.

Mr. REID. Madam President, I yield back all time.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Sloan D. Gibson, of the District of Columbia, to be Deputy Secretary of Veterans Affairs?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that we proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

MODERNIZING CUBA POLICY

Mr. LEAHY. Madam President, today the Atlantic Council's Adrienne Arsht Latin American Center released a new, bipartisan public opinion survey on Americans' views about U.S. policy toward Cuba which should be read by every Member of Congress. The findings of this thorough and wide-ranging poll will surprise many. For instance, not only do Floridians—and Cuban-Americans in Florida—favor new policy approaches, but they do so in even larger numbers than do Americans in other regions of the Nation.

It is time—past time—to modernize our policies and the frozen-in-time embargo on Americans' travel and trade with Cuba that have accomplished nothing but to give the Cuban regime a scapegoat for the failures of the Cuban economy. Change will come to Cuba, but our policies have delayed and impeded change. It is time to elevate the voice of a crucial stakeholder: the American people. Thanks to this poll, they are silent no longer.

It is time to recognize that U.S. policy toward Cuba has been unsuccessful in achieving any of its objectives. There is no disagreement among Americans on both sides of the issue about the desire for a government in Cuba that respects individual liberties. We want to see freedom of expression Cuba, just as we want to see American citizen Alan Gross, who has been imprisoned there for more than 4 years, come home. The disagreement is over how best to achieve that.

Just about the only beneficiary of our embargo has been Cuba's current regime.

The poll shows that a solid majority of Americans, including Cuban-Americans, favor a different course.

Trade with Latin America is the fastest growing part of our international commerce. Rather than isolate Cuba with outdated policies, we have isolated ourselves. Our Latin, European and Canadian friends engage with Cuba all that time. Meanwhile, U.S. companies are prohibited from any economic activity on the island.

This new detailed survey paves the way for a policy toward Cuba that is in the national interest of the United States as a whole. That is what the country needs, it is what the American people have made clear they want, and it is the responsibility of the White House and the Congress to act.

Let us have the common sense, and the courage, to finally put an end to the Cold War in our own hemisphere.

In this same spirit of bipartisanship as this public opinion poll, Senator JEFF FLAKE and I joined together in writing a guest column about the compelling reasons to change these antiquated policies. Our piece appeared today in the Miami Herald. I call it to the attention of the Senate, and I invite other Senators to join in re-examining and changing our self-defeating approach in our relationship with Cuba and the Cuban people. I ask unanimous consent that the article be printed in the RECORD.

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

[From the Miami Herald, Feb. 11, 2014]

TIME FOR A NEW POLICY ON CUBA

(By PATRICK LEAHY and JEFF FLAKE)

We are in the fifth decade—more than half a century—of our country's embargo toward Cuba. During that time the Soviet Union has ceased to exist. Apartheid in South Africa has ended. We have re-established diplomatic relations with the communist governments of China and Vietnam. Still, the United States has refused to reexamine the political and economic embargo on Cuba.

A majority of Americans, including Cuban-Americans, wants to change course. So do we.

A new public opinion poll commissioned by the Atlantic Council's Adrienne Arsht Latin America Center and carried out by a team of highly respected pollsters from both sides of the aisle shows a stark contrast between current American attitudes and the archaic U.S. embargo.

A solid majority of Americans from every region and across party lines supports normalizing relations with Cuba. When asked about specific elements of the policy—such as undoing the ban on travel by Americans to Cuba, facilitating financial transactions,

meeting with the Cuban government on bilateral issues like fighting drugs and smuggling—the margin is more than 61 percent.

Challenging conventional wisdom that Floridians—and especially the state's large Cuban-American population—are in lockstep with the embargo, the poll finds stronger support for normalization in Florida (63 percent) than in the country overall (56 percent). A full 67 percent of Floridians support removing all restrictions for Americans to travel to Cuba, and 82 percent favor meetings with the Cuban government on issues of mutual concern.

Simply put: The state that reportedly once had the greatest reluctance to re-engage has reversed its position.

Having jailed political opponents, Cuba has a political climate that is far from free. The Cuban government continues to hold former USAID subcontractor Alan Gross in prison. The Cuban government has inched toward loosening its grip on the island's economy. Despite that, however, the Cuban people continue to live under a repressive regime.

However, it would appear that a standard of 100 percent political alignment with the United States before allowing freedom of travel or economic activity with another country is only applied to Cuba. For instance, U.S.-China trade topped $500 billion in 2011, and we granted permanent normalized trade relations to Russia in 2012. American tourists visit both countries without restriction. It is easy to see why most Americans now oppose our frozen-in-time policies toward Cuba.

Trade with Latin America is the fastest growing part of our international commerce. In 2014, economic growth in Latin America is expected to continue to outpace U.S. growth. Rather than isolate Cuba with outdated policies, we have isolated ourselves.

For example, the presidents of our Latin American partners, including close allies such as Colombia and Mexico, recently traveled to Cuba alongside the U.N. secretary general. In January, Brazil joined Cuba in inaugurating a huge new shipping terminal on the island. And our European and Canadian friends engage with Cuba. Meanwhile, U.S. companies are prohibited from any economic activity on the island.

Just about the only beneficiary of our embargo has been Cuba's current regime. The embargo actually has helped the Castros maintain their grip on power by providing a reliable and convenient scapegoat for Cuba's failing economy. Change will come to Cuba. These counterproductive U.S. policies have delayed it.

President Obama has already relaxed some facets of our Cuba policy, lifting restrictions on Cuban-American travel and remittances, which have had positive effects. Anecdotally, U.S. remittances have been crucial in allowing Cuban entrepreneurs to take full advantage of economic openings that the Castro regime has been forced to allow. This not only improves Cubans' lives but will make future economic contractions by the Cuban government difficult for the regime to attempt. Current policy boxes U.S. entrepreneurs and companies out of taking part in any of this burgeoning Cuban private sector.

Further, there is simply no legitimate justification for restricting any American travel to Cuba. The travel ban, like the rest of the embargo, only bolsters the Cuban government's control over information and civil society. Instead of willingly restricting the liberty of our own citizens, we should be taking every opportunity to flood Cubans with American interaction, with our ideas, with our young people.

Americans want a change in our Cuba policy. The president should heed the majority of those across the country who recognize that we have much to gain by jettisoning this Cold War relic.

ADDITIONAL STATEMENTS

LITTLE COUNTRY THEATRE

● Ms. HEITKAMP. Madam President, I am pleased to honor and recognize the Little Country Theatre at North Dakota State University as it celebrates its 100th anniversary.

Founded in 1914 by a small group of drama students, the Little Country Theatre has inspired, challenged, and educated countless students, faculty, and community members across North Dakota. Today, the Little Country Theatre is well recognized and respected for its diverse programming and for bringing the gift of theater to the public.

Over the last 100 years, the Little Country Theatre has presented hundreds of plays throughout North Dakota. It is celebrating its 100th season with several special events, including the screening of a documentary on the rich history of the theater, its faculty, its leaders and its impact on the community. In addition, the group will be performing classic stories such as Oklahoma and Shakespeare's Love's Labour's Lost and hosting many thought-provoking discussions.

The Little Country Theatre is a fixture on the North Dakota State University campus and serves as an important hub for current students by helping them understand the great value of theater and performance art. But its impact can be felt well beyond the stage and campus. It has spread the joy of the theater to rural communities across the State, while inspiring the next generation of actors and actresses. I am proud to acknowledge and honor this significant milestone for the Little Country Theatre.

I ask the Senate to join me in congratulating the Little Country Theatre on its first 100 years and in wishing continued success in the future.●

SOUTHERN WEST VIRGINIA MOBILE HEALTH CLINIC

● Mr. MANCHIN. Madam President, today I wish to celebrate an exciting and significant victory for local veterans in southern West Virginia and to recognize the unwavering dedication of the people who have worked tirelessly to bring the first-ever mobile veterans health clinic to Mercer County.

Today, the Beckley VA Medical Center will debut the long-awaited mobile health clinic in Bluefield, WV. This facility will improve access to primary and mental health-care to the growing number of veterans in the region.

This is wonderful news for our brave heroes who have been without accessible health care for far too long. Until now, our veterans' only option for receiving health care has been to drive over an hour to the closest clinic or hospital. Expecting our veterans to commute this far after these courageous men and women have already risked their lives in the defense of this country is simply unacceptable.

I have always said that West Virginia is one of the most patriotic states in this great Nation, and we are so proud of the number of veterans and Active-Duty members who have served with honor and distinction. Upon returning home, they truly deserve the absolute best care and treatment that is available. That is why we have made it our top priority to bring this clinic to serve the veterans in Mercer County and the surrounding communities with quality care.

The mobile health clinic will be an extension of the Beckley VA Medical Center, and it will be initially stationed in Bluefield, WV. As long it is utilized by area veterans, we can count on this facility to stay in southern West Virginia for years to come.

I especially want to emphasize the efforts of one very special West Virginian who has dedicated the past 18 years to helping the veterans of southern West Virginia—Al Hancock. His leadership and commitment to the betterment of the veteran community is truly why this mobile clinic will open its doors today.

Throughout his life and still today, Al has answered the call of service—whether it was serving our great Nation or helping the people of West Virginia. He is a retired teacher and a retired Air Force veteran who served two tours in Vietnam.

A proud and passionate leader, he was the chairman of the retired military support group and he led discussions among over 250 veterans about the issues concerning them most. He talked with fellow veterans, their spouses, and their families regularly.

One issue that continued to arise was the need for more accessible health care. After more than 150 letters sent to the local newspaper and issuing a petition containing more than 3,000 resident signatures, he provided a voice to the veteran community. Despite the many obstacles and hurdles, Al never gave up—he worked passionately and tirelessly to bring this issue to light. And finally, that voice resonated loud and clear. Because of Al's perseverance and determined vision, I am proud to have worked closely with Al to help bring people together to make his vision a reality.

With the hard work and partnership of the Department of Veterans Affairs, the Beckley VA, and the West Virginia delegation, we have been able to make a difference for Al and for all of the veterans who reside throughout southern West Virginia.

We owe our veterans more than a debt of gratitude. Showing our appreciation to the brave men and women who have served is something we should do each and every day. By delivering this mobile health clinic, we are

paying tribute to those who have answered America's call of duty.

I thank Al, the VA, the Beckley VA Center, and all those who have worked to bring this much needed health care access to Mercer County.

This clinic will greatly benefit communities that have a need for health care resources, and it will help ensure all of our veterans and their families have access to the care they need and truly deserve.●

REMEMBERING J. SMITH LANIER II

● Mr. SESSIIONS. Madam President. I would like to take a moment to recognize the passing of a great American patriot, J. Smith Lanier II. Smith Lanier was an entrepreneur, business leader, philanthropist, community leader, national leader, and friend.

He was a native of Georgia, attended Auburn University then transferred to the U.S. Merchant Marine Academy where he earned a degree in mechanical engineering and a commission into the U.S. Navy.

In 1950, he joined his aunt's insurance agency, Lanier Insurance Agency, based in West Point, GA. His career was interrupted by 2 years of active duty aboard the USS Ault DD698 during the Korean war. When he returned from that service, he purchased the agency under the name J. Smith Lanier & Co. He began with a single office and five employees and grew to have offices throughout Georgia, Alabama, Tennessee, Florida, and Kentucky. Today the company is one of the oldest and largest insurance brokerage firms in the United States. He served as its chairman and CEO until 1998 and was chairman emeritus until his death.

During his life, he helped launch many other companies including Async, Inc.; SouthernNet; Interface, Inc., NASDAQ; Valley Realty Company, Inc.; ITC Holding Co., Inc.; Avdata, Inc.; National Vision Associates, Inc.; Cookbook Brands, Inc., now Beverage House; Powertel, Inc., formerly Intercel, Inc. and now TMobile; and ITC DeltaCom, NASDAQ. A remarkably successful entrepreneurial career indeed.

He was a strong advocate for education at all levels, both public and private, founding Springwood School in Lanett, AL and serving on the boards of trustees of several colleges and universities. He was a strong advocate for fair treatment for hospitals in the area, an issue that I worked with him to address.

Mr. Lanier was very close to Auburn University. He served on many boards for the university and in 2010 was presented the Auburn University Alumni Association Lifetime Achievement Award.

Smith was also active in local, regional and national politics serving the Republican Party in many ways, including being a delegate to two Republican National Conventions. He was always a strong supporter of policies that he believed served the long term interests of the United States.

Smith Lanier was, in the end, what he prepared to become in the beginning. An Eagle Scout, he credited the Boy Scout Oath and the twelve Boy Scout laws as foundations for his personal and business life.

Mr. Lanier leaves behind his wonderful wife, Elizabeth ''Betty'' Walker, daughters Mary Ellen (Mrs. Anthony Lee Collins, Sr.) of Lanett, AL, Elizabeth Lanier Lester of West Point, GA, and Edith Carroll (Mrs. Joseph Wiley Hodges, Jr.) of McDonough, GA, eight grandchildren, as well many other family members, friends and colleagues. They have been given a great legacy indeed.

Smith Lanier was a great patriot reflecting the highest and best values of American citizenship, and I am honored to be able to pay tribute to his many contributions to business, education, health, and his community.●

REMEMBERING YETTA GLENN SAMFORD, JR.

● Mr. SESSIONS. Madam President, I note the passing at age 90 of a truly outstanding American citizen, Yetta Glenn Samford, Jr., a lifelong resident of Opelika, AL. Opelika Mayor Gary Fuller rightly called him an icon. The product of a distinguished Alabama family, he was successful in law and business, all the while giving of himself for his Nation and community.

That such characteristics, such cast of mind and heart, have provided the unique values that have made America great is without doubt. The deeply held concept of neighbor helping neighbor has been the glory of the Republic. A member of the ''greatest generation'', Yetta Samford served his country and was consistently successful in his undertakings. He flourished in law and business. But, he was focused on giving back. He loved his country, State and community and was a strong believer in education. During World War II, he piloted B–17 bombers being stationed in England in 1944 and 1945—a calling that placed his very life at risk. Returning from the war, grateful for his survival, he declared, ''I thank the Lord for letting me come back.'' Then he married his wonderful lifetime partner, Mary Austill, got his degree at Auburn University and his law degree at the University of Alabama.

From then on success followed him and he lived a life of generosity. How many today will reach his level of service? Are we still producing such people? Perhaps so, but in the same numbers?

Yetta Samford was supportive of a host of positive activities. He was active in many local organizations, donated the land for the Opelika Sportsplex and Aquatics Center, and was a member of the board of deacons for the First Baptist Church of Opelika for 60 years. He served on the prestigious board of trustees of the University of Alabama, serving a 3-year-term as president pro tempore. He was, in addition, a founding trustee for the University of Mobile, a fine Baptist affiliated liberal arts college.

Mr. Samford was respected and loved throughout the Opelika area. He set a high standard for a life well lived. I was honored to have his friendship. Professionally accomplished, a man of high character and generous with his time, talents and resources, Yetta Samford's life reflected the highest qualities of American citizenship. It is fitting that this Senate take note of such a life.

He took great joy in his exceptional wife, Mary Austill Samford, and daughters Mary Austill Samford Lott and Katherine Park Samford Alford, five grandchildren and seven great-grandchildren. They reflect these same qualities and can take solace in the heritage that he has left them.●

MESSAGE FROM THE HOUSE

At 12:22 p.m., a message from the House of Representatives, delivered by Mr. Novotny, 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. 2431. An act to reauthorize the National Integrated Drought Information System.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2431. An act to reauthorize the National Integrated Drought Information System.

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–4633. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General William N. Phillips, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–4634. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of General Keith B. Alexander, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–4635. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Kenya; to the Committee on Banking, Housing, and Urban Affairs.

EC–4636. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Canada; to the Committee on Banking, Housing, and Urban Affairs.

EC–4637. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Department's Alternative Fuel Vehicle (AFV) program for fiscal year 2013; to the Committee on Energy and Natural Resources.

EC–4638. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Technical Collection for the New START Treaty (OSS–2013–0151); to the Committee on Foreign Relations.

EC–4639. A communication from the 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–2014–0160); to the Committee on Foreign Relations.

EC–4640. 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–2014–0159); to the Committee on Foreign Relations.

EC–4641. 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–2014–0134); to the Committee on Foreign Relations.

EC–4642. 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–2014–0137); to the Committee on Foreign Relations.

EC–4643. 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–2014–0136); to the Committee on Foreign Relations.

EC–4644. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a report relative to the waiver of the restrictions contained in Section 907 of the FREEDOM Support Act of 1992; to the Committee on Foreign Relations.

EC–4645. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13–176); to the Committee on Foreign Relations.

EC–4646. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13–187); to the Committee on Foreign Relations.

EC–4647. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13–179); to the Committee on Foreign Relations.

EC–4648. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13–186); to the Committee on Foreign Relations.

EC–4649. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Environmental Impact and Related Procedures'' (RIN2125–AF48) received in the Office of the President of the Senate on February 6, 2014; to the Committee on Commerce, Science, and Transportation.

EC–4650. A communication from the Paralegal Specialist, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Environmental Impact and Related Procedures'' (RIN2132–AB05) received in the Office of the President of the Senate on February 6, 2014; to the Committee on Commerce, Science, and Transportation.

EC–4651. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Patterns of Safety Violations by Motor Carrier Management'' (RIN2126–AB42) received in the Office of the President of the Senate on February 6, 2014; to the Committee on Commerce, Science, and Transportation.

EC–4652. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (32); Amdt. No. 3571'' (RIN2120–AA65) received in the Office of the President of the Senate on February 6, 2014; to the Committee on Commerce, Science, and Transportation.

EC–4653. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (48); Amdt. No. 3572'' (RIN2120–AA65) received in the Office of the President of the Senate on February 6, 2014; to the Committee on Commerce, Science, and Transportation.

EC–4654. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Part 95 Instrument Flight Rules; Miscellaneous Amendments (4); Amdt. No. 511'' (RIN2120–AA63) received in the Office of the President of the Senate on February 6, 2014; to the Committee on Commerce, Science, and Transportation.

EC–4655. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment and Modification of Area Navigation (RNAV) Routes'' ((RIN2120–AA66) (Docket No. FAA–2013–0860)) received in the Office of the President of the Senate on February 6, 2014; to the Committee on Commerce, Science, and Transportation.

EC–4656. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of the Dallas/Fort Worth Class B Airspace Area; TX'' ((RIN2120–AA66) (Docket No. FAA–2012–1168)) received in the Office of the President of the Senate on February 6, 2014; to the Committee on Commerce, Science, and Transportation.

EC–4657. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class B Airspace; Detroit, MI'' ((RIN2120–AA66) (Docket No. FAA–2012–0661)) received in the Office of the President of the Senate on February 6, 2014; to the Committee on Commerce, Science, and Transportation.

EC–4658. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Restricted Areas; Camp Lejeune and Cherry Point, NC'' ((RIN2120–AA66) (Docket No. FAA–2013–1021)) received in the Office of the President of the Senate on February 6, 2014; to the Committee on Commerce, Science, and Transportation.

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. FLAKE (for himself, Mr. ROBERTS, Mr. MCCONNELL, Mr. CORNYN, Mr. ALEXANDER, Mr. THUNE, Mr. HATCH, Mr. ENZI, Mr. INHOFE, Mr. BURR, Mr. RUBIO, Mr. BOOZMAN, Mr. COATS, Mr. MORAN, Mr. SCOTT, Mr. RISCH, Mr. VITTER, Mr. GRAHAM, Mr. JOHANNS, Mrs. FISCHER, Mr. COBURN, Mr. ISAKSON, Mr. TOOMEY, Mr. JOHNSON of Wisconsin, Mr. CRUZ, Mr. LEE, Mr. BLUNT, Mr. WICKER, Mr. KIRK, Mr. CHAMBLISS, Mr. PORTMAN, Mr. PAUL, Mr. MCCAIN, Mr. CRAPO, Mr. BARRASSO, Mr. COCHRAN, Mr. HOEVEN, Mr. CORKER, Mr. SHELBY, and Mr. GRASSLEY):

S. 2011. A bill to prohibit the Internal Revenue Service from modifying the standard for determining whether an organization is operated exclusively for the promotion of social welfare for purposes of section 501(c)(4) of the Internal Revenue Code of 1986; to the Committee on Finance.

By Mr. WHITEHOUSE (for himself and Mr. HATCH):

S. 2012. A bill to amend the Controlled Substances Act to more effectively regulate anabolic steroids; to the Committee on the Judiciary.

By Mr. RUBIO:

S. 2013. A bill to amend title 38, United States Code, to provide for the removal of Senior Executive Service employees of the Department of Veterans Affairs for performance, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DURBIN:

S. 2014. A bill to amend title 38, United States Code, to provide for clarification regarding the children to whom entitlement to educational assistance may be transferred under Post-9/11 Educational Assistance, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LEE (for himself, Mr. CRUZ, Mr. VITTER, and Mr. INHOFE):

S. 2015. A bill to help individuals receiving assistance under means-tested welfare programs obtain self-sufficiency, to provide information on total spending on means-tested welfare programs, to provide an overall

spending limit on means-tested welfare programs, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mr. WYDEN, and Mr. MERKLEY):

S. 2016. A bill to direct the Secretary of the Interior, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency to take actions to provide additional water supplies and disaster assistance to the State of California due to drought, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. MARKEY:

S. Res. 353. A resolution designating September 2014 as ''National Brain Aneurysm Awareness Month''; to the Committee on the Judiciary.

