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*of* America

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# *House of Representatives*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. HOLDING).

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*November 19, 2013.*

I hereby appoint the Honorable GEORGE HOLDING to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
*Speaker of the House of Representatives.*

## MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2013, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

## THE TOLL OF OBAMACARE

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. Mr. Speaker, we are now 7 weeks into the implementation of ObamaCare. We know that in the first 4 weeks, 106,000 Americans placed health plans in their shopping baskets, although it is not clear how many of them actually purchased plans. Meanwhile, it is estimated that 5.5 million Americans have lost the health insurance that they had, that they liked, and that they were promised that they could keep.

The inconvenient truth is that this law has dramatically increased the ranks of the uninsured. Yesterday came word that college students are seeing their low-cost student plans canceled, with replacement costs as much as 1,800 percent higher under ObamaCare.

Although the President recently assured the Nation that the cancelations are confined to the individual market, we are now learning that his administration gives a mid-range estimate that two-thirds of the small employer plans and 45 percent of the large employer plans face cancelation as well. Some estimates are as high as 93 million Americans who have employer-sponsored plans will lose their plans next year.

And these reports don't account for the millions more who are seeing massive rate increases in their current plans; nor do they account for the millions more who have had their hours cut back to part time or had their wages cut back or have lost their jobs altogether as employers struggle to stay in business while bearing these staggering costs; nor do they account for those who discover that by accepting ObamaCare plans, they are losing their doctors.

Walmart now warns that the financial impact of this law on families could materially depress holiday shopping.

Mr. Speaker, we are watching nothing less than the wholesale destruction and collapse of the American health care system, which, for all of its flaws, was still the most advanced, accessible, adaptable, and responsive health care system that the world has ever known; and if you doubt that for a second, ask yourself where the world's elites came when they needed first-class medical care. It wasn't to Canada or England or Mexico. It was to the United States. And now we are losing that.

There was nothing unforeseen about this fiasco. Republicans have been warning of these outcomes from the very beginning.

When we warned that Americans would not be able to keep their health care plans, we were called extremists. When we warned that ObamaCare would result in massive cost increases on consumers, we were called alarmists. When we warned that many Americans would lose their jobs, have their hours cut back, or see salary cuts, we were called racists. When we asked for a 1-year delay in this program to address these issues, we were called demagogues, arsonists, and jihadists.

But, now, all of these warnings are coming to pass, and still the Democrats persist in imposing this law on an unwilling Nation. In doing so, great violence is being done to our Constitution.

In implementing this takeover of one-sixth of the American economy, the President has repeatedly asserted what can only be described as a doctrine of executive nullification—the authority to ignore the parts of the law that he finds inconvenient or embarrassing and to pick and choose who must obey the law and who need not.

He has granted some 1,600 exemptions for well-connected interests—mainly labor unions. He has excused big businesses from the requirement that they provide health care to their employees, while forcing employees to fend for themselves. He has excused Members of Congress and their staffs from paying the full cost of ObamaCare policies.

And last Thursday, he announced that health insurers can ignore the law that requires them to cancel existing policies. Notice that he didn't say that he was going to seek to change the law. He said he would ignore the law for a year. He invited health insurers to do the same, in direct violation of the principle constitutional responsibility of the Presidency to ''take care that the laws be faithfully executed.''

Mr. Speaker, I appeal to my Democratic colleagues to consider the damage that this law is doing, both to the American health care system and to the rule of law itself and, above all, to the families who are struggling to deal with its effects.

I ask them to heed the growing pleas of the American people to have their health plans restored to them. I ask them to join Republicans in repealing ObamaCare and to help us replace it with the patient-centered health care system that we have long proposed: reforms that preserve the best of American health care while repairing its flaws.

## BUDGET CONFERENCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. HOYER) for 5 minutes.

Mr. HOYER. Mr. Speaker, we have 10 days left in this year's session, according to the schedule. We are supposed to adjourn on December 13—somewhat ironically, Friday the 13th; and yet, Mr. Speaker, we see time is running out and we are not addressing the critical issue and the critical responsibility of funding the government and of applying resources to our priorities.

Time is running out, Mr. Speaker, for budget conferees to send us legislation so we can avoid another government shutdown in January.

A budget conference agreement will require compromise from both sides—a step that Budget Chairman PAUL RYAN and many of his colleagues seem unprepared to take.