By Mr. TOOMEY (for himself, Mr. MCCONNELL, Mr. BURR, and Mr. CASEY):

S. Res. 354. A resolution expressing the sense of the Senate that the United States should leave no member of the Armed Forces unaccounted for during the drawdown of forces in Afghanistan; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 357

At the request of Mr. CARDIN, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 357, a bill to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty.

S. 511

At the request of Mr. RISCH, his name was added as a cosponsor of S. 511, a bill to amend the Small Business Investment Act of 1958 to enhance the Small Business Investment Company Program, and for other purposes.

S. 987

At the request of Mr. SCHUMER, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 987, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 1158

At the request of Mr. ENZI, the name of the Senator from Texas (Mr. CRUZ) 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. 1446

At the request of Mr. ROCKEFELLER, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1446, a bill to amend the Internal Revenue Code of 1986 to improve the affordability of the health care tax credit, and for other purposes.

S. 1725

At the request of Mr. VITTER, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1725, a bill to amend the Securities Investor Protection Act of 1970 to confirm that a customer's net equity claim is based on the customer's last statement and that certain recoveries are prohibited, to change how trustees are appointed, and for other purposes.

S. 1828

At the request of Mr. DONNELLY, the names of the Senator from Indiana (Mr. COATS), the Senator from Kentucky (Mr. PAUL) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. 1828, a bill to amend the Truth in Lending Act to modify the definitions of a mortgage originator and a high-cost mortgage.

S. 1862

At the request of Mr. BLUNT, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. 1862, a bill to grant the Congressional Gold Medal, collectively, to the Monuments Men, in recognition of their heroic role in the preservation, protection, and restitution of monuments, works of art, and artifacts of cultural importance during and following World War II.

S. 1911

At the request of Mr. SCOTT, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1911, a bill to reform and strengthen the workforce investment system of the Nation to put Americans back to work and make the United States more competitive in the 21st century, and for other purposes.

S. 1956

At the request of Mr. SCHATZ, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 1956, a bill to direct the Secretary of Defense to review the discharge characterization of former members of the Armed Forces who were discharged by reason of the sexual orientation of the member, and for other purposes.

S. 1963

At the request of Mr. PRYOR, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1963, a bill to repeal section 403 of the Bipartisan Budget Act of 2013.

S. 1977

At the request of Ms. AYOTTE, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 1977, a bill to repeal section 403 of the Bipartisan Budget Act of 2013, relating to an annual adjustment of retired pay for members of the Armed Forces under the age of 62, and to provide an offset.

S. 1982

At the request of Mr. SANDERS, the names of the Senator from New Jersey (Mr. BOOKER) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 1982, a bill to improve the provision of medical services and benefits to veterans, and for other purposes.

S. RES. 345

At the request of Mr. GRAHAM, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. Res. 345, a resolution strongly supporting the restoration and protection of State authority and flexibility in establishing and defining challenging student academic standards and assessments, and strongly denouncing the President's coercion of States into adopting the Common Core State Standards by conferring preferences in Federal grants and flexibility waivers.

AMENDMENT NO. 2732

At the request of Mr. BARRASSO, his name was added as a cosponsor of amendment No. 2732 intended to be proposed to S. 1963, a bill to repeal section 403 of the Bipartisan Budget Act of 2013.

At the request of Ms. AYOTTE, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from North Dakota (Mr. HOEVEN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 2732 intended to be proposed to S. 1963, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WHITEHOUSE (for himself and Mr. HATCH):

S. 2012. A bill to amend the Controlled Substances Act to more effectively regulate anabolic steroids; to the Committee on the Judiciary.

Mr. WHITEHOUSE. Mr. President, today I am pleased to join Senator HATCH once again in introducing the bipartisan Designer Anabolic Steroid Control Act. Like the legislation we introduced in 2012, this measure will help keep American children and families safe from dangerous designer drugs that masquerade as healthy dietary supplements.

Doctors and scientists have long recognized the health hazards of non-medical use of anabolic steroids. For that reason, Congress has previously acted to ensure that these drugs are listed as controlled substances. Nonetheless, according to investigative reporting and Congressional testimony, a loophole in current law allows for designer anabolic steroids to easily be found on the Internet, in gyms, and even in retail stores.

Designer steroids are produced by reverse engineering existing illegal steroids and then slightly modifying the chemical composition, so that the resulting product is not on the Drug Enforcement Administration's, DEA, list of controlled substances. When taken by consumers, designer steroids can cause serious medical consequences, including liver injury and

increased risk of heart attack and stroke. They may also lead to psychological effects such as aggression, hostility, and addiction.

These designer products can be even more dangerous than traditional steroids because they are often untested, produced from overseas raw materials, and manufactured without quality controls. As one witness testified at a Crime Subcommittee hearing on the issue, ''all it takes to cash in on the storefront steroid craze is a credit card to import raw products from China or India where most of the raw ingredients come from, the ability to pour powders into a bottle or pill and a printer to create shiny, glossy labels.''

The unscrupulous actors responsible for manufacturing and selling these products often market them with misleading and inaccurate labels. That can cause consumers who are looking for a healthy supplement—not just elite athletes, but also high school students, law enforcement personnel, and mainstream Americans—to be deceived into taking these dangerous products. While the world's top athletes competing in the Winter Olympics are subjected to strict guidelines and rigorous testing to prevent the use of steroids, as they should be, many Americans may be unknowingly dosing themselves with these harmful substances.

Loopholes in existing law allow these dangerous designer steroids to evade regulation. Under current law, in order to classify new substances as steroids, the DEA must complete a burdensome and time-consuming series of chemical and pharmacological testing. As a DEA official testified before Congress: ''in the time that it takes DEA to administratively schedule an anabolic steroid used in a dietary supplement product, several new products can enter the market to take the place of those products.''

The Designer Anabolic Steroid Control Act of 2014 would quickly protect consumers from these dangerous products. First, it would immediately place 27 known designer anabolic steroids on the list of controlled substances. Second, it would grant the DEA authority to temporarily schedule new designer steroids on the controlled substances list, so that if bad actors develop new variations, these products can be removed from the market. Third, it would create new penalties for importing, manufacturing, or distributing anabolic steroids under false labels.

Senator HATCH and I worked closely with a range of consumer and industry organizations to ensure that this legislation would not interfere with consumers' access to legitimate dietary supplements. I thank these organizations for their support, and look forward to working with them, with Senator HATCH, and with colleagues from both sides of the aisle to enact this common sense measure into law.

By Mr. DURBIN:

S. 2014. A bill to amend title 38, United States Code, to provide for clarification regarding the children to whom entitlement to educational assistance may be transferred under Post-9/11 Educational Assistance, and for other purposes; to the Committee on Veterans' Affairs.

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. 2014

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 ''GI Education Benefit Fairness Act of 2014''.

SEC. 2. CLARIFICATION REGARDING THE CHILDREN TO WHOM ENTITLEMENT TO EDUCATIONAL ASSISTANCE MAY BE TRANSFERRED UNDER POST-9/11 EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Subsection (c) of section 3319 of title 38, United States Code, is amended to read as follows:

''(c) ELIGIBLE DEPENDENTS.—

''(1) TRANSFER.—An individual approved to transfer an entitlement to educational assistance under this section may transfer the individual's entitlement as follows:

''(A) To the individual's spouse.

''(B) To one or more of the individual's children.

''(C) To a combination of the individuals referred to in subparagraphs (A) and (B).

''(2) DEFINITION OF CHILDREN.—For purposes of this subsection, the term 'children' includes dependents described in section 1072(2)(I) of title 10.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to educational assistance payable under chapter 33 of title 38, United States Code, before, on, or after the date of the enactment of this Act.

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mr. WYDEN, and Mr. MERKLEY):

S. 2016. A bill to direct the Secretary of the Interior, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency to take actions to provide additional water supplies and disaster assistance to the State of California due to drought, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise on behalf of myself and Senators BOXER, WYDEN and MERKLEY to introduce legislation to respond to California's devastating drought conditions.

This weekend's storm in Northern California was more than a year in coming, and there are some encouraging signs that came from it: Rainfall in the Sacramento Valley averaged 2 to 3 inches. North of San Francisco Bay, precipitation averaged 4 to 7 inches. Between Friday and Monday, about 7 inches of precipitation fell in the Northern Sierra. The Southern Sierra saw more than 3 inches. Over the same period, the water contained in Northern Sierra snow increased by 3 inches; Central Sierra by 4 inches; and Southern Sierra by an inch.

But one storm in the North will not end this historic drought. In the San Joaquin Valley, precipitation over the weekend was less than an inch, while San Diego and Los Angeles saw only about a quarter-inch of rain. Also, the snowpack in the Sierra remains very troubling. Statewide, the snowpack is at 29 percent of normal for this date. The Northern California mountains are at 18 percent, and the Central Sierra is 36 percent.

State officials have confirmed that this weekend's rain and snow will have very little effect on the amount of water available for California. Even after this storm, California faces some of the driest conditions in modern times, leading to last month's declaration by Governor Brown of a drought emergency.

As of the beginning of February, at least 10 communities are in danger of running out of drinking water within 2 months. Without relief, more communities may face similar difficulties.

California's State Water Project helps supply water to 25 million Californians and 750,000 acres of farmland. For the first time in its 54-year history, it will not be providing any water to its water agencies.

The Central Valley Project irrigates about 3 million acres of farmland, supplies water to millions of Californians and supports crucial environmental habitats. This year, it will likely not be able to provide water to many farmers in the Central Valley.

As of February 9, Lake Shasta, California's largest reservoir, and Lake Oroville, the State Water Project's principal reservoir, are both at only 37 percent of capacity. San Luis Reservoir, crucial to farmers south of the Delta, is at only 30 percent of capacity.

Without water, farmers north and south of the Delta have lost crops, trees, workers, and income. Businesses, factories, schools, hospitals, fire departments, and other social services facilities will have trouble carrying out their work.

Let me put this in perspective: According to the State, to reach average annual rain and snowfall levels, this past weekend's rainfall must be repeated very frequently from now until May. And even then, California would still remain in drought conditions.

We need a forceful and immediate response to help those who are suffering. That is why I am introducing the California Emergency Drought Relief Act of 2014 along with Senators BOXER, WYDEN and MERKLEY. Representative JIM COSTA will introduce this bill in the House.

This bill focuses on measures that can provide water supplies to California this year. It would cut red tape and free up federal agencies to operate with maximum flexibility and speed so they can move water to those who need it. When we have more water to move from storms like we saw this weekend, this bill will make an even greater difference.

Let me sum up how this bill would help. First, the bill would increase

water supplies. By being smarter about how we manage water projects, we can free up more water. For example: This bill directs Federal agencies to open water gates on the Sacramento River for as long as possible when few salmon are migrating. This should allow thousands of acre feet of water to be pumped without harming the species.

It also directs agencies to find ways to control turbid waters so endangered Delta smelt that are attracted to these waters do not swim near the water pumps. Less risk to fish means more water can be pumped. And the bill mandates agencies to use the maximum authority allowed under the Endangered Species Act to provide as much water as possible from Delta pumping while staying within the law.

The bill would also reduce bureaucracy. During this emergency situation, the federal government must work as quickly and as efficiently as possible. Relying on emergency authorities that already exist, the bill directs Federal agencies to complete environmental reviews under shortened timeframes so water supply measures such as water transfers and fallowing of land can be carried out with minimal delay.

The bill would also provide emergency funding and disaster assistance. It authorizes additional expenditures to fund measures that can make a difference now, especially for the communities that are at risk of running out of drinking water soon.

They include $100 million to carry out projects to maximize water supplies. There is also $200 million for disaster relief to help farmers and rural communities. That includes $100 million for emergency conservation measures so farmers can carry out projects to protect lands, crops and watersheds; $25 million in grants for rural communities to take action to upgrade, repair or secure water systems; $25 million in pre-disaster hazard mitigation grants so communities and the State can complete projects to lessen the effects of the drought; $25 million in grant funding for public and nonprofit organizations to provide emergency assistance to low-income migrant and seasonal farmworkers affected by the drought; and $25 million in grants to private forest landowners for conservation measures related to drought and wildfire. The bill would also direct Federal agencies to prioritize grant funding for water projects that can yield water supplies and alleviate the drought's effects now.

The bill also amends the Stafford Act. The 1988 Stafford Act was meant to provide a comprehensive framework for how the country responds to major disasters, including droughts. However, because the Act has been interpreted very narrowly since its passage, eight drought-stricken States have applied for a major disaster declaration, and all eight have been denied: California in 2009; Georgia in 2008; Virginia in 2003; Maine in 2002; Texas and Oklahoma in 1998; and Minnesota and North Dakota in 1988.

To correct this, the bill amends the Stafford Act. These changes will provide States with greater flexibility to access Federal disaster assistance programs. These programs help individuals affected by drought conditions with disaster unemployment assistance and crisis counseling.

Let me be clear: this bill does not create new Federal assistance programs. It is an effort to clarify the intent of Congress regarding the Stafford Act, and to make the Stafford Act work better for droughts. When major disasters like a severe drought occur, communities should be eligible for Federal assistance.

During these emergency times, I also strongly believe some requirements should be relaxed to relieve the pressures faced by water users. To that effect, my bill proposes giving North-of-Delta water contractors more time to take delivery of water they were allocated in 2013, so they have more flexibility with their 2014 supplies. It also delays some water contract payments that Central Valley Project contractors must pay the Federal Government to lessen financial stress as they confront and recover from the drought.

I want to be clear: the success of some of these measures will depend on how much rain we get and how much water is available to be moved. This bill is not a replacement for rain, but it will give us tools to make water available when we have storms like the one over the weekend. My goal is to make sure we are maximizing every drop of water in the system and we are doing everything as quickly as possible to offer some measure of relief.

Finally, there are important lessons to learn. Southern California is better prepared than the rest of the State to cope with this drought thanks to decades of work to build storage and improve water conservation. Metropolitan Water District, I understand, has enough water supplies for 19 million customers through voluntary water use reductions.

Were it not for the more than 2 million acre-feet of water reserves, including 600,000 acre feet in Diamond Valley Lake, Southern California water users would be facing up to 50 percent mandatory water use restrictions.

The message is clear: For the long term, we must build additional storage if we are to be prepared for the next drought which is sure to come.

I urge my colleagues on both sides of the aisle, and our counterparts in the House, to support this bill.

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. 2016

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 ''California Emergency Drought Relief Act of 2014''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act are as follows:

TITLE I—CALIFORNIA EMERGENCY DROUGHT RELIEF

SEC. 101. FINDINGS.

Congress finds that—

(1) as established in the Proclamation of a State of Emergency issued by the Governor of the State on January 17, 2014, the State is experiencing record dry conditions;

(2) extremely dry conditions have persisted in the State since 2012, and the current drought conditions are likely to persist into the future;

(3) the water supplies of the State are at record-low levels, as indicated by a statewide average snowpack of 12 percent of the normal average for winter as of February 1, 2014, and the fact that all major Central Valley Project reservoir levels are below 50 percent of the capacity of the reservoirs as of the date of enactment of this Act;

(4) the 2013–2014 drought constitutes a serious emergency posing immediate and severe risks to human life and safety and to the environment throughout the State;

(5) the emergency requires—

(A) immediate and credible action that respects the complexity of the State of California's water system and its importance to the entire State; and

(B) policies that do not pit stakeholders against one another, which history has shown only leads to costly litigation that benefits no one and prevents any real solutions;

(6) Federal law (including regulations) directly authorizes expedited decision-making procedures and environmental and public review procedures to enable timely and appropriate implementation of actions to respond to such a type and severity of emergency; and

(7) the serious emergency posed by the 2013–2014 drought in the State fully satisfies the conditions necessary for the exercise of emergency decision making, analytical, and public review requirements under—

(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(C) water control management procedures of the Corps of Engineers described in section 222.5 of title 33, Code of Federal Regulations (including successor regulations); and

(D) the Reclamation States Emergency Drought Relief Act of 1991 (Public Law 102–250; 106 Stat. 53).

SEC. 102. DEFINITIONS.

In this title:

(1) CENTRAL VALLEY PROJECT.—The term ''Central Valley Project'' has the meaning given the term in section 3403 of the Central Valley Project Improvement Act (106 Stat. 4707).

(2) KLAMATH PROJECT.—The term ''Klamath Project'' means the Bureau of Reclamation project in the States of California and Oregon—

(A) as authorized under the Act of June 17, 1902 (32 Stat. 388, chapter 1093); and

(B) as described in—

(i) title II of the Oregon Resource Conservation Act of 1996 (Public Law 104–208; 110 Stat. 3009–532); and

(ii) the Klamath Basin Water Supply Enhancement Act of 2000 (Public Law 106–498; 114 Stat. 2221).

(3) RECLAMATION PROJECT.—The term ''Reclamation Project'' means a project constructed pursuant to the authorities of the reclamation laws and whose facilities are wholly or partially located in the State.

(4) RESERVED WORKS.—The term ''reserved works'' means Bureau of Reclamation-owned project facilities for which the operations and maintenance are performed by employees of the Bureau of Reclamation or by contract, regardless of funding source.

(5) SECRETARIES.—The term ''Secretaries'' means—

(A) the Administrator of the Environmental Protection Agency;

(B) the Secretary of Commerce; and

(C) the Secretary of the Interior.

(6) STATE.—The term ''State'' means the State of California.

(7) STATE WATER PROJECT.—The term ''State Water Project'' means the water project described by California Water Code section 11550 et seq., and operated by the California Department of Water Resources.

SEC. 103. EMERGENCY PROJECTS.

(a) IN GENERAL.—In response to the declaration of a state of drought emergency by the Governor of the State, the Secretaries shall provide the maximum quantity of water supplies possible to Central Valley Project and Klamath Project agricultural, municipal and industrial, and refuge service and repayment contractors, State Water Project contractors, and any other locality or municipality in the State, by approving, consistent with applicable laws (including regulations)—

(1) any project or operations to provide additional water supplies if there is any possible way whatsoever that the Secretaries can do so unless the project or operations constitute a highly inefficient way of providing additional water supplies; and

(2) any projects or operations as quickly as possible based on available information to address the emergency conditions.

(b) MANDATE.—In carrying out subsection (a), the applicable agency heads described in that subsection shall, consistent with applicable laws (including regulations)—

(1) authorize and implement actions to ensure that the Delta Cross Channel Gates shall remain open to the greatest extent possible, timed to maximize the peak flood tide period and provide water supply and water quality benefits for the duration of the State's drought emergency declaration, consistent with operational criteria and monitoring criteria developed pursuant to the California State Water Resources Control Board's Order Approving a Temporary Urgency Change in License and Permit Terms in Response to Drought Conditions, effective January 31, 2014, or a successor order;

(2)(A) collect data associated with the operation of the Delta Cross Channel Gates described in paragraph (1) and its impact on species listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), water quality, and water supply; and

(B) after assessing the data described in subparagraph (A), require the Director of the National Marine Fisheries Service to recommend revisions to operations of the Central Valley Project and the California State Water Project, including, if appropriate, the reasonable and prudent alternatives contained in the biological opinion issued by the National Marine Fisheries Service on June 4, 2009, that are likely to produce fishery, water quality, and water supply benefits;

(3)(A) implement turbidity control strategies that allow for increased water deliveries while avoiding jeopardy to adult delta smelt (Hypomesus transpacificus) due to entrainment at Central Valley Project and State Water Project pumping plants; and

(B) manage reverse flow in Old and Middle Rivers as prescribed by the biological opinion issued by the United States Fish and Wildlife Service and dated December 15, 2008, to minimize water supply reductions for the Central Valley Project and the State Water Project;

(4) adopt a 1:1 inflow to export ratio for the increased flow of the San Joaquin River, as measured as a 3-day running average at Vernalis during the period from April 1 through May 31, resulting from voluntary transfers and exchanges of water supplies, among other purposes;

(5) issue all necessary permit decisions under the authority of the Secretaries within 30 days of receiving a completed application by the State to place and use temporary barriers or operable gates in Delta channels to improve water quantity and quality for State Water Project and Central Valley Project South of Delta water contractors and other water users, which barriers or gates should provide benefits for species protection and in-Delta water user water quality and shall be designed such that formal consultations under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) would not be necessary;

(6)(A) require the Director of the United States Fish and Wildlife Service and the Commissioner of the Bureau of Reclamation to complete all requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) necessary to make final permit decisions on water transfer requests associated with voluntarily fallowing nonpermanent crops in the State, within 30 days of receiving such a request; and

(B) require the Director of the United States Fish and Wildlife Service to allow any water transfer request associated with fallowing to maximize the quantity of water supplies available for nonhabitat uses as long as the fallowing and associated water transfer are in compliance with applicable Federal laws (including regulations);

(7) allow North of Delta water service contractors with unused 2013 Central Valley Project contract supplies to take delivery of those unused supplies through April 15, 2014, if—

(A) the contractor requests the extension; and

(B) the requesting contractor certifies that, without the extension, the contractor would have insufficient supplies to adequately meet water delivery obligations;

(8) maintain all rescheduled water supplies held in the San Luis Reservoir and Millerton Reservoir for all water users for delivery in the immediately following contract water year unless precluded by reservoir storage capacity limitations;

(9) to the maximum extent possible based on the availability of water and without causing land subsidence—

(A) meet the contract water supply needs of Central Valley Project refuges through the improvement or installation of wells to use groundwater resources and the purchase of water from willing sellers, which activities may be accomplished by using funding made available under section 104 or the Water Assistance Program or the WaterSMART program of the Department of the Interior; and

(B) make a quantity of Central Valley Project surface water obtained from the measures implemented under subparagraph (A) available to Central Valley Project contractors;

(10) make WaterSMART grant funding administered by the Bureau of Reclamation available for eligible projects within the State on a priority and expedited basis—

(A) to provide emergency drinking and municipal water supplies to localities in a quantity necessary to meet minimum public health and safety needs;

(B) to prevent the loss of permanent crops;

(C) to minimize economic losses resulting from drought conditions; and

(D) to provide innovative water conservation tools and technology for agriculture and urban water use that can have immediate water supply benefits;

(11) implement offsite upstream projects in the Delta and upstream Sacramento River and San Joaquin basins, in coordination with the California Department of Water Resources and the California Department of Fish and Wildlife, that offset the effects on species listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) due to actions taken under this Act;

(12) for reserved works only, authorize annual operation and maintenance deficits, owed to the Federal Government and incurred due to delivery of contract water supplies to a Central Valley Project or Klamath Project water contractor during each fiscal year the State emergency drought declaration is in force, to accrue without interest for a period of 5 years and then to be repaid, notwithstanding section 106 of Public Law 99–546 (100 Stat. 3052), to the Federal Government over a period of not more than 10 years at the lesser of—

(A) the project interest rate; and

(B) the rate specified in section 106 of Public Law 99–546 (100 Stat. 3052); and

(13) use all available scientific tools to identify and implement any changes to real-time operations of Bureau of Reclamation, State, and local water projects that could result in the availability of additional water supplies.