Mr. Speaker, it has been my premise that the reason we did not go to conference for the last 7 months, notwithstanding the fact that the Senate passed a budget and the House passed a budget, is that Chairman RYAN knows there is no compromise that he could reach that he could bring back and have the support of his colleagues on the Republican side; and as a result, we have no compromise. As a result, we have no product to consider.

This is an extremely disappointing position, Mr. Speaker, because it is clear that the Ryan budget is not a viable blueprint for governing. It was not when we passed it, and it is not now. It was a pretense of fiscal responsibility without any of the substance of fiscal reality or courage. That fact was made evident this summer as Republicans could only pass funding bills for defense and veterans programs, pulling their transportation funding bill and not even bringing the other appropriations bills to the floor.

Yesterday, all 12 of the Republican subcommittee chairs of the Appropriations Committee sent a letter to PAUL RYAN, CHRIS VAN HOLLEN, Senator MURRAY, and Senator SESSIONS, saying, We need to have a budget. We need to have a compromise agreement; and we need to have a sequester number eliminated and a rational number replacing it—a number that can work for America.

In fact, they said, If you don't do it, we are going to have to have a meat-ax—their verbiage, not mine, Mr. Speaker—not only on the domestic side of the budget—education, health care, the environment, law enforcement—but also on the national security side of the budget.

We all know how the budget that was offered by Mr. RYAN achieves balance—severe cuts, in the same vein as the irrational sequester, that target the most vulnerable Americans and place our economic recovery in jeopardy.

It is somewhat ironic that on the front page of The Washington Post today we see where Mr. RYAN was not focused on the budget; he is focused on the poor. That is a proper focus, and this Congress ought to be focused on that. But it is interesting that the Ryan budget does exactly the opposite of what we need to do to make sure that the poor are reduced in number and the middle class are expanded in number.

That is why, in my view, Mr. Speaker, regarding this budget, so many of his own party could not support appropriations bills within the framework of the Ryan budget. That is why the bills were not brought to the floor.

Already, some Republicans are admitting that only a balanced approach will enable us to achieve the level of deficit reduction we need; and contrary to Mr. RYAN's view, this means that revenues—that hated word—must be on the table.

Representative TOM COLE of Oklahoma, the former chairman of the Republican Campaign Committee is one of them, telling reporters on October 25:

> I think both sides would like to deal with the sequester. And we're willing to put more revenue on the table to do that.

Mr. COLE was one of the signers of that letter to which I referred that said, Let's replace the meat-ax represented by the sequester. Unfortunately, Chairman RYAN continues to rule out any talk of revenues, which is the key to any meaningful compromise that will replace the sequester.

Mr. Speaker, as you probably know and as I think my Republicans colleague know, I have said now and I have said in the past that we must also deal with entitlements. We need a balanced plan, not an unbalanced plan; but without a balanced plan, the sequester will remain in place, and it will hurt America.

Instead of just saying what he is against, it is time for Mr. RYAN and Republicans to show a readiness to compromise to achieve results for the American people.

Mr. RYAN is the chairman of the conference committee. Yet he has to this date not put on the table what chairmen always do—the chairman's mark, chairman's suggestion, or chairman's proposal.

Democrats have been clear that we are willing to compromise and are ready to do what it takes to achieve a balanced and bipartisan deal on the budget. This was evident when we voted unanimously alongside 87 Republicans to end the government shutdown, even when it meant supporting a continuing resolution—an appropriations bill for the government—at a level we believed was too low. But we understood compromise was necessary. And so all 198 Democrats voted to open up the government and to pay America's bills, while 147 Republicans—approximately 62 percent of the Republicans—voted to keep the government shut down and to not pay America's bills.

I was encouraged to read the letter sent yesterday, as I said, by Chairman ROGERS and the Appropriations Subcommittee chairs, making clear how important it is for conferees to send us a budget by Thanksgiving—that would have to be this Friday, because we are not going to be here next week—rather than risk another painful shutdown and the continuation of the irrational sequester this coming year.

Many Republicans now agree with Democrats that the sequester is unworkable.

Who says so? Mr. RYAN says he doesn't like the sequester. Mr. CANTOR, the majority leader, says he doesn't like the sequester. And HAL ROGERS has said it is unworkable and inadvisable.

The Budget Conference has a larger mission than to simply rearrange the sequester's severe cuts. This is an opportunity to replace the sequester with a sensible approach that permits Congress to look strategically at our budget priorities and our long-term fiscal and economic goals. If we do so, in my view, it will be the most important stimulus of our economy and job-creating action that this Congress could take.