(c) OTHER AGENCIES.—To the extent that a Federal agency other than agencies headed by the Secretaries has a role in approving projects described in subsections (a) and (b), the provisions of this section shall apply to those Federal agencies.

(d) ACCELERATED PROJECT DECISION AND ELEVATION.—

(1) IN GENERAL.—Upon the request of the State, the heads of Federal agencies shall use the expedited procedures under this subsection to make final decisions relating to a Federal project or operation to provide additional water supplies or address emergency drought conditions pursuant to subsections (a) and (b).

(2) REQUEST FOR RESOLUTION.—

(A) IN GENERAL.—Upon the request of the State, the head of an agency referred to in subsection (a), or the head of another Federal agency responsible for carrying out a review of a project, as applicable, the Secretary of the Interior shall convene a final project decision meeting with the heads of all relevant Federal agencies to decide whether to approve a project to provide emergency water supplies.

(B) MEETING.—The Secretary of the Interior shall convene a meeting requested under subparagraph (A) not later than 7 days after receiving the meeting request.

(3) NOTIFICATION.—Upon receipt of a request for a meeting under this subsection, the Secretary of the Interior shall notify the heads of all relevant Federal agencies of the request, including the project to be reviewed and the date for the meeting.

(4) DECISION.—Not later than 10 days after the date on which a meeting is requested under paragraph (2), the head of the relevant Federal agency shall issue a final decision on the project.

(5) MEETING CONVENED BY SECRETARY.—The Secretary may convene a final project decision meeting under this subsection at any time, at the discretion of the Secretary, regardless of whether a meeting is requested under paragraph (2).

SEC. 104. EMERGENCY FUNDING.

(a) FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—Financial assistance may be made available under the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2201 et seq.), subtitle F of title IX of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10361 et seq.) (commonly known as the ''Secure Water Act of 2009''), and any other applicable Federal law (including regulations), to be divided among each applicable program at the discretion of the Secretary for the optimization and conservation of Reclamation Project water supplies to assist drought-plagued areas of the State and the West.

(2) ADDITIONAL AVAILABILITY.—Financial assistance may be made available under this section to organizations and entities, including tribal governments, that are engaged in collaborative processes to restore the environment while settling water rights claims that are part of an active water rights adjudication or a broader settlement of claims that are part of a basin-wide solution for restoration.

(b) TYPES OF ASSISTANCE.—Assistance under subsection (a) shall include a range of projects, including—

(1) the installation of pumps, temporary barriers, or operable gates for water diversion and fish protection;

(2) the installation of groundwater wells in wildlife refuges and other areas;

(3) the purchase or assistance in the purchase of water from willing sellers;

(4) conservation projects providing water supply benefits in the short-term;

(5) exchanges with any water district willing to provide water to meet the emergency water needs of other water districts in return for the delivery of equivalent quantities of water later that year or in future years;

(6) maintenance of cover crops to prevent public health impacts from severe dust storms;

(7) emergency pumping projects for critical health and safety purposes;

(8) activities to reduce water demand consistent with a comprehensive program for environmental restoration and settlement of water rights claims;

(9) the use of new or innovative water on-farm water conservation technologies or methods that may assist in sustaining permanent crops in areas with severe water shortages;

(10) technical assistance to improve existing irrigation practices to provide water supply benefits in the short-term; and

(11) any other assistance the Secretary determines to be necessary to increase available water supplies or mitigate drought impacts.

(c) FUNDING.—There is appropriated, out of funds of the Treasury not otherwise appropriated, $100,000,000 to the Secretary of the Interior and the Secretary of Commerce to carry out this section.

SEC. 105. EMERGENCY ENVIRONMENTAL REVIEWS.

To minimize the time spent carrying out environmental reviews and to deliver water quickly that is needed to address emergency drought conditions in the State, the head of each applicable Federal agency shall, in carrying out this Act, consult with the Council on Environmental Quality in accordance with section 1506.11 of title 40, Code of Federal Regulations (including successor regulations) to develop alternative arrangements to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) during the emergency.

SEC. 106. STATE REVOLVING FUNDS.

The Administrator of the Environmental Protection Agency, in allocating amounts for each of the fiscal years during which the State's emergency drought declaration is in force to State water pollution control revolving funds established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) and the State drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12), shall, for those projects that are eligible to receive assistance under section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) or section 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(2)), respectively, that the State determines will provide additional water supplies most expeditiously to areas that are at risk of having an inadequate supply of water for public health and safety purposes or to improve resiliency to drought—

(1) require the State to review and prioritize funding for such projects;

(2) issue a determination of waivers within 30 days of the conclusion of the informal public comment period pursuant to section 436(c) of title IV of division G of Public Law 113–76; and

(3) authorize, at the request of the State, 40-year financing for assistance under section 603(d)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1383(d)(2)) or section 1452(f)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(f)(2)).

SEC. 107. DROUGHT PLANNING ASSISTANCE.

(a) IN GENERAL.—Upon the request of Central Valley Project or Klamath Project contractors or other Reclamation Project contractors in the State, the Secretary of the Interior, acting through the Commissioner of Reclamation, shall provide water supply planning assistance in preparation for and in response to dry, critically dry, and below normal water year types to those Central Valley Project or Klamath Project contractors or other Reclamation Project contractors making those requests, including contractors who possess contracts for refuge water supplies or deliver refuge water supplies.

(b) TYPES OF ASSISTANCE.—Assistance under subsection (a) shall include—

(1) hydrological forecasting;

(2) assessment of water supply sources under different water year classification types;

(3) identification of alternative water supply sources;

(4) guidance on potential water transfer partners;

(5) technical assistance regarding Federal and State permits and contracts under the Act of February 21, 1911 (36 Stat. 925, chapter 141) (commonly known as the ''Warren Act'');

(6) technical assistance regarding emergency provision of water supplies for critical health and safety purposes;

(7) activities carried out in conjunction with the National Oceanic and Atmospheric Administration, the National Integrated Drought Information System, and the State partners of the National Integrated Drought Information System under the National Integrated Drought Information System Act of 2006 (15 U.S.C. 313d)—

(A) to collect and integrate key indicators of drought severity and impacts; and

(B) to produce and communicate timely monitoring and forecast information to local and regional communities, including the San Joaquin Valley, the Delta, and the Central Coast; and

(8) any other assistance the Secretary determines to be necessary.

SEC. 108. CALFED BAY-DELTA ACT REAUTHORIZATION.

Title I of the Water Supply, Reliability, and Environmental Improvement Act (118 Stat. 1681; 123 Stat. 2860) (as amended by section 207 of title II of division D of the Consolidated Appropriations Act, 2014) is amended by striking ''2015'' each place it appears and inserting ''2018''.

SEC. 109. RECLAMATION STATES EMERGENCY DROUGHT RELIEF ACT REAUTHORIZATION.

Section 301 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2241) is amended—

(1) by striking ''$90,000,000'' and inserting ''$190,000,000''; and

(2) by striking ''2012'' and inserting ''2017''.

SEC. 110. SECURE WATER ACT REAUTHORIZATION.

Section 9504 of Public Law 111–11 (42 U.S.C. 10364) is amended—

(1) in subsection (a)(3)(E), by adding at the end the following:

''(v) AUTHORITY OF COMMISSIONER.—The Commissioner of Reclamation may, at the discretion of the Commissioner—

''(I) waive any cost-share requirements to address emergency situations; and

''(II) prioritize projects based on the ability of the projects to expeditiously yield water supply benefits during periods of drought.''; and

(2) in subsection (e), by striking ''$200,000,000'' and inserting ''$250,000,000''.

SEC. 111. EFFECT ON STATE LAWS.

Nothing in this Act preempts any State law in effect on the date of enactment of this Act, including area of origin and other water rights protections.

SEC. 112. KLAMATH BASIN WATER SUPPLY.

The Klamath Basin Water Supply Enhancement Act of 2000 (Public Law 106–498; 114 Stat. 2221) is amended—

(1) by redesignating sections 4 through 6 as sections 5 through 7, respectively; and

(2) by inserting after section 3 the following:

''SEC. 4. WATER MANAGEMENT AND PLANNING ACTIVITIES.

''The Secretary is authorized to engage in activities, including entering into agreements and contracts, or otherwise making financial assistance available, to reduce water consumption or demand, or to restore ecosystems in the Klamath Basin watershed, including tribal fishery resources held in trust, consistent with collaborative agreements for environmental restoration and settlements of water rights claims.''.

SEC. 113. TERMINATION OF AUTHORITIES.

The authorities under sections 103, 104, 105, and 106 expire on the date on which the Governor of the State suspends the state of drought emergency declaration.

TITLE II—EMERGENCY SUPPLEMENTAL AGRICULTURE DISASTER APPROPRIATIONS

SEC. 201. EMERGENCY SUPPLEMENTAL AGRICULTURE DISASTER APPROPRIATIONS.

(a) FUNDING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, as soon as practicable after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture (referred to in this section as the ''Secretary'') for the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.) and the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) $100,000,000, to be divided among each applicable program as the Secretary determines to be appropriate—

(A) to provide to agricultural producers and other eligible entities affected by the 2014 drought assistance upon declaration of a natural disaster under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) or for the same purposes for counties that are contiguous to a designated natural disaster area; and

(B) to carry out any other activities the Secretary determines necessary as a result of the 2014 drought, such as activities relating to wildfire damage.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under paragraph (1), without further appropriation.

(b) EMERGENCY ASSISTANCE PROGRAM FOR LIVESTOCK, HONEY BEES, AND FARM-RAISED FISH.—Notwithstanding any other applicable limitations under law, the Secretary shall use such sums as are necessary of the funds of the Commodity Credit Corporation to carry out the emergency assistance program for livestock, honey bees, and farm-raised fish under section 531(e) of the Federal Crop Insurance Act (7 U.S.C. 1531(e)) for fiscal year 2014 to provide assistance to agricultural producers for losses due to drought.

(c) FEMA PREDISASTER HAZARD MITIGATION GRANTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, as soon as practicable after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Administrator of the Federal Emergency Management Agency $25,000,000 for fiscal year 2014 for mitigation activities related to drought and wildfire hazards.

(2) RECEIPT AND ACCEPTANCE.—The Administrator of the Federal Emergency Management Agency shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under paragraph (1), without further appropriation.

(d) EMERGENCY COMMUNITY WATER ASSISTANCE GRANTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law—

(A) as soon as practicable after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary $25,000,000 for fiscal year 2014 to provide emergency community water assistance grants under section 306A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926a) to address impacts of drought;

(B) the maximum amount of a grant provided under subparagraph (A) for fiscal year 2014 shall be $1,000,000; and

(C) for fiscal year 2014, a community whose population is less than 50,000 shall be eligible for a grant under this paragraph.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under paragraph (1), without further appropriation.

(e) OFFICE OF THE INSPECTOR GENERAL.—

(1) IN GENERAL.—Notwithstanding any other provision of law, as soon as practicable after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Inspector General of the Department of Agriculture $2,000,000 for fiscal year 2014, to remain available until expended, for oversight of activities carried out by the Department relating to drought.

(2) RECEIPT AND ACCEPTANCE.—The Inspector General of the Department of Agriculture shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under paragraph (1), without further appropriation.

(f) EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, as soon as practicable after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary $25,000,000 for fiscal year 2014 to provide emergency grants to assist low-income migrant and seasonal farmworkers under section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a) to address impacts of drought upon declaration of a natural disaster under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) or for the same purposes in counties that are contiguous to a designated natural disaster area.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under paragraph (1), without further appropriation.

(g) EMERGENCY FOREST RESTORATION PROGRAM.—

(1) IN GENERAL.—Notwithstanding any other provision of law, as soon as practicable after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary $25,000,000 for fiscal year 2014 for the Emergency Forest Restoration Program under section 407 of the Agricultural Credit Act of 1978 (16 U.S.C. 2206) to address impacts of drought or wildfire upon declaration of a natural disaster under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) or for the same purposes in counties that are contiguous to a designated natural disaster area.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under paragraph (1), without further appropriation.

TITLE III—FEDERAL DISASTER ASSISTANCE

SEC. 301. TREATMENT OF DROUGHT UNDER THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT.

(a) FINDINGS.—Congress finds that—

(1) the term ''major disaster'' (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) includes drought, yet no drought in the 30 years preceding the date of enactment of this Act has been declared by the President to be a major disaster in any of the States in accordance with section 401 of that Act (42 U.S.C. 5170);

(2) a major drought shall be eligible to be declared a major disaster or state of emergency by the President on the request of the Governor of any State;

(3) droughts are natural disasters that do occur, and while of a different type of impact, the scale of the impact of a major drought can be equivalent to other disasters that have been declared by the President to be a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

(4) droughts have wide-ranging and long-term impacts on ecosystem health, agriculture production, permanent crops, forests, waterways, air quality, public health, wildlife, employment, communities, State and national parks, and other natural resources of a State and the people of that State that have significant value.

(b) AMENDMENT.—Section 502(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5192(a)) is amended—

(1) in paragraph (7), by striking ''and'';

(2) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(9) provide disaster unemployment assistance in accordance with section 410;

''(10) provide emergency nutrition assistance in accordance with section 412; and

''(11) provide crisis counseling assistance in accordance with section 416.''.

TITLE IV—EMERGENCY DESIGNATIONS

SEC. 401. EMERGENCY DESIGNATIONS.

(a) This Act is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

(b) In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 353—DESIGNATING SEPTEMBER 2014 AS ''NATIONAL BRAIN ANEURYSM AWARENESS MONTH''

Mr. MARKEY submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 353

Whereas a brain aneurysm is an abnormal saccular or fusiform bulging of an artery in the brain;

Whereas an estimated 1 out of every 50 people in the United States has a brain aneurysm;

Whereas brain aneurysms are most likely to occur in people between the ages of 35 and 60 and there are typically no warning signs;

Whereas brain aneurysms are more likely to occur in women than in men by a 3-to-2 ratio;

Whereas young and middle aged African Americans have a higher risk of brain aneurysm rupture compared to Caucasian Americans;

Whereas various risk factors can contribute to the formation of a brain aneurysm, including smoking, hypertension, and a family history of brain aneurysms;

Whereas approximately 6,000,000 people in the United States have a brain aneurysm;

Whereas an unruptured brain aneurysm can lead to double vision, vision loss, loss of sensation, weakness, loss of balance, incoordination, and speech problems;

Whereas a brain aneurysm is often discovered when it ruptures and causes a subarachnoid hemorrhage;

Whereas a subarachnoid hemorrhage can lead to brain damage, hydrocephalus, stroke, and death;

Whereas each year, more than 30,000 people in the United States suffer from ruptured brain aneurysms and 40 percent of these people die as a result;

Whereas annually, between 3,000 and 4,500 people in the United States with ruptured brain aneurysms die before reaching the hospital;

Whereas a number of advancements have been made in recent years regarding the detection of aneurysms, including the computerized tomography (CT) scan, the magnetic resonance imaging (MRI) test, and the cerebral arteriogram, and early detection can save lives;

Whereas various research studies are currently being conducted in the United States in order to better understand, prevent, and treat brain aneurysms; and

Whereas the month of September would be an appropriate month to designate as ''National Brain Aneurysm Awareness Month'': Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2014 as National Brain Aneurysm Awareness Month; and

(2) continues to support research to prevent, detect, and treat brain aneurysms.

SENATE RESOLUTION 354—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD LEAVE NO MEMBER OF THE ARMED FORCES UNACCOUNTED FOR DURING THE DRAWDOWN OF FORCES IN AFGHANISTAN

Mr. TOOMEY (for himself, Mr. MCCONNELL, Mr. BURR, and Mr. CASEY) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 354

Whereas the United States is a country of great honor and integrity;

Whereas the United States has made a sacred promise to members of the Armed Forces who are deployed overseas in defense of this country that their sacrifice and service will never be forgotten; and

Whereas the United States can never thank the proud members of the Armed Forces enough for what they do for this country on a daily basis: Now, therefore, be it

Resolved, That the Senate—

(1) believes that the United States should undertake every reasonable effort—

(A) to find and repatriate members of the Armed Forces who are missing; and

(B) to repatriate members of the Armed Forces who are captured;

(2) believes that the United States has a responsibility to keep the promises made to members of the Armed Forces who risk their lives on a daily basis on behalf of the people of the United States;

(3) supports the United States Soldier's Creed and the Warrior Ethos, which state that ''I will never leave a fallen comrade''; and

(4) believes that, while the United States continues to transition leadership roles in combat operations in Afghanistan to the people of Afghanistan, the United States must continue to fulfill these important promises to any member of the Armed Forces who is in a missing status or captured as a result of service in Afghanistan now or in the future.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2733. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1963, to repeal section 403 of the Bipartisan Budget Act of 2013; which was ordered to lie on the table.

SA 2734. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 1963, supra; which was ordered to lie on the table.

SA 2735. Mrs. SHAHEEN (for herself, Mr. BLUMENTHAL, Mr. COONS, Ms. HIRONO, Mr. UDALL of Colorado, Mr. MERKLEY, Mr. MARKEY, Mr. MANCHIN, Mr. UDALL of New Mexico, Mr. KAINE, Ms. LANDRIEU, Mr. SCHATZ, Mr. FRANKEN, and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill S. 1963, supra; which was ordered to lie on the table.

SA 2736. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 1963, supra; which was ordered to lie on the table.

SA 2737. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 1963, supra; which was ordered to lie on the table.

SA 2738. Mr. PORTMAN (for himself and Mr. COATS) submitted an amendment intended to be proposed by him to the bill S. 1963, supra; which was ordered to lie on the table.

SA 2739. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1963, supra; which was ordered to lie on the table.

SA 2740. Mr. REID (for Mr. BEGICH) proposed an amendment to the bill S. 1068, to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, and for other purposes.

TEXT OF AMENDMENTS

SA 2733. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1963, to repeal section 403 of the Bipartisan Budget Act of 2013; which was ordered to lie on the table; as follows:

On page 1, strike lines 5 through 7 and insert the following:

(a) ADJUSTMENT OF RETIREMENT PAY.—Section 403 of the Bipartisan Budget Act of 2013 is repealed as of the date of the enactment of such Act.

(b) CONFORMING AMENDMENT.—Title X of the Department of Defense Appropriations Act, 2014 (division C of Public Law 113–76) is hereby repealed.

SEC. 2. LIMITATIONS ON FOREIGN ASSISTANCE.

(a) FOREIGN ASSISTANCE TO THE GOVERNMENT OF EGYPT.—

(1) RESTRICTIONS ON ASSISTANCE UNDER SECTION 7008.—In accordance with section 7008 of the Department of State, Foreign Operations, and Related Programs Act, 2012 (division I of Public Law 112–74; 125 Stat. 1195), the United States Government, including the Department of State, shall refrain from providing to the Government of Egypt the assistance restricted under such section.

(2) ADDITIONAL RESTRICTIONS.—In addition to the restrictions referred to in paragraph (1), the following restrictions shall be in effect with respect to United States assistance to the Government of Egypt:

(A) Deliveries of defense articles currently slated for transfer to Egyptian Ministry of Defense (MOD) and Ministry of Interior (MOI) shall be suspended until the President certifies to Congress that democratic national elections have taken place in Egypt followed by a peaceful transfer of power.

(B) Provision of defense services to Egyptian MOD and MOI shall be halted immediately until the President certifies to Congress that democratic national elections have taken place in Egypt followed by a peaceful transfer of power.

(C) Processing of draft Letters of Offer and Acceptance (LOAs) for future arms sales to Egyptian MOD and MOI entities shall be halted until the President certifies to Congress that democratic national elections have taken place in Egypt followed by a peaceful transfer of power.

(D) All costs associated with the delays in deliveries and provision of services required under subparagraphs (A) through (C) shall be borne by the Government of Egypt.

(b) OTHER LIMITATIONS ON FOREIGN ASSISTANCE.—

(1) PROHIBITION.—No amounts may be obligated or expended to provide any direct United States assistance, loan guarantee, or debt relief to a Government described under paragraph (2).

(2) COVERED GOVERNMENTS.—The Governments referred to in paragraph (1) are as follows:

(A) The Government of Libya.

(B) The Government of Pakistan.

(C) The Government of a host country of a United States diplomatic facility on the list submitted to Congress pursuant to paragraph (3).

(3) DETERMINATION BY SECRETARY.—The Secretary of State shall submit to Congress a list of all United States diplomatic facilities attacked, trespassed upon, breached, or attempted to be attacked, trespassed upon, or breached on or after September 1, 2012, not later than 5 days after the date of enactment of this Act and not later than 5 days after any subsequent attack, trespass, breach, or attempt.

(4) CERTIFICATION.—Beginning 90 days after the date of the enactment of this Act, the President may certify to Congress that—

(A) a Government described under paragraph (2)—

(i) is cooperating or has cooperated fully with investigations into an attack, trespass, breach, or attempted attack, trespass, or breach;

(ii) has arrested or facilitated the arrest of, and if requested has permitted extradition of, all identifiable persons in such country associated with organizing, planning, or participating in the attack, trespass, breach, or attempted attack, trespass, or breach;

(iii) is facilitating or has facilitated any security improvements at United States diplomatic facilities, as requested by the United States Government; and

(iv) is taking or has taken sufficient steps to strengthen and improve reliability of local security in order to prevent any future attack, trespass, or breach; and

(B) all identifiable persons associated with organizing, planning, or participating in the attack, trespass, breach, or attempted attack, trespass, or breach—

(i) have been identified by the Federal Bureau of Investigations, the Bureau of Diplomatic Security, or other United States law enforcement entity; and

(ii) are in United States custody.

(5) REQUEST TO SUSPEND PROHIBITION ON FOREIGN ASSISTANCE.—Upon submitting a

certification under paragraph (4) with respect to a Government described under paragraph (2), the President may submit a request to Congress to suspend the prohibition on foreign assistance to the Government.

(c) EFFECTIVE DATE.—This section takes effect on the date of the enactment of this Act and applies with respect to funds made available to any Federal department or agency beginning with fiscal year 2015.

SEC. 3. AUTHORIZATION TO SELL LAND.

(a) AUTHORIZATION.—For each of fiscal years 2014 through 2024 or when the authority under this section is terminated in accordance with subsection (d), whichever occurs first, subject to valid existing rights, the Secretary of the Interior or the Secretary of Agriculture, as the case may be, shall offer for competitive sale by auction all right, title, and interest, to the extent provided in subsection (b)(2), in and to the following:

(1) Eight percent of the Federal land managed by the Bureau of Land Management.

(2) Eight percent of the National Forest System land.

(b) TERMS AND CONDITIONS.—

(1) CONFIGURATION OF LAND.—The Secretary concerned shall configure the land to be sold to maximize marketability or achieve management objectives, and may prescribe such terms and conditions on the land sales authorized by this Act as the Secretary deems in the public interest.

(2) MINERAL RIGHTS.—For each fiscal year, the Secretary concerned may include in the sale of land under subsection (a) the mineral rights to such land for not more than 50 percent of the total acreage sold under subsection (a) by that Secretary, if the Secretary determines that such inclusion is likely to maximize marketability.

(c) PROCEEDS FROM THE SALE OF LAND.—All proceeds from the sale of land under this section shall be deposited into the Treasury and applied—

(1) to reduce the annual Federal budget deficit for the fiscal year in which the sums are received, except as provided in paragraph (2); and

(2) if there is no annual Federal budget deficit for the fiscal year in which the sums are received, to reduce the outstanding Federal debt.

(d) TERMINATION OF AUTHORITY.—The authority under this section shall terminate when the proceeds deposited into the Treasury under subsection (c) equal $3,500,000 or at the end of fiscal year 2024, whichever occurs first.

SA 2734. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 1963, to repeal section 403 of the Bipartisan Budget Act of 2013; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. REPEAL OF CERTAIN REDUCTIONS MADE BY THE BIPARTISAN BUDGET ACT OF 2013.

(a) ADJUSTMENT OF RETIREMENT PAY.—Section 403 of the Bipartisan Budget Act of 2013 is repealed as of the date of the enactment of such Act.

(b) CONFORMING AMENDMENT.—Title X of the Department of Defense Appropriations Act, 2014 (division C of Public Law 113–76) is hereby repealed.

SEC. 2. REDUCTION OF NONMEDICARE, NONDEFENSE DIRECT SPENDING.

Section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a) is amended by adding at the end the following:

''(11) ADDITIONAL REDUCTION OF NONMEDICARE, NONDEFENSE DIRECT SPENDING.—

''(A) IN GENERAL.—For each of fiscal years 2015 through 2023, in addition to the reduction in direct spending under paragraph (6), on the date specified in paragraph (2), OMB shall prepare and the President shall order a sequestration, effective upon issuance, reducing the spending described in subparagraph (B) by the uniform percentage necessary to reduce such spending for the fiscal year by $757,000,000.

''(B) SPENDING COVERED.—The spending described in this subparagraph is spending that is—

''(i) nonexempt direct spending;

''(ii) not spending for the Medicare programs specified in section 256(d); and

''(iii) within the revised nonsecurity category.''.

SA 2735. Mrs. SHAHEEN (for herself, Mr. BLUMENTHAL, Mr. COONS, Ms. HIRONO, Mr. UDALL of Colorado, Mr. MERKLEY, Mr. MARKEY, Mr. MANCHIN, Mr. UDALL of New Mexico, Mr. KAINE, Ms. LANDRIEU, Mr. SCHATZ, Mr. FRANKEN, and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill S. 1963, to repeal section 403 of the Bipartisan Budget Act of 2013; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 2. TREATMENT OF FOREIGN CORPORATIONS MANAGED AND CONTROLLED IN THE UNITED STATES AS DOMESTIC CORPORATIONS.

(a) IN GENERAL.—Section 7701 of the Internal Revenue Code of 1986 is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

''(p) CERTAIN CORPORATIONS MANAGED AND CONTROLLED IN THE UNITED STATES TREATED AS DOMESTIC FOR INCOME TAX.—

''(1) IN GENERAL.—Notwithstanding subsection (a)(4), in the case of a corporation described in paragraph (2) if—

''(A) the corporation would not otherwise be treated as a domestic corporation for purposes of this title, but

''(B) the management and control of the corporation occurs, directly or indirectly, primarily within the United States,

then, solely for purposes of chapter 1 (and any other provision of this title relating to chapter 1), the corporation shall be treated as a domestic corporation.

''(2) CORPORATION DESCRIBED.—

''(A) IN GENERAL.—A corporation is described in this paragraph if—

''(i) the stock of such corporation is regularly traded on an established securities market, or

''(ii) the aggregate gross assets of such corporation (or any predecessor thereof), including assets under management for investors, whether held directly or indirectly, at any time during the taxable year or any preceding taxable year is $50,000,000 or more.

''(B) GENERAL EXCEPTION.—A corporation shall not be treated as described in this paragraph if—

''(i) such corporation was treated as a corporation described in this paragraph in a preceding taxable year,

''(ii) such corporation—

''(I) is not regularly traded on an established securities market, and

''(II) has, and is reasonably expected to continue to have, aggregate gross assets (including assets under management for investors, whether held directly or indirectly) of less than $50,000,000, and

''(iii) the Secretary grants a waiver to such corporation under this subparagraph.

''(3) MANAGEMENT AND CONTROL.—

''(A) IN GENERAL.—The Secretary shall prescribe regulations for purposes of determining cases in which the management and control of a corporation is to be treated as occurring primarily within the United States.

''(B) EXECUTIVE OFFICERS AND SENIOR MANAGEMENT.—Such regulations shall provide that—

''(i) the management and control of a corporation shall be treated as occurring primarily within the United States if substantially all of the executive officers and senior management of the corporation who exercise day-to-day responsibility for making decisions involving strategic, financial, and operational policies of the corporation are located primarily within the United States, and

''(ii) individuals who are not executive officers and senior management of the corporation (including individuals who are officers or employees of other corporations in the same chain of corporations as the corporation) shall be treated as executive officers and senior management if such individuals exercise the day-to-day responsibilities of the corporation described in clause (i).

''(C) CORPORATIONS PRIMARILY HOLDING INVESTMENT ASSETS.—Such regulations shall also provide that the management and control of a corporation shall be treated as occurring primarily within the United States if—

''(i) the assets of such corporation (directly or indirectly) consist primarily of assets being managed on behalf of investors, and

''(ii) decisions about how to invest the assets are made in the United States.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning on or after the date which is 2 years after the date of the enactment of this Act, whether or not regulations are issued under section 7701(p)(3) of the Internal Revenue Code of 1986, as added by this section.

SA 2736. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 1963, to repeal section 403 of the Bipartisan Budget Act of 2013; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 2. EXTENSION OF DIRECT SPENDING REDUCTION FOR FISCAL YEAR 2024.

Section 251A(6)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(6)(B)) is amended by striking ''and for fiscal year 2023'' and inserting '', for fiscal year 2023, and for fiscal year 2024''.

SA 2737. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 1963, to repeal section 403 of the Bipartisan Budget Act of 2013; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 2. REPEAL OF DEPARTMENT OF DEFENSE GOAL REGARDING USE OF RENEWABLE ENERGY TO MEET ELECTRICITY NEEDS.

Section 2911 of title 10, United States Code, is amended by striking subsection (e).

SA 2738. Mr. PORTMAN (for himself and Mr. COATS) submitted an amendment intended to be proposed by him to the bill S. 1963, to repeal section 403 of the Bipartisan Budget Act of 2013; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE II—EMERGENCY UNEMPLOYMENT COMPENSATION EXTENSION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Emergency Unemployment Compensation Extension Act of 2014''.

SEC. 202. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

(a) EXTENSION.—Section 4007(a)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by striking ''January 1, 2014'' and inserting ''April 1, 2014''.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (I), by striking ''and'' at the end;

(2) in subparagraph (J), by inserting ''and'' at the end; and

(3) by inserting after subparagraph (J) the following:

''(K) the amendment made by section 202(a) of the Emergency Unemployment Compensation Extension Act of 2014;''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the American Taxpayer Relief Act of 2012 (Public Law 112–240).

SEC. 203. TEMPORARY EXTENSION OF EXTENDED BENEFIT PROVISIONS.

(a) IN GENERAL.—Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note), is amended—

(1) by striking ''December 31, 2013'' each place it appears and inserting ''March 31, 2014''; and

(2) in subsection (c), by striking ''June 30, 2014'' and inserting ''September 30, 2014''.

(b) EXTENSION OF MATCHING FOR STATES WITH NO WAITING WEEK.—Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''June 30, 2014'' and inserting ''September 30, 2014''.

(c) EXTENSION OF MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.—Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) in subsection (d), by striking ''December 31, 2013'' and inserting ''March 31, 2014''; and

(2) in subsection (f)(2), by striking ''December 31, 2013'' and inserting ''March 31, 2014''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the American Taxpayer Relief Act of 2012 (Public Law 112–240).

SEC. 204. EXTENSION OF FUNDING FOR REEMPLOYMENT SERVICES AND REEMPLOYMENT AND ELIGIBILITY ASSESSMENT ACTIVITIES.

(a) IN GENERAL.—Section 4004(c)(2)(A) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by striking ''through fiscal year 2014'' and inserting ''through the first quarter of fiscal year 2015''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the American Taxpayer Relief Act of 2012 (Public Law 112–240).

SEC. 205. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(c)(2)(D)(iii)) is amended—

(1) by striking ''June 30, 2013'' and inserting ''September 30, 2013''; and

(2) by striking ''December 31, 2013'' and inserting ''March 31, 2014''.

(b) CLARIFICATION ON AUTHORITY TO USE FUNDS.—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of enactment of this Act.

(c) FUNDING FOR ADMINISTRATION.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Railroad Retirement Board $62,500 for administrative expenses associated with the payment of additional extended unemployment benefits provided under section 2(c)(2)(D) of the Railroad Unemployment Insurance Act by reason of the amendments made by subsection (a), to remain available until expended.

SEC. 206. FLEXIBILITY FOR UNEMPLOYMENT PROGRAM AGREEMENTS.

(a) FLEXIBILITY.—

(1) IN GENERAL.—Subsection (g) of section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) shall not apply with respect to a State that has enacted a law before December 1, 2013, that, upon taking effect, would violate such subsection.

(2) EFFECTIVE DATE.—Paragraph (1) is effective with respect to weeks of unemployment beginning on or after December 29, 2013.

(b) PERMITTING A SUBSEQUENT AGREEMENT.—Nothing in title IV of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) shall preclude a State whose agreement under such title was terminated from entering into a subsequent agreement under such title on or after the date of the enactment of this Act if the State, taking into account the application of subsection (a), would otherwise meet the requirements for an agreement under such title.

SEC. 207. ENDING UNEMPLOYMENT PAYMENTS TO JOBLESS MILLIONAIRES AND BILLIONAIRES.

(a) PROHIBITION.—Notwithstanding any other provision of law, no Federal funds may be used to make payments of unemployment compensation (including such compensation under the Federal-State Extended Compensation Act of 1970 and the emergency unemployment compensation program under title IV of the Supplemental Appropriations Act, 2008) to an individual whose adjusted gross income in the preceding year was equal to or greater than $1,000,000.

(b) COMPLIANCE.—Unemployment Insurance applications shall include a form or procedure for an individual applicant to certify the individual's adjusted gross income was not equal to or greater than $1,000,000 in the preceding year.

(c) AUDITS.—The certifications required by subsection (b) shall be auditable by the U.S. Department of Labor or the U.S. Government Accountability Office.

(d) STATUS OF APPLICANTS.—It is the duty of the states to verify the residency, employment, legal, and income status of applicants for Unemployment Insurance and no Federal funds may be expended for purposes of determining an individual's eligibility under this Act.

(e) EFFECTIVE DATE.—The prohibition under subsection (a) shall apply to weeks of unemployment beginning on or after the date of the enactment of this Act.

SEC. 208. FUNDING STABILIZATION.

(a) FUNDING STABILIZATION UNDER THE INTERNAL REVENUE CODE.—The table in subclause (II) of section 430(h)(2)(C)(iv) of the Internal Revenue Code of 1986 is amended to read as follows:

''If the calendar year is:	The applicable minimum percentage is:	The applicable maximum percentage is:
2012, 2013, 2014, 2015, or 2016.	90%	110%
2017	85%	115%
2018	80%	120%
2019	75%	125%
After 2019	70%	130%''.

(b) FUNDING STABILIZATION UNDER ERISA.—

(1) IN GENERAL.—The table in subclause (II) of section 303(h)(2)(C)(iv) of the Employee Retirement Income Security Act of 1974 is amended to read as follows:

''If the calendar year is:	The applicable minimum percentage is:	The applicable maximum percentage is:
2012, 2013, 2014, 2015, or 2016.	90%	110%
2017	85%	115%
2018	80%	120%
2019	75%	125%
After 2019	70%	130%''.

(2) CONFORMING AMENDMENT.—

(A) IN GENERAL.—Clause (ii) of section 101(f)(2)(D) of such Act is amended by striking ''2015'' and inserting ''2019''.

(B) STATEMENTS.—The Secretary of Labor shall modify the statements required under subclauses (I) and (II) of section 101(f)(2)(D)(i) of such Act to conform to the amendments made by this section.

(c) STABILIZATION NOT TO APPLY FOR PURPOSES OF CERTAIN ACCELERATED BENEFIT DISTRIBUTION RULES.—

(1) INTERNAL REVENUE CODE OF 1986.—The second sentence of paragraph (2) of section 436(d) of the Internal Revenue Code of 1986 is amended by striking ''of such plan'' and inserting ''of such plan (determined by not taking into account any adjustment of segment rates under section 430(h)(2)(C)(iv))''.

(2) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—The second sentence of subparagraph (B) of section 206(g)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1056(g)(3)(B)) is amended by striking ''of such plan'' and inserting ''of such plan (determined by not taking into account any adjustment of segment rates under section 303(h)(2)(C)(iv))''.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to plan years beginning after December 31, 2014.

(B) COLLECTIVELY BARGAINED PLANS.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements, the amendments made by this subsection shall apply to plan years beginning after December 31, 2015.

(4) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(A) IN GENERAL.—If this paragraph applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subparagraph (B)(ii).

(B) AMENDMENTS TO WHICH PARAGRAPH APPLIES.—

(i) IN GENERAL.—This paragraph shall apply to any amendment to any plan or annuity contract which is made—

(I) pursuant to the amendments made by this subsection, or pursuant to any regulation issued by the Secretary of the Treasury

or the Secretary of Labor under any provision as so amended, and

(II) on or before the last day of the first plan year beginning on or after January 1, 2016, or such later date as the Secretary of the Treasury may prescribe.

(ii) CONDITIONS.—This subsection shall not apply to any amendment unless, during the period—

(I) beginning on the date that the amendments made by this subsection or the regulation described in clause (i)(I) takes effect (or in the case of a plan or contract amendment not required by such amendments or such regulation, the effective date specified by the plan), and

(II) ending on the date described in clause (i)(II) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect, and such plan or contract amendment applies retroactively for such period.

(C) ANTI-CUTBACK RELIEF.—A plan shall not be treated as failing to meet the requirements of section 204(g) of the Employee Retirement Income Security Act of 1974 and section 411(d)(6) of the Internal Revenue Code of 1986 solely by reason of a plan amendment to which this paragraph applies.

(d) MODIFICATION OF FUNDING TARGET DETERMINATION PERIODS.—

(1) INTERNAL REVENUE CODE OF 1986.—Clause (i) of section 430(h)(2)(B) of the Internal Revenue Code of 1986 is amended by striking ''the first day of the plan year'' and inserting ''the valuation date for the plan year''.

(2) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Clause (i) of section 303(h)(2)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(h)(2)(B)(i)) is amended by striking ''the first day of the plan year'' and inserting ''the valuation date for the plan year''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (d) shall apply with respect to plan years beginning after December 31, 2012.

(2) ELECTIONS.—A plan sponsor may elect not to have the amendments made by subsections (a), (b), and (d) apply to any plan year beginning before January 1, 2014, either (as specified in the election)—

(A) for all purposes for which such amendments apply, or

(B) solely for purposes of determining the adjusted funding target attainment percentage under sections 436 of the Internal Revenue Code of 1986 and 206(g) of the Employee Retirement Income Security Act of 1974 for such plan year.

A plan shall not be treated as failing to meet the requirements of section 204(g) of such Act and section 411(d)(6) of such Code solely by reason of an election under this paragraph.

SEC. 209. REQUIREMENT THAT INDIVIDUALS RECEIVING EMERGENCY UNEMPLOYMENT COMPENSATION BE ACTIVELY ENGAGED IN A SYSTEMATIC AND SUSTAINED EFFORT TO OBTAIN SUITABLE WORK.

(a) IN GENERAL.—Subsection (h) of section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended to read as follows:

''(h) ACTIVELY SEEKING WORK.—

''(1) IN GENERAL.—For purposes of subsection (b)(4), payment of emergency unemployment compensation shall not be made to any individual for any week of unemployment—

''(A) during which the individual fails to accept any offer of suitable work (as defined in paragraph (3)) or fails to apply for any suitable work to which the individual was referred by the State agency; or

''(B) during which the individual fails to actively engage in seeking work, unless such individual is not actively engaged in seeking work because such individual is, as determined in accordance with State law—

''(i) before any court of the United States or any State pursuant to a lawfully issued summons to appear for jury duty (as such term may be defined by the Secretary); or

''(ii) hospitalized for treatment of an emergency or a life-threatening condition (as such term may be defined by the Secretary),

if such exemptions in clauses (i) and (ii) apply to recipients of regular benefits, and the State chooses to apply such exemptions for recipients of emergency unemployment benefits.

''(2) PERIOD OF INELIGIBILITY.—If any individual is ineligible for emergency unemployment compensation for any week by reason of a failure described in subparagraph (A) or (B) of paragraph (1), the individual shall be ineligible to receive emergency unemployment compensation for any week which begins during a period which—

''(A) begins with the week following the week in which such failure occurs; and

''(B) does not end until such individual has been employed during at least 4 weeks which begin after such failure and the total of the remuneration earned by the individual for being so employed is not less than the product of 4 multiplied by the individual's average weekly benefit amount for the individual's benefit year.

''(3) SUITABLE WORK.—For purposes of this subsection, the term 'suitable work' means, with respect to any individual, any work which is within such individual's capabilities, except that, if the individual furnishes evidence satisfactory to the State agency that such individual's prospects for obtaining work in his customary occupation within a reasonably short period are good, the determination of whether any work is suitable work with respect to such individual shall be made in accordance with the applicable State law.

''(4) EXCEPTION.—Extended compensation shall not be denied under subparagraph (A) of paragraph (1) to any individual for any week by reason of a failure to accept an offer of, or apply for, suitable work—

''(A) if the gross average weekly remuneration payable to such individual for the position does not exceed the sum of—

''(i) the individual's average weekly benefit amount for his benefit year, plus

''(ii) the amount (if any) of supplemental unemployment compensation benefits (as defined in section 501(c)(17)(D) of the Internal Revenue Code of 1986) payable to such individual for such week;

''(B) if the position was not offered to such individual in writing and was not listed with the State employment service;

''(C) if such failure would not result in a denial of compensation under the provisions of the applicable State law to the extent that such provisions are not inconsistent with the provisions of paragraphs (3) and (5); or

''(D) if the position pays wages less than the higher of—

''(i) the minimum wage provided by section 6(a)(1) of the Fair Labor Standards Act of 1938, without regard to any exemption; or

''(ii) any applicable State or local minimum wage.

''(5) ACTIVELY ENGAGED IN SEEKING WORK.—For purposes of this subsection, an individual shall be treated as actively engaged in seeking work during any week if—

''(A) the individual has engaged in a systematic and sustained effort to obtain work during such week, and

''(B) the individual provides tangible evidence to the State agency that he has engaged in such an effort during such week.