Mr. Speaker, I hope that Chairman RYAN will set his flawed budget aside and instead embrace the approach that many of his Republican colleagues are already recognizing is the only realistic path toward a compromise by this committee. To do so could usher in a historic agreement to achieve real fiscal responsibility for America for years to come. I hope Mr. RYAN's leadership will result in that objective.

□ 1015

## 27TH CENTRE COUNTY TOYS FOR TOTS CAMPAIGN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, in 1947, Major Bill Hendricks, with the support of his Los Angeles Marine Corps Reserve unit, collected and distributed 5,000 toys to needy children. Since the program's adoption nationally as Toys for Tots in 1948, the U.S. Marine Corps Reserve's Toys for Tots program has collected

and distributed close to 500 million toys.

On Monday, I had the honor of attending the Centre County Toys for Tots' kickoff breakfast in central Pennsylvania. Chaired by Gene Weller, a retired Marine major, 2013 marks the 27th Centre County Toys for Tots campaign, organized by the Nittany Leathernecks Detachment 302. About 250 collection points around Centre County will accept new, unwrapped toys, books, and games for infants to teenagers until December 15. This program has grown with the support of area food banks, fire departments, businesses, and hundreds of local volunteers.

Mr. Speaker, over the past 10 years, Marines have distributed an annual average of 15 million toys, bringing joy to an average of more than 6.3 million less fortunate children each year.

We thank you in more ways than one every day, Marines, and I thank you for supporting these children in need.

## IRAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, in an era of violence in the Middle East, tragedy in Syria, and turmoil in Egypt, there is some very encouraging news surrounding Iran.

The most important signal may have been the election of Hassan Rouhani as President of Iran who is by no means a moderate by anyone's stretch of the imagination except in the context of Iran. He was the choice of the Iranian people for change, for a different path to reduce the collision course with the United States and the crippling sanctions we have imposed. His foreign minister, Mohammad Zarif, is an able and experienced diplomat with strong relationships with the people who have dealt with him for years both in the United States and Iran.

I am encouraged by the reports in the news and in the opinion pages which point out something I have long argued on the floor of this House: the convergence of interests between the United States and Iran.

People forget the key role that the United States played in the emergence of the modern state of Iran, of the constitutional revolution beginning in 1905, where American influence was profoundly felt. Unfortunately, for the last 60 years, we have serially mismanaged our relationship with Iran.

How would we have felt if a foreign power worked to overthrow our democratically elected government and install a dictator? That is exactly what the United States and Great Britain did in 1953 and how the Shah returned to power.

It is amazing that the majority of Iranians still has positive feelings towards the United States, which they do. People forget the alignment of interests between the United States and Iran after 9/11 that led them to help us deal with post-Taliban Afghanistan. In the capitals of some of our supposed allies in the Middle East, people were cheering on that tragedy. On 9/11, people in Tehran were standing in solidarity with Americans. This, of course, was before George Bush recklessly included them in his infamous ''axis of evil'' pronouncement. The Iranian people are distinct from the Arabs and are proud of their Persian heritage, stretching back thousands of years.

Iran is an important part of any ultimate solution in stabilizing Iraq and in resolving the Syrian conflict. Yes, they have advanced nuclear development, and we rightly should be deeply concerned with their pursuit of nuclear weapons. That is why one of the Obama administration's greatest foreign policy triumphs has been to marshal support of the world for this stringent, comprehensive regime of sanctions. It has made a huge difference—driving down the value of their currency, depleting their foreign reserves, and creating extreme inflationary pressures on their economy.

Now is the time to see if a solution can be developed. It is decidedly not the time to ratchet up sanctions even further. Nothing would undercut the more moderate forces in Iran, and more pressure could be very counterproductive because we are at risk of sanctions fatigue by our partners. Other countries that do not share our same policy positions and deep hostility towards the Iranians have gone along with sanctions. To expect that countries like China, India, and Russia are going to follow us with even more extreme sanctions and turn their backs on the progress is questionable at best. At worst, it would end up losing support for the sanctions regime we have now, would strengthen the hand of the hard-liners who do hate America, and would set back long-term prospects for peace, not just for Iran, but for Syria, Iraq, and throughout the Middle East.