''(6) REFERRAL.—The State agency shall provide for referring applicants for emergency unemployment benefits to any suitable work to which paragraph (4) would not apply.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 210. REDUCTION IN BENEFITS BASED ON RECEIPT OF UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Title II of the Social Security Act (42 U.S.C. 401 et seq.) is amended by inserting after section 224 the following new section:

''REDUCTION IN BENEFITS BASED ON RECEIPT OF UNEMPLOYMENT COMPENSATION

''SEC. 224A (a)(1) If for any month prior to the month in which an individual attains retirement age (as defined in section 216(l)(1))—

''(A) such individual is entitled to benefits under section 223, and

''(B) such individual is entitled for such month to unemployment compensation,

the total of the individual's benefits under section 223 for such month and of any benefits under section 202 for such month based on the individual's wages and self-employment income shall be reduced (but not below zero) by the total amount of unemployment compensation received by such individual for such month.

''(2) The reduction of benefits under paragraph (1) shall also apply to any past-due benefits under section 223 for any month in which the individual was entitled to—

''(A) benefits under such section, and

''(B) unemployment compensation.

''(3) The reduction of benefits under paragraph (1) shall not apply to any benefits under section 223 for any month, or any benefits under section 202 for such month based on the individual's wages and self-employment income for such month, if the individual is entitled for such month to unemployment compensation following a period of trial work (as described in section 222(c)(1), participation in the Ticket to Work and Self-Sufficiency Program established under section 1148, or participation in any other program that is designed to encourage an individual entitled to benefits under section 223 or 202 to work.

''(b) If any unemployment compensation is payable to an individual on other than a monthly basis (including a benefit payable as a lump sum to the extent that it is a commutation of, or a substitute for, such periodic compensation), the reduction under this section shall be made at such time or times and in such amounts as the Commissioner of Social Security (referred to in this section as the 'Commissioner') determines will approximate as nearly as practicable the reduction prescribed by subsection (a).

''(c) Reduction of benefits under this section shall be made after any applicable reductions under section 203(a) and section 224, but before any other applicable deductions under section 203.

''(d)(1) Subject to paragraph (2), if the Commissioner determines that an individual may be eligible for unemployment compensation which would give rise to a reduction of benefits under this section, the Commissioner may require, as a condition of certification for payment of any benefits under section 223 to any individual for any month and of any benefits under section 202 for such month based on such individual's wages and self-employment income, that such individual certify—

''(A) whether the individual has filed or intends to file any claim for unemployment compensation, and

''(B) if the individual has filed a claim, whether there has been a decision on such claim.

''(2) For purposes of paragraph (1), the Commissioner may, in the absence of evidence to the contrary, rely upon a certification by the individual that the individual has not filed and does not intend to file such a claim, or that the individual has so filed and no final decision thereon has been made, in certifying benefits for payment pursuant to section 205(i).

''(e) Whenever a reduction in total benefits based on an individual's wages and self-employment income is made under this section for any month, each benefit, except the disability insurance benefit, shall first be proportionately decreased, and any excess of such reduction over the sum of all such benefits other than the disability insurance benefit shall then be applied to such disability insurance benefit.

''(f)(1) Notwithstanding any other provision of law, the head of any Federal agency shall provide such information within its possession as the Commissioner may require for purposes of making a timely determination of the amount of the reduction, if any, required by this section in benefits payable under this title, or verifying other information necessary in carrying out the provisions of this section.

''(2) The Commissioner is authorized to enter into agreements with States, political subdivisions, and other organizations that administer unemployment compensation, in order to obtain such information as the Commissioner may require to carry out the provisions of this section.

''(g) For purposes of this section, the term 'unemployment compensation' has the meaning given that term in section 85(b) of the Internal Revenue Code of 1986, and the total amount of unemployment compensation to which an individual is entitled shall be determined prior to any applicable reduction under State law based on the receipt of benefits under section 202 or 223.''.

(b) CONFORMING AMENDMENT.—Section 224(a) of the Social Security Act (42 U.S.C. 424a(a)) is amended, in the matter preceding paragraph (1), by striking ''the age of 65'' and inserting ''retirement age (as defined in section 216(l)(1))''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to benefits payable for months beginning on or after the date that is 12 months after the date of enactment of this section.

SEC. 211. EXTENSION OF NONMEDICARE, NONDEFENSE DIRECT SPENDING REDUCTIONS.

Section 251A(6) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(6)) is amended by adding at the end the following:

''(D)(i) On the date OMB issues its sequestration preview report for fiscal year 2024, pursuant to section 254(c), the President shall order a sequestration, effective upon issuance such that the percentage reduction for spending described in clause (ii) is the same percent as the percentage reduction for nonexempt direct spending for nondefense functions for fiscal year 2021 calculated under paragraph (4)(B).

''(ii) The spending described in this clause is spending that is—

''(I) nonexempt direct spending;

''(II) not spending for the Medicare programs specified in section 256(d); and

''(III) within the revised nonsecurity category.''.

SA 2739. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1963, to repeal section 403 of the Bipartisan Budget Act of 2013; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MAJOR MEDICAL FACILITY LEASES.

(a) AUTHORIZATION.—The Secretary of Veterans Affairs may carry out the following major medical facility leases at the locations specified, and in an amount for each lease not to exceed the amount shown for such location (not including any estimated cancellation costs):

(1) For a clinical research and pharmacy coordinating center, Albuquerque, New Mexico, an amount not to exceed $9,560,000.

(2) For a community-based outpatient clinic, Brick, New Jersey, an amount not to exceed $7,280,000.

(3) For a new primary care and dental clinic annex, Charleston, South Carolina, an amount not to exceed $7,070,250.

(4) For the Cobb County community-based Outpatient Clinic, Cobb County, Georgia, an amount not to exceed $6,409,000.

(5) For the Leeward Outpatient Healthcare Access Center, Honolulu, Hawaii, including a co-located clinic with the Department of Defense and the co-location of the Honolulu Regional Office of the Veterans Benefits Administration and the Kapolei Vet Center of the Department of Veterans Affairs, an amount not to exceed $15,887,370.

(6) For a community-based outpatient clinic, Johnson County, Kansas, an amount not to exceed $2,263,000.

(7) For a replacement community-based outpatient clinic, Lafayette, Louisiana, an amount not to exceed $2,996,000.

(8) For a community-based outpatient clinic, Lake Charles, Louisiana, an amount not to exceed $2,626,000.

(9) For outpatient clinic consolidation, New Port Richey, Florida, an amount not to exceed $11,927,000.

(10) For an outpatient clinic, Ponce, Puerto Rico, an amount not to exceed $11,535,000.

(11) For lease consolidation, San Antonio, Texas, an amount not to exceed $19,426,000.

(12) For a community-based outpatient clinic, San Diego, California, an amount not to exceed $11,946,100.

(13) For an outpatient clinic, Tyler, Texas, an amount not to exceed $4,327,000.

(14) For the Errera Community Care Center, West Haven, Connecticut, an amount not to exceed $4,883,000.

(15) For the Worcester community-based Outpatient Clinic, Worcester, Massachusetts, an amount not to exceed $4,855,000.

(16) For the expansion of a community-based outpatient clinic, Cape Girardeau, Missouri, an amount not to exceed $4,232,060.

(17) For a multispecialty clinic, Chattanooga, Tennessee, an amount not to exceed $7,069,000.

(18) For the expansion of a community-based outpatient clinic, Chico, California, an amount not to exceed $4,534,000.

(19) For a community-based outpatient clinic, Chula Vista, California, an amount not to exceed $3,714,000.

(20) For a new research lease, Hines, Illinois, an amount not to exceed $22,032,000.

(21) For a replacement research lease, Houston, Texas, an amount not to exceed $6,142,000.

(22) For a community-based outpatient clinic, Lincoln, Nebraska, an amount not to exceed $7,178,400.

(23) For a community-based outpatient clinic, Lubbock, Texas, an amount not to exceed $8,554,000.

(24) For a community-based outpatient clinic consolidation, Myrtle Beach, South Carolina, an amount not to exceed $8,022,000.

(25) For a community-based outpatient clinic, Phoenix, Arizona, an amount not to exceed $20,757,000.

(26) For the expansion of a community-based outpatient clinic, Redding, California, an amount not to exceed $8,154,000.

(27) For the expansion of a community-based outpatient clinic, Tulsa, Oklahoma, an amount not to exceed $13,269,200.

(b) BUDGETARY TREATMENT OF DEPARTMENT OF VETERANS AFFAIRS MAJOR MEDICAL FACILITIES LEASES.—

(1) FINDINGS.—Congress finds the following:

(A) Title 31, United States Code, requires the Department of Veterans Affairs to record the full cost of its contractual obligation against funds available at the time a contract is executed.

(B) Office of Management and Budget Circular A–11 provides guidance to agencies in meeting the statutory requirements under title 31, United States Code, with respect to leases.

(C) For operating leases, Office of Management and Budget Circular A–11 requires the Department of Veterans Affairs to record upfront budget authority in an ''amount equal to total payments under the full term of the lease or [an] amount sufficient to cover first year lease payments plus cancellation costs''.

(2) REQUIREMENT FOR OBLIGATION OF FULL COST.—Subject to the availability of appropriations provided in advance, in exercising the authority of the Secretary of Veterans Affairs to enter into leases under subsection (a), the Secretary shall record, pursuant to section 1501 of title 31, United States Code, as the full cost of the contractual obligation at the time a contract is executed, either—

(A) an amount equal to total payments under the full term of the lease; or

(B) if the lease specifies payments to be made in the event the lease is terminated before the full term of the lease, an amount sufficient to cover the first year lease payments plus the specified cancellation costs.

(3) TRANSPARENCY.—

(A) COMPLIANCE.—Subsection (b) of section 8104 of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(7) In the case of a prospectus proposing funding for a major medical facility lease, a detailed analysis of how the lease is expected to comply with Office of Management and Budget Circular A–11 and section 1341 of title 31 (commonly referred to as the 'Anti-Deficiency Act'). Any such analysis shall include the following:

''(A) An analysis of the classification of the lease as a 'lease-purchase', 'capital lease', or 'operating lease' as those terms are defined in Office of Management and Budget Circular A–11.

''(B) An analysis of the obligation of budgetary resources associated with the lease.

''(C) An analysis of the methodology used in determining the asset cost, fair market value, and cancellation costs of the lease.''.

(B) SUBMITTAL TO CONGRESS.—Such section 8104 is further amended by adding at the end the following new subsection:

''(h)(1) Not later than 30 days before entering into a major medical facility lease, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives—

''(A) notice of the intention of the Secretary to enter into the lease;

''(B) a copy of the proposed lease;

''(C) a description and analysis of any differences between the prospectus submitted pursuant to subsection (b) and the proposed lease; and

''(D) a scoring analysis demonstrating that the proposed lease fully complies with Office of Management and Budget Circular A–11.

''(2) Each committee described in paragraph (1) shall ensure that any information submitted to the committee under such paragraph is treated by the committee with the same level of confidentiality as is required of the Secretary by law and subject to the same statutory penalties for unauthorized disclosure or use to which the Secretary is subject.

''(3) Not later than 30 days after entering into a major medical facility lease, the Secretary shall submit to each committee described in paragraph (1) a report on any material differences between the lease that was entered into and the proposed lease described under such paragraph, including how the lease that was entered into changes the previously submitted scoring analysis described in subparagraph (D) of such paragraph.''.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection, or the amendments made by this subsection, shall be construed to relieve the Department of Veterans Affairs from any statutory or regulatory obligations or requirements existing prior to the date of the enactment of this Act.

SEC. _____. ELIGIBILITY FOR CHILD TAX CREDIT.

(a) IN GENERAL.—Subsection (e) of section 24 of the Internal Revenue Code of 1986 is amended by striking ''under this section to a taxpayer'' and all that follows and inserting ''under this section to any taxpayer unless—

''(1) such taxpayer includes the taxpayer's valid identification number (as defined in section 6428(h)(2)) on the return of tax for the taxable year, and

''(2) with respect to any qualifying child, the taxpayer includes the name and taxpayer identification number of such qualifying child on such return of tax.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 2740. Mr. REID (for Mr. BEGICH) proposed an amendment to the bill S. 1068, to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, and for other purposes; as follows:

At the end of title IV, add the following:

SEC. 412. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS AS EMPLOYMENT IN NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FOR PURPOSES OF CERTAIN HIRING DECISIONS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by this title, is further amended by adding at the end the following:

''SEC. 269A. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS AS EMPLOYMENT IN ADMINISTRATION FOR PURPOSES OF CERTAIN HIRING DECISIONS.

''(a) IN GENERAL.—In any case in which the Secretary accepts an application for a position of employment with the Administration and limits consideration of applications for such position to applications submitted by individuals serving in a career or career-conditional position in the competitive service within the Administration, the Secretary shall deem an officer who has served as an officer in the commissioned officer corps for at least 3 years to be serving in a career or career-conditional position in the competitive service within the Administration for purposes of such limitation.

''(b) CAREER APPOINTMENTS.—If the Secretary selects an application submitted by an officer described in subsection (a) for a position described in such subsection, the Secretary shall give such officer a career or career-conditional appointment in the competitive service, as appropriate.

''(c) COMPETITIVE SERVICE DEFINED.—In this section, the term 'competitive service' has the meaning given the term in section 2102 of title 5, United States Code.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 269, as added by this title, the following new item:

''Sec. 269A. Treatment of commission in commissioned officer corps as employment in Administration for purposes of certain hiring decisions.''.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 10:30 a.m., on February 12, 2014, to conduct a business meeting to consider the nominations of Thomas Hicks and Myrna Perez to be members of the Election Assistance Commission.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I would like to announce that the Committee on Energy and Natural Resources will meet on February 13, 2014, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building. The purpose of the Business Meeting is to consider the following nominations.

Rhea S. Suh, to be the Assistant Secretary for Fish and Wildlife and Parks; and Janice M. Schneider, to be an Assistance Secretary of the Interior, Land and Minerals Management.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to sam_fowler@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224–7571.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 11, 2014, at 9:30 a.m.

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

COMMITTEE ON FOREIGN RELATIONS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 11, 2014, at 10 a.m., to conduct a hearing entitled ''Prospects for Democratic Reconciliation and Workers' Rights in Bangladesh.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Ms. STABENOW. 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 February 11, 2014, at 10 a.m., in room SD–430 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on February 11, 2014, at 9 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''

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

SELECT COMMITTEE ON INTELLIGENCE

Ms. STABENOW. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 11, 2014, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that Margaret Taylor, a detailee from the State Department to the Senate Foreign Relations Committee, be granted floor privileges today in anticipation of votes on nominations and for the rest of the 113th Congress in order to assist with matters related to the work of the committee.

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

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that at 11 a.m. on Wednesday, February 12, 2014, the Senate proceed to executive session to consider the following nominations: Calendar Nos. 525, 595, 527, and 529; that there be 30 minutes for debate divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on the nominations in the order listed; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session; further, that there be 2 minutes for debate equally divided in the usual form prior to each vote and

all votes after the first be 10 minutes in length.

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

TO REAUTHORIZE AND AMEND THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS ACT OF 2002

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to Calendar No. 292, S. 1068.

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

The legislative clerk read as follows:

A bill (S. 1068) to reauthorize and amend the National Oceanic and Atmospheric Administration Commission Officer Corps Act of 2002, and for other purposes.

There being no objection, the Senate proceeded to consider the bill (S. 1068) to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, and for other purpose, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Oceanic and Atmospheric Administration Commissioned Officer Corps Amendments Act of 2013''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. REFERENCES TO NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS ACT OF 2002.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.).

TITLE I—GENERAL PROVISIONS

SEC. 101. STRENGTH AND DISTRIBUTION IN GRADE.

Section 214 (33 U.S.C. 3004) is amended to read as follows:

''SEC. 214. STRENGTH AND DISTRIBUTION IN GRADE.

''(a) GRADES.—The commissioned grades in the commissioned officer corps of the Administration are the following, in relative rank with officers of the Navy:

''(1) Vice admiral.
''(2) Rear admiral.
''(3) Rear admiral (lower half).
''(4) Captain.
''(5) Commander.
''(6) Lieutenant commander.
''(7) Lieutenant.
''(8) Lieutenant (junior grade).
''(9) Ensign.

''(b) PROPORTION.—

''(1) IN GENERAL.—The officers on the lineal list shall be distributed in grade in the following percentages:

''(A) 8 in the grade of captain.
''(B) 14 in the grade of commander.
''(C) 19 in the grade of lieutenant commander.

''(2) GRADES BELOW LIEUTENANT COMMANDER.—The Secretary shall prescribe, with respect to the distribution on the lineal list in grade, the percentages applicable to the grades of lieutenant, lieutenant (junior grade), and ensign.

''(c) ANNUAL COMPUTATION OF NUMBER IN GRADE.—

''(1) IN GENERAL.—Not less frequently than once each year, the Secretary shall make a computation to determine the number of officers on the lineal list authorized to be serving in each grade.

''(2) METHOD OF COMPUTATION.—The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving on active duty on the date the computation is made.

''(3) FRACTIONS.—If a final fraction occurs in computing the authorized number of officers in a grade, the nearest whole number shall be taken. If the fraction is ½, the next higher whole number shall be taken.

''(d) TEMPORARY INCREASE IN NUMBERS.—The total number of officers authorized by law to be on the lineal list during a fiscal year may be temporarily exceeded if the average number on that list during that fiscal year does not exceed the authorized number.

''(e) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228(a) and officers recalled from retired status shall not be counted when computing authorized strengths under subsection (c) and shall not count against those strengths.

''(f) PRESERVATION OF GRADE AND PAY.—No officer may be reduced in grade or pay or separated from the commissioned officer corps of the Administration as the result of a computation made to determine the authorized number of officers in the various grades.''.

SEC. 102. EXCLUSION OF OFFICERS RECALLED FROM RETIRED STATUS AND POSITIONS OF IMPORTANCE AND RESPONSIBILITY FROM NUMBER OF AUTHORIZED COMMISSIONED OFFICERS.

Section 215 (33 U.S.C. 3005) is amended—

(1) in the matter before paragraph (1), by striking ''Effective'' and inserting the following:

''(a) IN GENERAL.—Effective''; and

(2) by adding at the end the following new subsection:

''(b) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228 and officers recalled from retired status—

''(1) may not be counted in determining the total number of authorized officers on the lineal list under this section; and

''(2) may not count against such number.''.

SEC. 103. OBLIGATED SERVICE REQUIREMENT.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.) is amended by adding at the end the following:

''SEC. 216. OBLIGATED SERVICE REQUIREMENT.

''(a) IN GENERAL.—

''(1) RULEMAKING.—The Secretary shall prescribe the obligated service requirements for appointments, training, promotions, separations, continuations, and retirement of officers not otherwise covered by law.

''(2) WRITTEN AGREEMENTS.—The Secretary and officers shall enter into written agreements that describe the officers' obligated service requirements prescribed under paragraph (1) in return for such appointments, training, promotions, separations, and retirements as the Secretary considers appropriate.

''(b) REPAYMENT FOR FAILURE TO SATISFY REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may require an officer who fails to meet the service requirements prescribed under subsection (a)(1) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the training provided to that officer by the Secretary as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve.

''(2) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary under paragraph (1) shall be considered for all purposes as a debt owed to the United States.

''(3) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of a written agreement entered into under subsection (a)(2) does not discharge the individual signing the agreement from a debt arising under such agreement.

''(c) WAIVER OR SUSPENSION OF COMPLIANCE.—The Secretary may waive the service obligation of an officer who—

''(1) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that officer; or

''(2) is—

''(A) not physically qualified for appointment; and

''(B) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the officer's own misconduct or grossly negligent conduct.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 215 the following:

''Sec. 216. Obligated service requirement.''.

SEC. 104. TRAINING AND PHYSICAL FITNESS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 103(a), is further amended by adding at the end the following:

''SEC. 217. TRAINING AND PHYSICAL FITNESS.

''(a) TRAINING.—The Secretary may take such measures as may be necessary to ensure that officers are prepared to carry out their duties in the commissioned officer corps of the Administration and proficient in the skills necessary to carry out such duties. Such measures may include the following:

''(1) Carrying out training programs and correspondence courses, including establishing and operating a basic officer training program to provide initial indoctrination and maritime vocational training for officer candidates as well as refresher training, mid-career training, aviation training, and such other training as the Secretary considers necessary for officer development and proficiency.

''(2) Providing officers and officer candidates with books and school supplies.

''(3) Acquiring such equipment as may be necessary for training and instructional purposes.

''(b) PHYSICAL FITNESS.—The Secretary shall ensure that officers maintain a high physical state of readiness by establishing standards of physical fitness for officers that are substantially equivalent to those prescribed for officers in the Coast Guard.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 103(b), is further amended by inserting after the item relating to section 216 the following:

''Sec. 217. Training and physical fitness.''.

TITLE II—APPOINTMENTS AND PROMOTION OF OFFICERS

SEC. 201. APPOINTMENTS.

(a) ORIGINAL APPOINTMENTS.—

(1) IN GENERAL.—Section 221 (33 U.S.C. 3021) is amended to read as follows:

''SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINTMENTS.

''(a) ORIGINAL APPOINTMENTS.—

''(1) GRADES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an original appointment of an officer may be made in such grades as may be appropriate for—

''(i) the qualification, experience, and length of service of the appointee; and

''(ii) the commissioned officer corps of the Administration.

''(B) APPOINTMENT OF OFFICER CANDIDATES.—

''(i) LIMITATION ON GRADE.—An original appointment of an officer candidate, upon graduation from the basic officer training program of the commissioned officer corps of the Administration, may not be made in any other grade than ensign.

''(ii) RANK.—Officer candidates receiving appointments as ensigns upon graduation from basic officer training program shall take rank according to their proficiency as shown by the order of their merit at date of graduation.

''(2) SOURCE OF APPOINTMENTS.—An original appointment may be made from among the following:

''(A) Graduates of the basic officer training program of the commissioned officer corps of the Administration.

''(B) Graduates of the military service academies of the United States who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

''(C) Licensed officers of the United States merchant marine who have served 2 or more years aboard a vessel of the United States in the capacity of a licensed officer, who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

''(3) MILITARY SERVICE ACADEMIES OF THE UNITED STATES DEFINED.—In this subsection, the term 'military service academies of the United States' means the following:

''(A) The United States Military Academy, West Point, New York.

''(B) The United States Naval Academy, Annapolis, Maryland.

''(C) The United States Air Force Academy, Colorado Springs, Colorado.

''(D) The United States Coast Guard Academy, New London, Connecticut.

''(E) The United States Merchant Marine Academy, Kings Point, New York.

''(b) REAPPOINTMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an individual who previously served in the commissioned officer corps of the Administration may be appointed by the Secretary to the grade the individual held prior to separation.

''(2) REAPPOINTMENTS TO HIGHER GRADES.—An appointment under paragraph (1) to a position of importance and responsibility designated under section 228 may only be made by the President.

''(c) QUALIFICATIONS.—An appointment under subsection (a) or (b) may not be given to an individual until the individual's mental, moral, physical, and professional fitness to perform the duties of an officer has been established under such regulations as the Secretary shall prescribe.

''(d) PRECEDENCE OF APPOINTEES.—Appointees under this section shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in such grade. Appointees whose dates of commission are the same shall take precedence with each other as the Secretary shall determine.

''(e) INTER-SERVICE TRANSFERS.—For inter-service transfers (as described in the Department of Defense Directive 1300.4 (dated December 27, 2006)) the Secretary shall—

''(1) coordinate with the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating to promote and streamline inter-service transfers;

''(2) give preference to such inter-service transfers for recruitment purposes as determined appropriate by the Secretary; and

''(3) reappoint such inter-service transfers to the equivalent grade in the commissioned officer corps.''.

(2) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by striking the item relating to section 221 and inserting the following:

''Sec. 221. Original appointments and reappointments.''.

SEC. 202. PERSONNEL BOARDS.

Section 222 (33 U.S.C. 3022) is amended to read as follows:

''SEC. 222. PERSONNEL BOARDS.

''(a) CONVENING.—Not less frequently than once each year and at such other times as the Secretary determines necessary, the Secretary shall convene a personnel board.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—A board convened under subsection (a) shall consist of 5 or more officers who are serving in or above the permanent grade of the officers under consideration by the board.

''(2) RETIRED OFFICERS.—Officers on the retired list may be recalled to serve on such personnel boards as the Secretary considers necessary.

''(3) NO MEMBERSHIP ON 2 SUCCESSIVE BOARDS.—No officer may be a member of 2 successive personnel boards convened to consider officers of the same grade for promotion or separation.

''(c) DUTIES.—Each personnel board shall—

''(1) recommend to the Secretary such changes as may be necessary to correct any erroneous position on the lineal list that was caused by administrative error; and

''(2) make selections and recommendations to the Secretary and the President for the appointment, promotion, involuntary separation, continuation, and involuntary retirement of officers in the commissioned officer corps of the Administration as prescribed in this title.

''(d) ACTION ON RECOMMENDATIONS NOT ACCEPTABLE.—If any recommendation by a board convened under subsection (a) is not accepted by the Secretary or the President, the board shall make such further recommendations as the Secretary or the President consider appropriate.''.

SEC. 203. DELEGATION OF AUTHORITY FOR APPOINTMENTS AND PROMOTIONS TO PERMANENT GRADES.

Section 226 (33 U.S.C. 3026) is amended—

(1) by striking ''Appointments'' and inserting the following:

''(a) IN GENERAL.—Appointments''; and

(2) by adding at the end the following:

''(b) DELEGATION OF APPOINTMENT AUTHORITY.—If the President delegates authority to the Secretary to make appointments under this section, the President shall, during a period in which the position of the Secretary is vacant, delegate such authority to the Deputy Secretary of Commerce or the Under Secretary for Oceans and Atmosphere during such period.''.

SEC. 204. TEMPORARY APPOINTMENTS.

(a) IN GENERAL.—Section 229 (33 U.S.C. 3029) is amended to read as follows:

''SEC. 229. TEMPORARY APPOINTMENTS.

''(a) APPOINTMENTS BY PRESIDENT.—Temporary appointments in the grade of ensign, lieutenant junior grade, or lieutenant may be made by the President.

''(b) TERMINATION.—A temporary appointment to a position under subsection (a) shall terminate upon approval of a permanent appointment for such position made by the President.

''(c) ORDER OF PRECEDENCE.—Appointees under subsection (a) shall take precedence in the grade to which appointed in accordance with the dates of their appointments as officers in such grade. The order of precedence of appointees who are appointed on the same date shall be determined by the Secretary.

''(d) ANY ONE GRADE.—When determined by the Secretary to be in the best interest of the commissioned officer corps, officers in any permanent grade may be temporarily promoted one grade by the President. Any such temporary promotion terminates upon the transfer of the officer to a new assignment.

''(e) DELEGATION OF APPOINTMENT AUTHORITY.—If the President delegates authority to the Secretary to make appointments under this section, the President shall, during a period in which the position of the Secretary is vacant, delegate such authority to the Deputy Secretary of Commerce or the Under Secretary for Oceans and Atmosphere during such period.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by striking the item relating to section 229 and inserting the following:

''Sec. 229. Temporary appointments.''.

SEC. 205. OFFICER CANDIDATES.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.) is amended by adding at the end the following:

''SEC. 234. OFFICER CANDIDATES.

''(a) DETERMINATION OF NUMBER.—The Secretary shall determine the number of appointments of officer candidates.

''(b) APPOINTMENT.—Appointment of officer candidates shall be made under regulations

which the Secretary shall prescribe, including regulations with respect to determining age limits, methods of selection of officer candidates, term of service as an officer candidate before graduation from the program, and all other matters affecting such appointment.

''(c) DISMISSAL.—The Secretary may dismiss from the basic officer training program of the Administration any officer candidate who, during the officer candidate's term as an officer candidate, the Secretary considers unsatisfactory in either academics or conduct, or not adapted for a career in the commissioned officer corps of the Administration. Officer candidates shall be subject to rules governing discipline prescribed by the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

''(d) AGREEMENT.—

''(1) IN GENERAL.—Each officer candidate shall sign an agreement with the Secretary in accordance with section 216(a)(2) regarding the officer candidate's term of service in the commissioned officer corps of the Administration.

''(2) ELEMENTS.—An agreement signed by an officer candidate under paragraph (1) shall provide that the officer candidate agrees to the following:

''(A) That the officer candidate will complete the course of instruction at the basic officer training program of the Administration.

''(B) That upon graduation from the such program, the officer candidate—

''(i) will accept an appointment, if tendered, as an officer; and

''(ii) will serve on active duty for at least 4 years immediately after such appointment.

''(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. Such regulations shall include—

''(1) standards for determining what constitutes a breach of an agreement signed under such subsection (d)(1); and

''(2) procedures for determining whether such a breach has occurred.

''(f) REPAYMENT.—An officer candidate or former officer candidate who does not fulfill the terms of the obligation to serve as specified under section (d) shall be subject to the repayment provisions of section 216(b).''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 233 the following:

''Sec. 234. Officer candidates.''.

(c) OFFICER CANDIDATE DEFINED.—Section 212(b) (33 U.S.C. 3002(b)) is amended—

(1) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) OFFICER CANDIDATE.—The term 'officer candidate' means an individual who is enrolled in the basic officer training program of the Administration and is under consideration for appointment as an officer under section 221(a)(2)(A).''.

(d) PAY FOR OFFICER CANDIDATES.—Section 203 of title 37, United States Code, is amended by adding at the end the following:

''(f)(1) An officer candidate enrolled in the basic officer training program of the commissioned officer corps of the National Oceanic and Atmospheric Administration is entitled, while participating in such program, to monthly officer candidate pay at monthly rate equal to the basic pay of an enlisted member in the pay grade E–5 with less than 2 years service.

''(2) An individual who graduates from such program shall receive credit for the time spent participating in such program as if such time were time served while on active duty as a commissioned officer. If the individual does not graduate from such program, such time shall not be considered creditable for active duty or pay.''.

SEC. 206. PROCUREMENT OF PERSONNEL.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.), as amended by section 205(a), is further amended by adding at the end the following:

''SEC. 235. PROCUREMENT OF PERSONNEL.

''The Secretary may make such expenditures as the Secretary considers necessary in order to obtain recruits for the commissioned officer corps of the Administration, including advertising.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 205(b), is further amended by inserting after the item relating to section 234 the following:

''235. Procurement of personnel.''.

TITLE III—SEPARATION AND RETIREMENT OF OFFICERS

SEC. 301. INVOLUNTARY RETIREMENT OR SEPARATION.

Section 241 (33 U.S.C. 3041) is amended by adding at the end the following:

''(d) DEFERMENT OF RETIREMENT OR SEPARATION FOR MEDICAL REASONS.—

''(1) IN GENERAL.—If the Secretary determines that the evaluation of the medical condition of an officer requires hospitalization or medical observation that cannot be completed with confidence in a manner consistent with the officer's well being before the date on which the officer would otherwise be required to retire or be separated under this section, the Secretary may defer the retirement or separation of the officer.

''(2) CONSENT REQUIRED.—A deferment may only be made with the written consent of the officer involved. If the officer does not provide written consent to the deferment, the officer shall be retired or separated as scheduled.

''(3) LIMITATION.—A deferral of retirement or separation under this subsection may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation.''.

SEC. 302. SEPARATION PAY.

Section 242 (33 U.S.C. 3042) is amended by adding at the end the following:

''(d) EXCEPTION.—An officer discharged for twice failing selection for promotion to the next higher grade is not entitled to separation pay under this section if the officer—

''(1) expresses a desire not to be selected for promotion; or

''(2) requests removal from the list of selectees.''.

TITLE IV—RIGHTS AND BENEFITS

SEC. 401. EDUCATION LOAN REPAYMENT PROGRAM.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by adding at the end the following:

''SEC. 267. EDUCATION LOAN REPAYMENT PROGRAM.

''(a) AUTHORITY TO REPAY EDUCATION LOANS.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty who have skills required by the commissioned officer corps, the Secretary may repay, in the case of a person described in subsection (b), a loan that—

''(1) was used by the person to finance education; and

''(2) was obtained from a governmental entity, private financial institution, educational institution, or other authorized entity.

''(b) ELIGIBLE PERSONS.—To be eligible to obtain a loan repayment under this section, a person must—

''(1) satisfy 1 of the requirements specified in subsection (c);

''(2) be fully qualified for, or hold, an appointment as a commissioned officer in the commissioned officer corps of the Administration; and

''(3) sign a written agreement to serve on active duty, or, if on active duty, to remain on active duty for a period in addition to any other incurred active duty obligation.

''(c) ACADEMIC AND PROFESSIONAL REQUIREMENTS.—One of the following academic requirements must be satisfied for purposes of determining the eligibility of an individual for a loan repayment under this section:

''(1) The person is fully qualified in a profession that the Secretary has determined to be necessary to meet identified skill shortages in the commissioned officer corps.

''(2) The person is enrolled as a full-time student in the final year of a course of study at an accredited educational institution (as determined by the Secretary of Education) leading to a degree in a profession that will meet identified skill shortages in the commissioned officer corps.

''(d) LOAN REPAYMENTS.—

''(1) IN GENERAL.—Subject to the limits established under paragraph (2), a loan repayment under this section may consist of the payment of the principal, interest, and related expenses of a loan obtained by a person described in subsection (b).

''(2) LIMITATION ON AMOUNT.—For each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(3), the Secretary may pay not more than the amount specified in section 2173(e)(2) of title 10, United States Code.

''(e) ACTIVE DUTY SERVICE OBLIGATION.—

''(1) IN GENERAL.—A person entering into an agreement described in subsection (b)(3) incurs an active duty service obligation.

''(2) LENGTH OF OBLIGATION DETERMINED UNDER REGULATIONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the length of the obligation under paragraph (1) shall be determined under regulations prescribed by the Secretary.

''(B) MINIMUM OBLIGATION.—The regulations prescribed under subparagraph (A) may not provide for a period of obligation of less than 1 year for each maximum annual amount, or portion thereof, paid on behalf of the person for qualified loans.

''(3) PERSONS ON ACTIVE DUTY BEFORE ENTERING INTO AGREEMENT.—The active duty service obligation of persons on active duty before entering into the agreement shall be served after the conclusion of any other obligation incurred under the agreement.

''(f) EFFECT OF FAILURE TO COMPLETE OBLIGATION.—

''(1) ALTERNATIVE OBLIGATIONS.—An officer who is relieved of the officer's active duty obligation under this section before the completion of that obligation may be given any alternative obligation, at the discretion of the Secretary.

''(2) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (b)(3), or the alternative obligation imposed under paragraph (1), shall be subject to the repayment provisions under section 216.

''(g) RULEMAKING.—The Secretary shall prescribe regulations to carry out this section, including—

''(1) standards for qualified loans and authorized payees; and

''(2) other terms and conditions for the making of loan repayments.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 266 the following:

''Sec. 267. Education loan repayment program.''.

SEC. 402. INTEREST PAYMENT PROGRAM.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 401(a), is further amended by adding at the end the following:

"SEC. 268. INTEREST PAYMENT PROGRAM.

''(a) AUTHORITY.—The Secretary may pay the interest and any special allowances that accrue on 1 or more student loans of an eligible officer, in accordance with this section.

''(b) ELIGIBLE OFFICERS.—An officer is eligible for the benefit described in subsection (a) while the officer—

''(1) is serving on active duty;

''(2) has not completed more than 3 years of service on active duty;

''(3) is the debtor on 1 or more unpaid loans described in subsection (c); and

''(4) is not in default on any such loan.

''(c) STUDENT LOANS.—The authority to make payments under subsection (a) may be exercised with respect to the following loans:

''(1) A loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.).

''(2) A loan made under part D of such title (20 U.S.C. 1087a et seq.).

''(3) A loan made under part E of such title (20 U.S.C. 1087aa et seq.).

''(d) MAXIMUM BENEFIT.—Interest and any special allowance may be paid on behalf of an officer under this section for any of the 36 consecutive months during which the officer is eligible under subsection (b).

''(e) FUNDS FOR PAYMENTS.—The Secretary may use amounts appropriated for the pay and allowances of personnel of the commissioned officer corps of the Administration for payments under this section.

''(f) COORDINATION WITH SECRETARY OF EDUCATION.—

''(1) IN GENERAL.—The Secretary shall consult with the Secretary of Education regarding the administration of this section.

''(2) TRANSFER OF FUNDS.—The Secretary shall transfer to the Secretary of Education the funds necessary—

''(A) to pay interest and special allowances on student loans under this section (in accordance with sections 428(o), 455(l), and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1078(o), 1087e(l), and 1087dd(j)); and

''(B) to reimburse the Secretary of Education for any reasonable administrative costs incurred by the Secretary in coordinating the program under this section with the administration of the student loan programs under parts B, D, and E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.).

''(g) SPECIAL ALLOWANCE DEFINED.—In this section, the term 'special allowance' means a special allowance that is payable under section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087–1).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 428(o) of the Higher Education Act of 1965 (20 U.S.C. 1078(o)) is amended—

(A) by striking the subsection heading and inserting ''ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS''; and

(B) in paragraph (1)—

(i) by inserting ''or section 264 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002'' after ''Code,''; and

(ii) by inserting ''or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively,'' after ''Armed Forces''.

(2) Sections 455(l) and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1087e(l) and 1087dd(j)) are each amended—

(A) by striking the subsection heading and inserting ''ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS''; and

(B) in paragraph (1)—

(i) by inserting ''or section 264 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002'' after ''Code,''; and

(ii) by inserting ''or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively'' after ''Armed Forces''.

(c) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 401(b), is further amended by inserting after the item relating to section 267 the following:

''Sec. 268. Interest payment program.''.

SEC. 403. STUDENT PRE-COMMISSIONING EDUCATION ASSISTANCE PROGRAM.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by sections 401(a) and 402(a), is further amended by adding at the end the following:

"SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION ASSISTANCE PROGRAM.

''(a) AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty, the Secretary may provide financial assistance to a person described in subsection (b) for expenses of the person while the person is pursuing on a full-time basis at an accredited educational institution (as determined by the Secretary of Education) a program of education approved by the Secretary that leads to—

''(1) a baccalaureate degree in not more than 5 academic years; or

''(2) a postbaccalaureate degree.

''(b) ELIGIBLE PERSONS.—

''(1) IN GENERAL.—A person is eligible to obtain financial assistance under subsection (a) if the person—

''(A) is enrolled on a full-time basis in a program of education referred to in subsection (a) at any educational institution described in such subsection;

''(B) meets all of the requirements for acceptance into the commissioned officer corps of the Administration except for the completion of a baccalaureate degree; and

''(C) enters into a written agreement with the Secretary described in paragraph (2).

''(2) AGREEMENT.—A written agreement referred to in paragraph (1)(C) is an agreement between the person and the Secretary in which the person agrees—

''(A) to accept an appointment as an officer, if tendered; and

''(B) upon completion of the person's educational program, agrees to serve on active duty, immediately after appointment, for—

''(i) up to 3 years if the person received less than 3 years of assistance; and

''(ii) up to 5 years if the person received at least 3 years of assistance.

''(c) QUALIFYING EXPENSES.—Expenses for which financial assistance may be provided under subsection (a) are the following:

''(1) Tuition and fees charged by the educational institution involved.

''(2) The cost of books.

''(3) In the case of a program of education leading to a baccalaureate degree, laboratory expenses.

''(4) Such other expenses as the Secretary considers appropriate.

''(d) LIMITATION ON AMOUNT.—The Secretary shall prescribe the amount of financial assistance provided to a person under subsection (a), which may not exceed the amount specified in section 2173(e)(2) of title 10, United States Code, for each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(2).

''(e) DURATION OF ASSISTANCE.—Financial assistance may be provided to a person under subsection (a) for not more than 5 consecutive academic years.

''(f) SUBSISTENCE ALLOWANCE.—

''(1) IN GENERAL.—A person who receives financial assistance under subsection (a) shall be entitled to a monthly subsistence allowance at a rate prescribed under paragraph (2) for the duration of the period for which the person receives such financial assistance.

''(2) DETERMINATION OF AMOUNT.—The Secretary shall prescribe monthly rates for subsistence allowance provided under paragraph (1), which shall be equal to the amount specified in section 2144(a) of title 10, United States Code.

''(g) INITIAL CLOTHING ALLOWANCE.—

''(1) TRAINING.—The Secretary may prescribe a sum which shall be credited to each person who receives financial assistance under subsection (a) to cover the cost of the person's initial clothing and equipment issue.

''(2) APPOINTMENT.—Upon completion of the program of education for which a person receives financial assistance under subsection (a) and acceptance of appointment in the commissioned officer corps of the Administration, the person may be issued a subsequent clothing allowance equivalent to that normally provided to a newly appointed officer.

''(h) TERMINATION OF FINANCIAL ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall terminate the assistance provided to a person under this section if—

''(A) the Secretary accepts a request by the person to be released from an agreement described in subsection (b)(2);

''(B) the misconduct of the person results in a failure to complete the period of active duty required under the agreement; or

''(C) the person fails to fulfill any term or condition of the agreement.

''(2) REIMBURSEMENT.—The Secretary may require a person who receives assistance described in subsection (c), (f), or (g) under an agreement entered into under subsection (b)(1)(C) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the assistance provided to that person as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve under the agreement.

''(3) WAIVER.—The Secretary may waive the service obligation of a person through an agreement entered into under subsection (b)(1)(C) if the person—

''(A) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that person; or

''(B) is—

''(i) not physically qualified for appointment; and

''(ii) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the person's own misconduct or grossly negligent conduct.

''(4) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary imposed under paragraph (2) is, for all purposes, a debt owed to the United States.

''(5) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11, United States Code, that is entered less than 5 years after the termination of a written agreement entered into under subsection (b)(1)(C) does not discharge the person signing the agreement from a debt arising under such agreement or under paragraph (2).

''(i) REGULATIONS.—The Secretary may promulgate such regulations and orders as the Secretary considers appropriate to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 402(c), is further amended by inserting after the item relating to section 268 the following:

''Sec. 269. Student pre-commissioning education assistance program.''.

SEC. 404. LIMITATION ON EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Each fiscal year, beginning with fiscal year 2013, the Secretary of Commerce shall ensure that the total amount expended by the Secretary under section 267 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (as added by section 401(a)), section 268 of such Act (as added by section 402(a)), and section 269 of such Act (as added by section 403(a)) does not exceed the amount by which—

(1) the total amount the Secretary would pay in that fiscal year to officer candidates under section 203(f)(1) of title 37, United States Code (as added by section 205(d)), if such section entitled officers candidates to pay at monthly rates equal to the basic pay of a commissioned officer in the pay grade O–1 with less than 2 years of service; exceeds

(2) the total amount the Secretary actually pays in that fiscal year to officer candidates under section 203(f)(1) of such title (as so added).

(b) OFFICER CANDIDATE DEFINED.—In this section, the term ''officer candidate'' has the meaning given the term in section 212 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3002), as added by section 205(c).