Most experts I have encountered feel Iran could have built a nuclear bomb years ago, but they didn't. Recently, they have slowed the pace of their nuclear activities and have been open to proposals unthinkable a year ago. The rush to undercut the process is shortsighted, counterproductive, and it risks accelerating the development of Iranian nuclear weapons.

Now is the time to accelerate diplomacy, not to walk away. It is decidedly not the time for the United States Congress to throw a monkey wrench in the diplomatic procedures and to ratchet up sanctions. We can always reimpose sanctions, but may not be able to recreate this diplomatic opportunity.

## GEORGE TURNER

The SPEAKER pro tempore (Mr. THOMPSON of Pennsylvania). The Chair recognizes the gentleman from North Carolina (Mr. HOLDING) for 5 minutes.

Mr. HOLDING. Mr. Speaker, I rise today to honor a great American, George Turner, from Wilmington, North Carolina, for his recent induction into the Wake County Boys & Girls Club Hall of Fame.

George is a man of character and conviction, who exudes principle and selflessness. He is a tireless worker and leader in his community. George's success in business is equally matched by his giving nature.

Earlier this month, George was honored for his years of service to the Wake County Boys & Girls Club, and was inducted into their Hall of Fame. Over 700 people came to the Raleigh Convention Center to see George be honored for his service to the Boys & Girls Club. This is a testament to how many lives he has touched in his decades of work with the organization. As a longtime board member of the Wake County Boys & Girls Club, previously leading the organization as board president, George is a great role model to kids across North Carolina.

George attended East Carolina University and served in the United States Coast Guard, Active and Reserves, from 1960 to 1968. Before he retired, George was CEO of the Ready Mixed Concrete Company in my hometown of Raleigh, North Carolina.

George is a real leader in business and in education, serving on the board of directors for the Raleigh Chamber of Commerce, the National Ready Mixed Concrete Association, the North Carolina State University Engineering School, the North Carolina State University College of Design, and the Raleigh YMCA.

George is a truly giving man, and I can think of no one more deserving of the Hall of Fame than he. I congratulate him on receiving this award, and I thank him for his unwavering dedication to his community. It is spirit and enterprise like George Turner's that will rebuild our Nation and rebuild our economy.

## SUPPORTING ONEIDA INDIAN NATION'S ''CHANGE THE MASCOT'' CAMPAIGN

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. MAFFEI) for 5 minutes.

Mr. MAFFEI. Mr. Speaker, I am proud to represent central New York, home of the six nations of the Haudenosaunee Confederacy, which was also known as the Iroquois Confederacy. It includes the Mohawks, the Oneidas, the Onondagas, the Cayugas, the Senecas, and, later, the Tuscaroras. It spread across New York, and was one of the earliest civil governments in territory that now lies within the United States and Canada.

Mr. Speaker, I rise today in support of Oneidas' leader Ray Halbritter's efforts to change the name of the Washington, D.C., National Football League team. The name of the Washington football team is derogatory to the Native Americans of this country. For many Native Americans across the

land, the name of the Washington football team is a deeply personal reminder of a legacy of racism and of generations of pain.

The current campaign to change the team's name is supported by many groups and individuals, including Native American organizations, civic and government leaders, editorial boards, and many leaders, including my colleagues, Representatives BETTY MCCOLLUM and TOM COLE, and many others in a nonpartisan effort.

President Obama said recently:

> If I were the owner of a team and I knew that there was a name of my team—even if it had a storied history—that was offending a sizable group of people, I'd think about changing it.

I wholeheartedly join this effort.

I also believe that the owner of the Washington team and other NFL owners should meet with the Oneidas as they have requested. How can we achieve mutual understanding unless they are willing to meet?

Mr. Speaker, in my office and with me now, I keep a replica of a Two Row Wampum belt, called the Guswhenta. It was lent to me by the Onondagas, and it symbolizes one of the first treaties between the Native Americans and the Europeans, concluded in 1613 between the Dutch and the Haudenosaunee. The two rows of wampum, which are beads made out of shells, represent Europeans and Native Americans. They are equal in size and travel together along a strip of white, representing peace. It was and still is a symbol of friendship and community.

Although the years since this treaty was concluded have seen much devastation and tribulation for Native Americans, today, the Haudenosaunee endure and maintain their culture. We have much to do to improve our relationship between our two peoples after centuries of strife, conflict, and repression, but so many are working to mend the riffs and to restore the promise of brotherhood and respect that this treaty belt contains. I joined a group of canoers last summer—Native Americans, European Americans, Asian and African Americans—who rode together across upstate New York and to New York City in order to commemorate this 400-year-old agreement.