SEC. 405. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10, UNITED STATES CODE.

Section 261(a) (33 U.S.C. 3071(a)) is amended—

(1) by redesignating paragraphs (13) through (16) as paragraphs (20) through (23), respectively;

(2) by redesignating paragraphs (7) through (12) as paragraphs (12) through (17), respectively;

(3) by redesignating paragraphs (4) through (6) as paragraphs (8) through (10), respectively;

(4) by inserting after paragraph (3) the following:

''(4) Section 771, relating to unauthorized wearing of uniforms.

''(5) Section 774, relating to wearing religious apparel while in uniform.

''(6) Section 982, relating to service on State and local juries.

''(7) Section 1031, relating to administration of oaths.'';

(5) by inserting after paragraph (10), as redesignated, the following:

''(11) Chapter 58, relating to the Benefits and Services for members being separated or recently separated.''; and

(6) by inserting after paragraph (17), as redesignated, the following:

''(18) Subchapter I of chapter 88, relating to Military Family Programs.

''(19) Section 2005, relating to advanced education assistance, active duty agreements, and reimbursement requirements.''.

SEC. 406. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by inserting after section 261 the following:

''SEC. 261A. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

''(a) PROVISIONS MADE APPLICABLE TO COMMISSIONED OFFICER CORPS.—The provisions of law applicable to the Armed Forces under the following provisions of title 37, United States Code, shall apply to the commissioned officer corps of the Administration:

''(1) Section 324, relating to accession bonuses for new officers in critical skills.

''(2) Section 403(f)(3), relating to prescribing regulations defining the terms 'field duty' and 'sea duty'.

''(3) Section 403(l), relating to temporary continuation of housing allowance for dependents of members dying on active duty.

''(4) Section 414(a)(2), relating to personal money allowance while serving as Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

''(5) Section 488, relating to allowances for recruiting expenses.

''(6) Section 495, relating to allowances for funeral honors duty.

''(b) REFERENCES.—The authority vested by title 37, United States Code, in the 'military departments', 'the Secretary concerned', or 'the Secretary of Defense' with respect to the provisions of law referred to in subsection (a) shall be exercised, with respect to the commissioned officer corps of the Administration, by the Secretary of Commerce or the Secretary's designee.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 261 the following:

''Sec. 261A. Applicability of certain provisions of title 37, United States Code.''.

SEC. 407. APPLICATION OF CERTAIN PROVISIONS OF COMPETITIVE SERVICE LAW.

Section 3304(f) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting ''and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service'' after ''separated from the armed forces'';

(2) in paragraph (2), by striking ''or veteran'' and inserting '', veteran, or member''; and

(3) in paragraph (4), by inserting ''and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service'' after ''separated from the armed forces''.

SEC. 408. ELIGIBILITY OF ALL MEMBERS OF UNIFORMED SERVICES FOR LEGION OF MERIT AWARD.

Section 1121 of title 10, United States Code, is amended by striking ''armed forces'' and inserting ''uniformed services''.

SEC. 409. APPLICATION OF EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES TO MEMBERS OF COMMISSIONED OFFICER CORPS.

Section 4303(16) of title 38, United States Code, is amended by inserting ''the commissioned officer corps of the National Oceanic and Atmospheric Administration,'' after ''Public Health Service,''.

SEC. 410. PROTECTED COMMUNICATIONS FOR COMMISSIONED OFFICER CORPS AND PROHIBITION OF RETALIATORY PERSONNEL ACTIONS.

(a) IN GENERAL.—Subsection (a) of section 261 (33 U.S.C. 3071), as amended by section 405, is further amended—

(1) by redesignating paragraphs (8) through (23) as paragraphs (9) through (24), respectively; and

(2) by inserting after paragraph (7) the following:

''(8) Section 1034, relating to protected communications and prohibition of retaliatory personnel actions.''.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by adding at the end the following: ''For purposes of paragraph (8) of subsection (a), the term 'Inspector General' in section 1034 of such title 10 shall mean the Inspector General of the Department of Commerce.''.

SEC. 411. CRIMINAL PENALTIES FOR WEARING UNIFORM WITHOUT AUTHORITY.

Section 702 of title 18, United States Code, is amended by striking ''Service or any'' and inserting ''Service, the commissioned officer corps of the National Oceanic and Atmospheric Administration, or any''.

TITLE V—OTHER MATTERS

SEC. 501. TECHNICAL CORRECTION.

Section 101(21)(C) of title 38, United States Code, is amended by inserting ''in the commissioned officer corps'' before ''of the National''.

SEC. 502. REPORT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall submit to Congress a report evaluating the current status and projected needs of the commissioned officer corps of the National Oceanic and Atmospheric Administration to operate sufficiently through fiscal year 2017.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) The average annual attrition rate of officers in the commissioned officer corps of the National Oceanic and Atmospheric Administration.

(2) An estimate of the number of annual recruits that would reasonably be required to operate the commissioned officer corps sufficiently through fiscal year 2017.

(3) The projected impact of this Act on annual recruitment numbers through fiscal year 2017.

(4) Identification of areas of duplication or unnecessary redundancy in current activities of the commissioned officer corps that could otherwise be streamlined or eliminated to save costs.

(5) Such other matters as the Secretary considers appropriate regarding the provisions of this Act and the amendments made by this Act.

SEC. 503. EFFECTIVE DATE.

Notwithstanding any other provision of this Act, sections 101 through 411 shall take effect on the date that is 90 days after the date on which the Secretary of Commerce submits to Congress the report required by section 502(a).

Mr. REID. I further ask that the committee-reported substitute amendment be considered; the Begich amendment, which is at the desk, be agreed to; the committee-reported substitute, as amended, be agreed to; the bill, as amended, be read a third time and passed; and the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

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

The amendment (No. 2740) was agreed to, as follows:

(Purpose: To treat certain officers in the commissioned officer corps of the National Oceanic and Atmospheric Administration as employees of the Administration for purposes of vacant positions of employment open only to current employees of the Administration)

At the end of title IV, add the following:

SEC. 412. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS AS EMPLOYMENT IN NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FOR PURPOSES OF CERTAIN HIRING DECISIONS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by this title, is further amended by adding at the end the following:

''SEC. 269A. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS AS EMPLOYMENT IN ADMINISTRATION FOR PURPOSES OF CERTAIN HIRING DECISIONS.

''(a) IN GENERAL.—In any case in which the Secretary accepts an application for a position of employment with the Administration and limits consideration of applications for such position to applications submitted by individuals serving in a career or career-conditional position in the competitive service within the Administration, the Secretary shall deem an officer who has served as an officer in the commissioned officer corps for

at least 3 years to be serving in a career or career-conditional position in the competitive service within the Administration for purposes of such limitation.

''(b) CAREER APPOINTMENTS.—If the Secretary selects an application submitted by an officer described in subsection (a) for a position described in such subsection, the Secretary shall give such officer a career or career-conditional appointment in the competitive service, as appropriate.

''(c) COMPETITIVE SERVICE DEFINED.—In this section, the term 'competitive service' has the meaning given the term in section 2102 of title 5, United States Code.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 269, as added by this title, the following new item:

''Sec. 269A. Treatment of commission in commissioned officer corps as employment in Administration for purposes of certain hiring decisions.''.

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

The bill (S. 1068), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1068

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Oceanic and Atmospheric Administration Commissioned Officer Corps Amendments Act of 2013''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. REFERENCES TO NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS ACT OF 2002.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.).

TITLE I—GENERAL PROVISIONS

SEC. 101. STRENGTH AND DISTRIBUTION IN GRADE.

Section 214 (33 U.S.C. 3004) is amended to read as follows:

''SEC. 214. STRENGTH AND DISTRIBUTION IN GRADE.

''(a) GRADES.—The commissioned grades in the commissioned officer corps of the Administration are the following, in relative rank with officers of the Navy:

''(1) Vice admiral.
''(2) Rear admiral.
''(3) Rear admiral (lower half).
''(4) Captain.
''(5) Commander.
''(6) Lieutenant commander.
''(7) Lieutenant.
''(8) Lieutenant (junior grade).
''(9) Ensign.

''(b) PROPORTION.—

''(1) IN GENERAL.—The officers on the lineal list shall be distributed in grade in the following percentages:

''(A) 8 in the grade of captain.
''(B) 14 in the grade of commander.
''(C) 19 in the grade of lieutenant commander.

''(2) GRADES BELOW LIEUTENANT COMMANDER.—The Secretary shall prescribe, with respect to the distribution on the lineal list in grade, the percentages applicable to the grades of lieutenant, lieutenant (junior grade), and ensign.

''(c) ANNUAL COMPUTATION OF NUMBER IN GRADE.—

''(1) IN GENERAL.—Not less frequently than once each year, the Secretary shall make a computation to determine the number of officers on the lineal list authorized to be serving in each grade.

''(2) METHOD OF COMPUTATION.—The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving on active duty on the date the computation is made.

''(3) FRACTIONS.—If a final fraction occurs in computing the authorized number of officers in a grade, the nearest whole number shall be taken. If the fraction is ½, the next higher whole number shall be taken.

''(d) TEMPORARY INCREASE IN NUMBERS.—The total number of officers authorized by law to be on the lineal list during a fiscal year may be temporarily exceeded if the average number on that list during that fiscal year does not exceed the authorized number.

''(e) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228(a) and officers recalled from retired status shall not be counted when computing authorized strengths under subsection (c) and shall not count against those strengths.

''(f) PRESERVATION OF GRADE AND PAY.—No officer may be reduced in grade or pay or separated from the commissioned officer corps of the Administration as the result of a computation made to determine the authorized number of officers in the various grades.''.

SEC. 102. EXCLUSION OF OFFICERS RECALLED FROM RETIRED STATUS AND POSITIONS OF IMPORTANCE AND RESPONSIBILITY FROM NUMBER OF AUTHORIZED COMMISSIONED OFFICERS.

Section 215 (33 U.S.C. 3005) is amended—

(1) in the matter before paragraph (1), by striking ''Effective'' and inserting the following:

''(a) IN GENERAL.—Effective''; and

(2) by adding at the end the following new subsection:

''(b) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228 and officers recalled from retired status—

''(1) may not be counted in determining the total number of authorized officers on the lineal list under this section; and

''(2) may not count against such number.''.

SEC. 103. OBLIGATED SERVICE REQUIREMENT.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.) is amended by adding at the end the following:

''SEC. 216. OBLIGATED SERVICE REQUIREMENT.

''(a) IN GENERAL.—

''(1) RULEMAKING.—The Secretary shall prescribe the obligated service requirements for appointments, training, promotions, separations, continuations, and retirement of officers not otherwise covered by law.

''(2) WRITTEN AGREEMENTS.—The Secretary and officers shall enter into written agreements that describe the officers' obligated service requirements prescribed under paragraph (1) in return for such appointments, training, promotions, separations, and retirements as the Secretary considers appropriate.

''(b) REPAYMENT FOR FAILURE TO SATISFY REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may require an officer who fails to meet the service requirements prescribed under subsection (a)(1) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the training provided to that officer by the Secretary as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve.

''(2) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary under paragraph (1) shall be considered for all purposes as a debt owed to the United States.

''(3) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of a written agreement entered into under subsection (a)(2) does not discharge the individual signing the agreement from a debt arising under such agreement.

''(c) WAIVER OR SUSPENSION OF COMPLIANCE.—The Secretary may waive the service obligation of an officer who—

''(1) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that officer; or

''(2) is—

''(A) not physically qualified for appointment; and

''(B) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the officer's own misconduct or grossly negligent conduct.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 215 the following:

''Sec. 216. Obligated service requirement.''.

SEC. 104. TRAINING AND PHYSICAL FITNESS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 103(a), is further amended by adding at the end the following:

''SEC. 217. TRAINING AND PHYSICAL FITNESS.

''(a) TRAINING.—The Secretary may take such measures as may be necessary to ensure that officers are prepared to carry out their duties in the commissioned officer corps of the Administration and proficient in the skills necessary to carry out such duties. Such measures may include the following:

''(1) Carrying out training programs and correspondence courses, including establishing and operating a basic officer training program to provide initial indoctrination and maritime vocational training for officer candidates as well as refresher training, mid-career training, aviation training, and such other training as the Secretary considers necessary for officer development and proficiency.

''(2) Providing officers and officer candidates with books and school supplies.

''(3) Acquiring such equipment as may be necessary for training and instructional purposes.

''(b) PHYSICAL FITNESS.—The Secretary shall ensure that officers maintain a high physical state of readiness by establishing standards of physical fitness for officers that are substantially equivalent to those prescribed for officers in the Coast Guard.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 103(b), is further amended by inserting after the item relating to section 216 the following:

''Sec. 217. Training and physical fitness.''.

TITLE II—APPOINTMENTS AND PROMOTION OF OFFICERS

SEC. 201. APPOINTMENTS.

(a) ORIGINAL APPOINTMENTS.—

(1) IN GENERAL.—Section 221 (33 U.S.C. 3021) is amended to read as follows:

''SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINTMENTS.

''(a) ORIGINAL APPOINTMENTS.—

''(1) GRADES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an original appointment of an officer may be made in such grades as may be appropriate for—

''(i) the qualification, experience, and length of service of the appointee; and

''(ii) the commissioned officer corps of the Administration.

''(B) APPOINTMENT OF OFFICER CANDIDATES.—

''(i) LIMITATION ON GRADE.—An original appointment of an officer candidate, upon graduation from the basic officer training program of the commissioned officer corps of the Administration, may not be made in any other grade than ensign.

''(ii) RANK.—Officer candidates receiving appointments as ensigns upon graduation from basic officer training program shall take rank according to their proficiency as shown by the order of their merit at date of graduation.

''(2) SOURCE OF APPOINTMENTS.—An original appointment may be made from among the following:

''(A) Graduates of the basic officer training program of the commissioned officer corps of the Administration.

''(B) Graduates of the military service academies of the United States who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

''(C) Licensed officers of the United States merchant marine who have served 2 or more years aboard a vessel of the United States in the capacity of a licensed officer, who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

''(3) MILITARY SERVICE ACADEMIES OF THE UNITED STATES DEFINED.—In this subsection, the term 'military service academies of the United States' means the following:

''(A) The United States Military Academy, West Point, New York.

''(B) The United States Naval Academy, Annapolis, Maryland.

''(C) The United States Air Force Academy, Colorado Springs, Colorado.

''(D) The United States Coast Guard Academy, New London, Connecticut.

''(E) The United States Merchant Marine Academy, Kings Point, New York.

''(b) REAPPOINTMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an individual who previously served in the commissioned officer corps of the Administration may be appointed by the Secretary to the grade the individual held prior to separation.

''(2) REAPPOINTMENTS TO HIGHER GRADES.—An appointment under paragraph (1) to a position of importance and responsibility designated under section 228 may only be made by the President.

''(c) QUALIFICATIONS.—An appointment under subsection (a) or (b) may not be given to an individual until the individual's mental, moral, physical, and professional fitness to perform the duties of an officer has been established under such regulations as the Secretary shall prescribe.

''(d) PRECEDENCE OF APPOINTEES.—Appointees under this section shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in such grade. Appointees whose dates of commission are the same shall take precedence with each other as the Secretary shall determine.

''(e) INTER-SERVICE TRANSFERS.—For inter-service transfers (as described in the Department of Defense Directive 1300.4 (dated December 27, 2006)) the Secretary shall—

''(1) coordinate with the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating to promote and streamline inter-service transfers;

''(2) give preference to such inter-service transfers for recruitment purposes as determined appropriate by the Secretary; and

''(3) reappoint such inter-service transfers to the equivalent grade in the commissioned officer corps.''.

(2) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by striking the item relating to section 221 and inserting the following:

''Sec. 221. Original appointments and reappointments.''.

SEC. 202. PERSONNEL BOARDS.

Section 222 (33 U.S.C. 3022) is amended to read as follows:

''SEC. 222. PERSONNEL BOARDS.

''(a) CONVENING.—Not less frequently than once each year and at such other times as the Secretary determines necessary, the Secretary shall convene a personnel board.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—A board convened under subsection (a) shall consist of 5 or more officers who are serving in or above the permanent grade of the officers under consideration by the board.

''(2) RETIRED OFFICERS.—Officers on the retired list may be recalled to serve on such personnel boards as the Secretary considers necessary.

''(3) NO MEMBERSHIP ON 2 SUCCESSIVE BOARDS.—No officer may be a member of 2 successive personnel boards convened to consider officers of the same grade for promotion or separation.

''(c) DUTIES.—Each personnel board shall—

''(1) recommend to the Secretary such changes as may be necessary to correct any erroneous position on the lineal list that was caused by administrative error; and

''(2) make selections and recommendations to the Secretary and the President for the appointment, promotion, involuntary separation, continuation, and involuntary retirement of officers in the commissioned officer corps of the Administration as prescribed in this title.

''(d) ACTION ON RECOMMENDATIONS NOT ACCEPTABLE.—If any recommendation by a board convened under subsection (a) is not accepted by the Secretary or the President, the board shall make such further recommendations as the Secretary or the President consider appropriate.''.

SEC. 203. DELEGATION OF AUTHORITY FOR APPOINTMENTS AND PROMOTIONS TO PERMANENT GRADES.

Section 226 (33 U.S.C. 3026) is amended—

(1) by striking ''Appointments'' and inserting the following:

''(a) IN GENERAL.—Appointments''; and

(2) by adding at the end the following:

''(b) DELEGATION OF APPOINTMENT AUTHORITY.—If the President delegates authority to the Secretary to make appointments under this section, the President shall, during a period in which the position of the Secretary is vacant, delegate such authority to the Deputy Secretary of Commerce or the Under Secretary for Oceans and Atmosphere during such period.''.

SEC. 204. TEMPORARY APPOINTMENTS.

(a) IN GENERAL.—Section 229 (33 U.S.C. 3029) is amended to read as follows:

''SEC. 229. TEMPORARY APPOINTMENTS.

''(a) APPOINTMENTS BY PRESIDENT.—Temporary appointments in the grade of ensign, lieutenant junior grade, or lieutenant may be made by the President.

''(b) TERMINATION.—A temporary appointment to a position under subsection (a) shall terminate upon approval of a permanent appointment for such position made by the President.

''(c) ORDER OF PRECEDENCE.—Appointees under subsection (a) shall take precedence in the grade to which appointed in accordance with the dates of their appointments as officers in such grade. The order of precedence of appointees who are appointed on the same date shall be determined by the Secretary.

''(d) ANY ONE GRADE.—When determined by the Secretary to be in the best interest of

the commissioned officer corps, officers in any permanent grade may be temporarily promoted one grade by the President. Any such temporary promotion terminates upon the transfer of the officer to a new assignment.

''(e) DELEGATION OF APPOINTMENT AUTHORITY.—If the President delegates authority to the Secretary to make appointments under this section, the President shall, during a period in which the position of the Secretary is vacant, delegate such authority to the Deputy Secretary of Commerce or the Under Secretary for Oceans and Atmosphere during such period.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by striking the item relating to section 229 and inserting the following:

''Sec. 229. Temporary appointments.''.

SEC. 205. OFFICER CANDIDATES.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.) is amended by adding at the end the following:

''SEC. 234. OFFICER CANDIDATES.

''(a) DETERMINATION OF NUMBER.—The Secretary shall determine the number of appointments of officer candidates.

''(b) APPOINTMENT.—Appointment of officer candidates shall be made under regulations which the Secretary shall prescribe, including regulations with respect to determining age limits, methods of selection of officer candidates, term of service as an officer candidate before graduation from the program, and all other matters affecting such appointment.

''(c) DISMISSAL.—The Secretary may dismiss from the basic officer training program of the Administration any officer candidate who, during the officer candidate's term as an officer candidate, the Secretary considers unsatisfactory in either academics or conduct, or not adapted for a career in the commissioned officer corps of the Administration. Officer candidates shall be subject to rules governing discipline prescribed by the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

''(d) AGREEMENT.—

''(1) IN GENERAL.—Each officer candidate shall sign an agreement with the Secretary in accordance with section 216(a)(2) regarding the officer candidate's term of service in the commissioned officer corps of the Administration.

''(2) ELEMENTS.—An agreement signed by an officer candidate under paragraph (1) shall provide that the officer candidate agrees to the following:

''(A) That the officer candidate will complete the course of instruction at the basic officer training program of the Administration.

''(B) That upon graduation from the such program, the officer candidate—

''(i) will accept an appointment, if tendered, as an officer; and

''(ii) will serve on active duty for at least 4 years immediately after such appointment.

''(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. Such regulations shall include—

''(1) standards for determining what constitutes a breach of an agreement signed under such subsection (d)(1); and

''(2) procedures for determining whether such a breach has occurred.

''(f) REPAYMENT.—An officer candidate or former officer candidate who does not fulfill the terms of the obligation to serve as specified under section (d) shall be subject to the repayment provisions of section 216(b).''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 233 the following:

''Sec. 234. Officer candidates.''.

(c) OFFICER CANDIDATE DEFINED.—Section 212(b) (33 U.S.C. 3002(b)) is amended—

(1) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) OFFICER CANDIDATE.—The term 'officer candidate' means an individual who is enrolled in the basic officer training program of the Administration and is under consideration for appointment as an officer under section 221(a)(2)(A).''.

(d) PAY FOR OFFICER CANDIDATES.—Section 203 of title 37, United States Code, is amended by adding at the end the following:

''(f)(1) An officer candidate enrolled in the basic officer training program of the commissioned officer corps of the National Oceanic and Atmospheric Administration is entitled, while participating in such program, to monthly officer candidate pay at monthly rate equal to the basic pay of an enlisted member in the pay grade E–5 with less than 2 years service.