Wouldn't it be great if, in order to show reverence and respect for the Haudenosaunee and the Native American tribes across this country, we could continue to do these things. Wouldn't it be great if, on this 400th anniversary of this groundbreaking treaty, we could right the wrong and change this NFL's team's name.

Mr. Speaker, this treaty was perhaps the first, but it wasn't the last. In November of 1794, George Washington, whose portrait is one of only two portraits in this hallowed Hall, through his official representative, Tom Pickering, concluded the treaty of Canandaigua with the Haudenosaunee. President Washington had a six-foot-long treaty belt that was fashioned to ratify this treaty that our two peoples should live in peace and friendship.

Mr. Speaker, George Washington, himself, respected the Native Americans of this country and their culture. Shouldn't the NFL team that bears his name do the same?

## AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, again I am on the floor today to talk about the ongoing discussion between the United States and Afghanistan regarding a 10-year bilateral strategic agreement to allow troops to remain overseas beyond the year 2014.

Multiple news organizations have reported that talks on the agreement have stalled because of the unwillingness of the Afghan Government to let the American military search Afghan homes. Two senior Afghan officials went so far as to tell The New York Times that the negotiations had reached a profound impasse.

Mr. Speaker, I would like to submit for the RECORD a letter that I have written to the President of the United States regarding this issue.

This agreement will force the United States to continue paying trillions of tax dollars to support the Afghans' President Karzai, a corrupt government which we cannot afford any longer. As it is, taxpayers in the United States have been paying $10.45 million every hour for the cost of the war in Afghanistan since 2001. Let me repeat that. Taxpayers in the United States have been paying $10.45 million every hour for the cost of the war in Afghanistan since 2001. This is unacceptable, especially at a time when this national debt is at an astounding $17 trillion and when we have been forced to make deep budget cuts in the United States.

Just this past weekend, tornadoes in Illinois killed six people. Last year, we watched the devastation on the east coast that resulted from Hurricane Sandy. These national disasters represent only one area in which we could use the money that we are sending to Afghanistan to help the American people right here. In addition, the bilateral strategic agreement will expose our troops to considerable dangers and will risk the loss of additional American lives, all without the approval of Congress.

At the very least, we in Congress should vote as to whether we agree with this agreement or not. It is not required by the Constitution, but we who oversee the spending of the taxpayers' money should demand that the leadership of the House in both parties have a vote, if nothing more than a resolution, that we do support this bilateral strategic agreement or we do not support it.

Mr. Speaker, I am here again today with my poster that is just such a sad commentary on Afghanistan. It is the cartoon of a little Mr. Karzai drawing money out of a money machine—which is being paid for by the taxpayers, by the way—and his comment is, ''I am just making a quick withdrawal.''

□ 1030

Sadly, too, behind him is an American soldier whose thoughts are this: ''I would like to make a quick withdrawal from here.''

Mr. Speaker, it is time for this Congress to wake up and take care of America's problems and not Afghanistan's problems. A 10-year agreement is unacceptable and we need to come together in a bipartisan way to send a message to the administration that we do not support this agreement, and we come together, Republicans and Democrats.

I would close by asking God to please continue to bless our men and women in uniform and ask God to please continue to bless America.

NOVEMBER 18, 2013.

President BARACK OBAMA,
*The White House,*
*Washington, DC.*

DEAR MR. PRESIDENT: I write today due to the ongoing discussion between the United States and Afghanistan regarding a 10-year Bilateral Security Agreement to allow our troops to remain overseas beyond 2014. Multiple news organizations have reported that talks on the agreement have stalled because of the unwillingness of the Afghan government to allow the American military to search Afghan homes.

Mr. President, this agreement will force the United States to continue paying trillions of tax dollars to support Afghan President Hamid Karzai's corrupt government. This is unacceptable, particularly at a time when the national debt is an astonishing 17 trillion dollars and we have been forced to make deep budget cuts at home. More importantly, allowing our troops to remain in Afghanistan exposes them to considerable danger and risks the loss of additional American lives—all without the approval of Congress. At the very least, a vote should be allowed to ensure that Congress exercises its constitutional responsibility of oversight of the expenditure of taxpayer money.

Considering these points, I implore you to reconsider the Bilateral Security Agreement and prevent both the loss of precious American lives and the waste, fraud, and abuse of American money overseas.

Sincerely,

WALTER B. JONES,
*Member of Congress.*

## PANCREATIC CANCER AND SEQUESTRATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Utah (Mr. MATHESON) for 5 minutes.

Mr. MATHESON. Mr. Speaker, I rise today to bring awareness to our country's rate of pancreatic cancer and the need for strong and continued medical research of this disease. This year, over 45,000 are expected to be diagnosed with pancreatic cancer, a number that has steadily climbed over the past decade.

While survival rates for many other forms of cancer have improved in recent years, only 6 percent of patients

diagnosed with pancreatic cancer will live more than 5 years. That is a statistic that has not improved over 40 years.

Earlier this year, I sat down with several of my constituents affected by pancreatic cancer. One in particular, Jamiee, saw her father diagnosed with the disease and then tragically die just 11 weeks after he was diagnosed. Sadly, this story is all too common when discussing pancreatic cancer. I would guess that we all know someone who has died from this disease.

Sequestration cut $1.5 billion from the National Institutes of Health earlier this year. This is critical funding that would have been used to conduct research on deadly diseases such as pancreatic cancer. Everyone I talk to in my district agrees with the idea that funding medical and disease research is a good thing.

We must continue research in this area and begin the process of reversing these remarkably depressing statistics with pancreatic cancer. We owe it to Jamiee and thousands of other families affected by this disease to work towards a cure.

## ANN CARRIZALES—WIFE, MOTHER, FORMER MARINE, STAFFORD POLICE OFFICE, HERO

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. OLSON) for 5 minutes.

Mr. OLSON. Mr. Speaker, I rise today with great pride to share an amazing story of a police officer from Texas 22.

At 3:30 a.m., on October 26, this officer from Stafford, Texas, noticed a car sitting at a green light with its left turn signal on. A few minutes later the Stafford officer stopped that car. As the officer approached the car, shots rang out. The officer was hit in the neck, face, and chest.

The thugs sped off. The thugs had no idea who they shot. If they knew, they would have dropped their weapons and surrendered without a fight. They shot a wife, a mother of two young children, a former marine, who was the first female to join the Marine Corps' boxing team. They shot Stafford police officer Ann Carrizales. They messed with the wrong marine.

Despite being wounded, Ann returned fire, blowing out the back glass of the thug's automobile. She jumped in her cruiser and joined the chase. She quickly got on the radio saying, ''Shots fired, shots fired, I've been hit.''

For 7 minutes Ann chased the shooters. The video of her dashboard camera shows how cool and in control Ann was. She chased the thugs through two counties with multiple law enforcement agencies joining the chase—the Stafford Police Department, Missouri City Police Department, Sugar Land Police Department, Houston Police Department, sheriff's deputies from Fort Bend County and Harris County, and the Texas Department of Public Safety, all joining in the chase.

Despite her wounds, Ann stayed on the radio and kept everyone aware of her location, telling everyone all the streets that she was passing while she was chasing the thugs. Ann was in charge and everyone knew that.

Ann followed those thugs into an apartment complex. Knowing the danger to arriving officers in an apartment complex and the danger to innocent Americans losing their lives from stray gunshots in those apartments, Ann continued to manage the scene.

On Ann's dashboard camera, you can see Ann's fellow officers trying to take care of her wounds. Ann can be heard saying, ''Get out, it's not safe,'' and tell them to ''watch your back.'' Ann's shooter was caught later that day, and his two buddies were caught a few days later.

I talked to Ann a week after she was shot. I had two questions for Ann. The first question: ''What did you think when you were shot?'' She told me that her mama bear instincts kicked in. Those punks tried to take her from her husband and her two kids. They were going to pay for that. I also asked Ann: ''Did you ever think you were going to die?'' She snapped, ''No, sir, my chief did not give me permission to die that night.''

Thank you, Ann, for wearing that badge and for your heroism. Semper fi, Ann, semper fi.

## WE MUST TACKLE THE REAL PROBLEMS WE FACE

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. TONKO) for 5 minutes.

Mr. TONKO. Mr. Speaker, this week, it was reported that House Republicans are looking for a legislative plan to close out the year and to move forward into 2014 and, as such, passed out a blank sheet of paper as their agenda—a blank sheet.

Each month, polls put congressional approval rates at new lows, and more independent organizations rank the 113th Congress as one of the least—if not the least—productive of all time.

In response, leadership of the people's House has continued to govern by sound bites and pass messaging bills that simply go nowhere—even painfully shutting down the government for more than 2 weeks in the process.