''(2) An individual who graduates from such program shall receive credit for the time spent participating in such program as if such time were time served while on active duty as a commissioned officer. If the individual does not graduate from such program, such time shall not be considered creditable for active duty or pay.''.

SEC. 206. PROCUREMENT OF PERSONNEL.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.), as amended by section 205(a), is further amended by adding at the end the following:

''SEC. 235. PROCUREMENT OF PERSONNEL.

''The Secretary may make such expenditures as the Secretary considers necessary in order to obtain recruits for the commissioned officer corps of the Administration, including advertising.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 205(b), is further amended by inserting after the item relating to section 234 the following:

''235. Procurement of personnel.''.

TITLE III—SEPARATION AND RETIREMENT OF OFFICERS

SEC. 301. INVOLUNTARY RETIREMENT OR SEPARATION.

Section 241 (33 U.S.C. 3041) is amended by adding at the end the following:

''(d) DEFERMENT OF RETIREMENT OR SEPARATION FOR MEDICAL REASONS.—

''(1) IN GENERAL.—If the Secretary determines that the evaluation of the medical condition of an officer requires hospitalization or medical observation that cannot be completed with confidence in a manner consistent with the officer's well being before the date on which the officer would otherwise be required to retire or be separated under this section, the Secretary may defer the retirement or separation of the officer.

''(2) CONSENT REQUIRED.—A deferment may only be made with the written consent of the officer involved. If the officer does not provide written consent to the deferment, the officer shall be retired or separated as scheduled.

''(3) LIMITATION.—A deferral of retirement or separation under this subsection may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation.''.

SEC. 302. SEPARATION PAY.

Section 242 (33 U.S.C. 3042) is amended by adding at the end the following:

''(d) EXCEPTION.—An officer discharged for twice failing selection for promotion to the next higher grade is not entitled to separation pay under this section if the officer—

''(1) expresses a desire not to be selected for promotion; or

''(2) requests removal from the list of selectees.''.

TITLE IV—RIGHTS AND BENEFITS

SEC. 401. EDUCATION LOAN REPAYMENT PROGRAM.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by adding at the end the following:

''SEC. 267. EDUCATION LOAN REPAYMENT PROGRAM.

''(a) AUTHORITY TO REPAY EDUCATION LOANS.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty who have skills required by the commissioned officer corps, the Secretary may repay, in the case of a person described in subsection (b), a loan that—

''(1) was used by the person to finance education; and

''(2) was obtained from a governmental entity, private financial institution, educational institution, or other authorized entity.

''(b) ELIGIBLE PERSONS.—To be eligible to obtain a loan repayment under this section, a person must—

''(1) satisfy 1 of the requirements specified in subsection (c);

''(2) be fully qualified for, or hold, an appointment as a commissioned officer in the commissioned officer corps of the Administration; and

''(3) sign a written agreement to serve on active duty, or, if on active duty, to remain on active duty for a period in addition to any other incurred active duty obligation.

''(c) ACADEMIC AND PROFESSIONAL REQUIREMENTS.—One of the following academic requirements must be satisfied for purposes of determining the eligibility of an individual for a loan repayment under this section:

''(1) The person is fully qualified in a profession that the Secretary has determined to be necessary to meet identified skill shortages in the commissioned officer corps.

''(2) The person is enrolled as a full-time student in the final year of a course of study at an accredited educational institution (as determined by the Secretary of Education) leading to a degree in a profession that will meet identified skill shortages in the commissioned officer corps.

''(d) LOAN REPAYMENTS.—

''(1) IN GENERAL.—Subject to the limits established under paragraph (2), a loan repayment under this section may consist of the payment of the principal, interest, and related expenses of a loan obtained by a person described in subsection (b).

''(2) LIMITATION ON AMOUNT.—For each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(3), the Secretary may pay not more than the amount specified in section 2173(e)(2) of title 10, United States Code.

''(e) ACTIVE DUTY SERVICE OBLIGATION.—

''(1) IN GENERAL.—A person entering into an agreement described in subsection (b)(3) incurs an active duty service obligation.

''(2) LENGTH OF OBLIGATION DETERMINED UNDER REGULATIONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the length of the obligation under paragraph (1) shall be determined

under regulations prescribed by the Secretary.

''(B) MINIMUM OBLIGATION.—The regulations prescribed under subparagraph (A) may not provide for a period of obligation of less than 1 year for each maximum annual amount, or portion thereof, paid on behalf of the person for qualified loans.

''(3) PERSONS ON ACTIVE DUTY BEFORE ENTERING INTO AGREEMENT.—The active duty service obligation of persons on active duty before entering into the agreement shall be served after the conclusion of any other obligation incurred under the agreement.

''(f) EFFECT OF FAILURE TO COMPLETE OBLIGATION.—

''(1) ALTERNATIVE OBLIGATIONS.—An officer who is relieved of the officer's active duty obligation under this section before the completion of that obligation may be given any alternative obligation, at the discretion of the Secretary.

''(2) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (b)(3), or the alternative obligation imposed under paragraph (1), shall be subject to the repayment provisions under section 216.

''(g) RULEMAKING.—The Secretary shall prescribe regulations to carry out this section, including—

''(1) standards for qualified loans and authorized payees; and

''(2) other terms and conditions for the making of loan repayments.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 266 the following:

''Sec. 267. Education loan repayment program.''.

SEC. 402. INTEREST PAYMENT PROGRAM.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 401(a), is further amended by adding at the end the following:

''SEC. 268. INTEREST PAYMENT PROGRAM.

''(a) AUTHORITY.—The Secretary may pay the interest and any special allowances that accrue on 1 or more student loans of an eligible officer, in accordance with this section.

''(b) ELIGIBLE OFFICERS.—An officer is eligible for the benefit described in subsection (a) while the officer—

''(1) is serving on active duty;

''(2) has not completed more than 3 years of service on active duty;

''(3) is the debtor on 1 or more unpaid loans described in subsection (c); and

''(4) is not in default on any such loan.

''(c) STUDENT LOANS.—The authority to make payments under subsection (a) may be exercised with respect to the following loans:

''(1) A loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.).

''(2) A loan made under part D of such title (20 U.S.C. 1087a et seq.).

''(3) A loan made under part E of such title (20 U.S.C. 1087aa et seq.).

''(d) MAXIMUM BENEFIT.—Interest and any special allowance may be paid on behalf of an officer under this section for any of the 36 consecutive months during which the officer is eligible under subsection (b).

''(e) FUNDS FOR PAYMENTS.—The Secretary may use amounts appropriated for the pay and allowances of personnel of the commissioned officer corps of the Administration for payments under this section.

''(f) COORDINATION WITH SECRETARY OF EDUCATION.—

''(1) IN GENERAL.—The Secretary shall consult with the Secretary of Education regarding the administration of this section.

''(2) TRANSFER OF FUNDS.—The Secretary shall transfer to the Secretary of Education the funds necessary—

''(A) to pay interest and special allowances on student loans under this section (in accordance with sections 428(o), 455(l), and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1078(o), 1087e(l), and 1087dd(j)); and

''(B) to reimburse the Secretary of Education for any reasonable administrative costs incurred by the Secretary in coordinating the program under this section with the administration of the student loan programs under parts B, D, and E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.).

''(g) SPECIAL ALLOWANCE DEFINED.—In this section, the term 'special allowance' means a special allowance that is payable under section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087–1).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 428(o) of the Higher Education Act of 1965 (20 U.S.C. 1078(o)) is amended—

(A) by striking the subsection heading and inserting ''ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS''; and

(B) in paragraph (1)—

(i) by inserting ''or section 264 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002'' after ''Code,''; and

(ii) by inserting ''or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively,'' after ''Armed Forces''.

(2) Sections 455(l) and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1087e(l) and 1087dd(j)) are each amended—

(A) by striking the subsection heading and inserting ''ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS''; and

(B) in paragraph (1)—

(i) by inserting ''or section 264 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002'' after ''Code,''; and

(ii) by inserting ''or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively'' after ''Armed Forces''.

(c) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 401(b), is further amended by inserting after the item relating to section 267 the following:

''Sec. 268. Interest payment program.''.

SEC. 403. STUDENT PRE-COMMISSIONING EDUCATION ASSISTANCE PROGRAM.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by sections 401(a) and 402(a), is further amended by adding at the end the following:

''SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION ASSISTANCE PROGRAM.

''(a) AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty, the Secretary may provide financial assistance to a person described in subsection (b) for expenses of the person while the person is pursuing on a full-time basis at an accredited educational institution (as determined by the Secretary of Education) a program of education approved by the Secretary that leads to—

''(1) a baccalaureate degree in not more than 5 academic years; or

''(2) a postbaccalaureate degree.

''(b) ELIGIBLE PERSONS.—

''(1) IN GENERAL.—A person is eligible to obtain financial assistance under subsection (a) if the person—

''(A) is enrolled on a full-time basis in a program of education referred to in subsection (a) at any educational institution described in such subsection;

''(B) meets all of the requirements for acceptance into the commissioned officer corps of the Administration except for the completion of a baccalaureate degree; and

''(C) enters into a written agreement with the Secretary described in paragraph (2).

''(2) AGREEMENT.—A written agreement referred to in paragraph (1)(C) is an agreement between the person and the Secretary in which the person agrees—

''(A) to accept an appointment as an officer, if tendered; and

''(B) upon completion of the person's educational program, agrees to serve on active duty, immediately after appointment, for—

''(i) up to 3 years if the person received less than 3 years of assistance; and

''(ii) up to 5 years if the person received at least 3 years of assistance.

''(c) QUALIFYING EXPENSES.—Expenses for which financial assistance may be provided under subsection (a) are the following:

''(1) Tuition and fees charged by the educational institution involved.

''(2) The cost of books.

''(3) In the case of a program of education leading to a baccalaureate degree, laboratory expenses.

''(4) Such other expenses as the Secretary considers appropriate.

''(d) LIMITATION ON AMOUNT.—The Secretary shall prescribe the amount of financial assistance provided to a person under subsection (a), which may not exceed the amount specified in section 2173(e)(2) of title 10, United States Code, for each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(2).

''(e) DURATION OF ASSISTANCE.—Financial assistance may be provided to a person under subsection (a) for not more than 5 consecutive academic years.

''(f) SUBSISTENCE ALLOWANCE.—

''(1) IN GENERAL.—A person who receives financial assistance under subsection (a) shall be entitled to a monthly subsistence allowance at a rate prescribed under paragraph (2) for the duration of the period for which the person receives such financial assistance.

''(2) DETERMINATION OF AMOUNT.—The Secretary shall prescribe monthly rates for subsistence allowance provided under paragraph (1), which shall be equal to the amount specified in section 2144(a) of title 10, United States Code.

''(g) INITIAL CLOTHING ALLOWANCE.—

''(1) TRAINING.—The Secretary may prescribe a sum which shall be credited to each person who receives financial assistance under subsection (a) to cover the cost of the person's initial clothing and equipment issue.

''(2) APPOINTMENT.—Upon completion of the program of education for which a person receives financial assistance under subsection (a) and acceptance of appointment in the commissioned officer corps of the Administration, the person may be issued a subsequent clothing allowance equivalent to that normally provided to a newly appointed officer.

''(h) TERMINATION OF FINANCIAL ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall terminate the assistance provided to a person under this section if—

''(A) the Secretary accepts a request by the person to be released from an agreement described in subsection (b)(2);

''(B) the misconduct of the person results in a failure to complete the period of active duty required under the agreement; or

''(C) the person fails to fulfill any term or condition of the agreement.

''(2) REIMBURSEMENT.—The Secretary may require a person who receives assistance described in subsection (c), (f), or (g) under an agreement entered into under subsection (b)(1)(C) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the assistance provided to that person as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve under the agreement.

''(3) WAIVER.—The Secretary may waive the service obligation of a person through an agreement entered into under subsection (b)(1)(C) if the person—

''(A) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that person; or

''(B) is—

''(i) not physically qualified for appointment; and

''(ii) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the person's own misconduct or grossly negligent conduct.

''(4) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary imposed under paragraph (2) is, for all purposes, a debt owed to the United States.

''(5) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11, United States Code, that is entered less than 5 years after the termination of a written agreement entered into under subsection (b)(1)(C) does not discharge the person signing the agreement from a debt arising under such agreement or under paragraph (2).

''(i) REGULATIONS.—The Secretary may promulgate such regulations and orders as the Secretary considers appropriate to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 402(c), is further amended by inserting after the item relating to section 268 the following:

''Sec. 269. Student pre-commissioning education assistance program.''.

SEC. 404. LIMITATION ON EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Each fiscal year, beginning with fiscal year 2013, the Secretary of Commerce shall ensure that the total amount expended by the Secretary under section 267 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (as added by section 401(a)), section 268 of such Act (as added by section 402(a)), and section 269 of such Act (as added by section 403(a)) does not exceed the amount by which—

(1) the total amount the Secretary would pay in that fiscal year to officer candidates under section 203(f)(1) of title 37, United States Code (as added by section 205(d)), if such section entitled officers candidates to pay at monthly rates equal to the basic pay of a commissioned officer in the pay grade O–1 with less than 2 years of service; exceeds

(2) the total amount the Secretary actually pays in that fiscal year to officer candidates under section 203(f)(1) of such title (as so added).

(b) OFFICER CANDIDATE DEFINED.—In this section, the term ''officer candidate'' has the meaning given the term in section 212 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3002), as added by section 205(c).

SEC. 405. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10, UNITED STATES CODE.

Section 261(a) (33 U.S.C. 3071(a)) is amended—

(1) by redesignating paragraphs (13) through (16) as paragraphs (20) through (23), respectively;

(2) by redesignating paragraphs (7) through (12) as paragraphs (12) through (17), respectively;

(3) by redesignating paragraphs (4) through (6) as paragraphs (8) through (10), respectively;

(4) by inserting after paragraph (3) the following:

''(4) Section 771, relating to unauthorized wearing of uniforms.

''(5) Section 774, relating to wearing religious apparel while in uniform.

''(6) Section 982, relating to service on State and local juries.

''(7) Section 1031, relating to administration of oaths.'';

(5) by inserting after paragraph (10), as redesignated, the following:

''(11) Chapter 58, relating to the Benefits and Services for members being separated or recently separated.''; and

(6) by inserting after paragraph (17), as redesignated, the following:

''(18) Subchapter I of chapter 88, relating to Military Family Programs.

''(19) Section 2005, relating to advanced education assistance, active duty agreements, and reimbursement requirements.''.

SEC. 406. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by inserting after section 261 the following:

''SEC. 261A. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

''(a) PROVISIONS MADE APPLICABLE TO COMMISSIONED OFFICER CORPS.—The provisions of law applicable to the Armed Forces under the following provisions of title 37, United States Code, shall apply to the commissioned officer corps of the Administration:

''(1) Section 324, relating to accession bonuses for new officers in critical skills.

''(2) Section 403(f)(3), relating to prescribing regulations defining the terms 'field duty' and 'sea duty'.

''(3) Section 403(l), relating to temporary continuation of housing allowance for dependents of members dying on active duty.

''(4) Section 414(a)(2), relating to personal money allowance while serving as Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

''(5) Section 488, relating to allowances for recruiting expenses.

''(6) Section 495, relating to allowances for funeral honors duty.

''(b) REFERENCES.—The authority vested by title 37, United States Code, in the 'military departments', 'the Secretary concerned', or 'the Secretary of Defense' with respect to the provisions of law referred to in subsection (a) shall be exercised, with respect to the commissioned officer corps of the Administration, by the Secretary of Commerce or the Secretary's designee.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 261 the following:

''Sec. 261A. Applicability of certain provisions of title 37, United States Code.''.

SEC. 407. APPLICATION OF CERTAIN PROVISIONS OF COMPETITIVE SERVICE LAW.

Section 3304(f) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting ''and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service'' after ''separated from the armed forces'';

(2) in paragraph (2), by striking ''or veteran'' and inserting '', veteran, or member''; and

(3) in paragraph (4), by inserting ''and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service'' after ''separated from the armed forces''.

SEC. 408. ELIGIBILITY OF ALL MEMBERS OF UNIFORMED SERVICES FOR LEGION OF MERIT AWARD.

Section 1121 of title 10, United States Code, is amended by striking ''armed forces'' and inserting ''uniformed services''.

SEC. 409. APPLICATION OF EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES TO MEMBERS OF COMMISSIONED OFFICER CORPS.

Section 4303(16) of title 38, United States Code, is amended by inserting ''the commissioned officer corps of the National Oceanic and Atmospheric Administration,'' after ''Public Health Service,''.

SEC. 410. PROTECTED COMMUNICATIONS FOR COMMISSIONED OFFICER CORPS AND PROHIBITION OF RETALIATORY PERSONNEL ACTIONS.

(a) IN GENERAL.—Subsection (a) of section 261 (33 U.S.C. 3071), as amended by section 405, is further amended—

(1) by redesignating paragraphs (8) through (23) as paragraphs (9) through (24), respectively; and

(2) by inserting after paragraph (7) the following:

''(8) Section 1034, relating to protected communications and prohibition of retaliatory personnel actions.''.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by adding at the end the following: ''For purposes of paragraph (8) of subsection (a), the term 'Inspector General' in section 1034 of such title 10 shall mean the Inspector General of the Department of Commerce.''.

SEC. 411. CRIMINAL PENALTIES FOR WEARING UNIFORM WITHOUT AUTHORITY.

Section 702 of title 18, United States Code, is amended by striking ''Service or any'' and inserting ''Service, the commissioned officer corps of the National Oceanic and Atmospheric Administration, or any''.

SEC. 412. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS AS EMPLOYMENT IN NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FOR PURPOSES OF CERTAIN HIRING DECISIONS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by this title, is further amended by adding at the end the following:

''SEC. 269A. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS AS EMPLOYMENT IN ADMINISTRATION FOR PURPOSES OF CERTAIN HIRING DECISIONS.

''(a) IN GENERAL.—In any case in which the Secretary accepts an application for a position of employment with the Administration and limits consideration of applications for such position to applications submitted by individuals serving in a career or career-conditional position in the competitive service within the Administration, the Secretary shall deem an officer who has served as an

officer in the commissioned officer corps for at least 3 years to be serving in a career or career-conditional position in the competitive service within the Administration for purposes of such limitation.

''(b) CAREER APPOINTMENTS.—If the Secretary selects an application submitted by an officer described in subsection (a) for a position described in such subsection, the Secretary shall give such officer a career or career-conditional appointment in the competitive service, as appropriate.

''(c) COMPETITIVE SERVICE DEFINED.—In this section, the term 'competitive service' has the meaning given the term in section 2102 of title 5, United States Code.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 269, as added by this title, the following new item:

''Sec. 269A. Treatment of commission in commissioned officer corps as employment in Administration for purposes of certain hiring decisions.''.

TITLE V—OTHER MATTERS

SEC. 501. TECHNICAL CORRECTION.

Section 101(21)(C) of title 38, United States Code, is amended by inserting ''in the commissioned officer corps'' before ''of the National''.

SEC. 502. REPORT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall submit to Congress a report evaluating the current status and projected needs of the commissioned officer corps of the National Oceanic and Atmospheric Administration to operate sufficiently through fiscal year 2017.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) The average annual attrition rate of officers in the commissioned officer corps of the National Oceanic and Atmospheric Administration.

(2) An estimate of the number of annual recruits that would reasonably be required to operate the commissioned officer corps sufficiently through fiscal year 2017.

(3) The projected impact of this Act on annual recruitment numbers through fiscal year 2017.

(4) Identification of areas of duplication or unnecessary redundancy in current activities of the commissioned officer corps that could otherwise be streamlined or eliminated to save costs.

(5) Such other matters as the Secretary considers appropriate regarding the provisions of this Act and the amendments made by this Act.

SEC. 503. EFFECTIVE DATE.

Notwithstanding any other provision of this Act, sections 101 through 411 shall take effect on the date that is 90 days after the date on which the Secretary of Commerce submits to Congress the report required by section 502(a).

APPOINTMENTS

THE PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appoints the following Senator to the Board of Visitors of the U.S. Air Force Academy: The Honorable JERRY MORAN of Kansas, vice The Honorable JOHN HOEVEN of North Dakota.

The Chair, on behalf of the Vice President, pursuant to Section 1295b(h) of title 46 App., United States Code, and upon the recommendation of the Chairman of the Committee on Commerce, Science and Transportation, appoints the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy: The Honorable JOHN BOOZMAN of Arkansas and The Honorable ROGER WICKER of Mississippi.

ORDERS FOR WEDNESDAY, FEBRUARY 12, 2014

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, February 12, 2014; that following the prayer and pledge the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; and that following morning business, the Senate proceed to executive session under the previous order.

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

PROGRAM

Mr. REID. So there will be up to four rollcall votes starting at 11:30 a.m. tomorrow. We expect to receive the debt limit legislation and the military retirement pay bill from the House tomorrow and we hope to consider both items during tomorrow's session.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. 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 6:45 p.m., adjourned until Wednesday, February 12, 2014, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 11, 2014:

DEPARTMENT OF STATE

RICHARD STENGEL, OF NEW YORK, TO BE UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY.

SARAH SEWALL, OF MASSACHUSETTS, TO BE AN UNDER SECRETARY OF STATE (CIVILIAN SECURITY, DEMOCRACY, AND HUMAN RIGHTS).

CHARLES HAMMERMAN RIVKIN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE (ECONOMIC AND BUSINESS AFFAIRS).

DEPARTMENT OF VETERANS AFFAIRS

SLOAN D. GIBSON, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY SECRETARY OF VETERANS AFFAIRS.