If House leadership is looking for an agenda, they need only to look across the aisle to their friends. We have some suggestions, and chief among them is putting Americans back to work.

During our August work period, I participated in some 166 events, meeting with constituents each and every time. At nearly every stop, my friends and neighbors wanted to know what was being done in Washington to help the private sector create jobs.

My district is extraordinary, but not in this regard. I have to believe that the people of Albany and Schenectady and Saratoga Springs, New York, my hometown of Amsterdam, New York, in the 20th Congressional District, are thinking what America is thinking. They are asking what myself and our colleagues on both sides of the aisle are doing to grow the economy.

House Democrats stand ready to work with Republicans to address the real challenges that face this great Nation of ours.

Sequestration-related cuts are estimated to cost our economy some 1.6 million jobs through 2014. Let's work together to save jobs and pass a budget that invests by growing in a justified way, in a fair way, revenues and belt tightening so that we cut as we can, so that we then invest as we must.

Our family farms deserve the certainty that a 5-year reauthorization of the farm bill has brought them for decades upon decades. Our parties clearly don't see eye-to-eye on cutting such items as hunger assistance, hunger assistance for millions of veterans, millions of frail people, millions of elderly, millions of children.

If we work together on jobs, we will help the private sector put people into jobs and cut poverty and reduce the need for hunger programs. Now, isn't that a humane approach?

We see middle class America experiencing pain at the gas pump, and we worry that our foreign policy is dictated by our dangerous dependency, our gluttonous thirst for fossil-based fuels. Yet, we stand today without a clear and definitive clean energy agenda that would make our Nation a safer place and create tens of thousands of jobs in the short-term, boosting an American green-collar economy. It can be done.

A report just last week on solar panels was interesting. If we would use just simply 5 percent of available rooftops in Los Angeles County, we would be able to create 29,000 jobs in that effort.

In the past week, we have seen major severe weather events wreak havoc on the Philippines and across 12 States within the Midwest of our country. Even if you choose to ignore fact-based science that really proves climate change to be real and here, we can all agree that our aging infrastructure needs our assistance, it needs to be upgraded, it needs to be improved and replaced, so that we are taking a proactive approach to the soundness of infrastructure, which grows jobs. Instead, we are allowing storms of the century to impact our communities and then have a reactive process that simply isn't the best way to do business.

I could go on and on, but I only have 5 minutes here.

Immigration reform, updating the Voting Rights Act, tax reform, expanding background checks for gun owners, or passing ENDA—there is more than enough for us to tackle that translates into jobs. The vast majority of these policies would pass in a bipartisan fashion, as the government shutdown was avoided by a bipartisan vote with a

unanimous vote from the Democrats with a minority of votes from the Republicans. We could get things done if we would allow votes to be taken up on this floor, a simple up or down vote, but get it done and grow jobs.

This week, we solemnly observe the 50th anniversary of the death of one of the greatest leaders our Nation has known, President John F. Kennedy, a man who once said:

> Never before has man had such capacity to control his own environment, to end thirst and hunger, to conquer poverty and disease, to banish illiteracy and massive human misery. We have the power to make this the best generation of mankind in the history of the world—or to make it the last.

To act is both in our power and our duty. We must tackle these problems. I implore this House to take up a jobs agenda. Let's put America to work.

## 30TH ANNIVERSARY OF THE GRAND RONDE TRIBE'S RESTORATION AS A FEDERALLY RECOGNIZED TRIBE

The SPEAKER pro tempore (Mr. OLSON). The Chair recognizes the gentleman from Oregon (Mr. SCHRADER) for 5 minutes.

Mr. SCHRADER. Mr. Speaker, I rise today to acknowledge a significant milestone for the Confederated Tribes of the Grand Ronde Community of Oregon. This Friday, November 22, 2013, marks the 30th anniversary of the Grand Ronde Tribe's restoration as a federally recognized tribe.

The Confederated Tribes of Grand Ronde consist of nearly 30 different historic Indian tribes who lived in western Oregon, southern Washington, and northern California. This confederation of tribes was created almost 160 years ago when the Federal Government forced these tribes onto the Grand Ronde Indian Reservation in order to make room for the expanding settler population. Before the settlers arrived on the west coast, there were more than 60 tribes living within the Oregon stretch of the Pacific Ocean. These tribes resided in their homelands for over thousands of years.

As more and more settlers flowed into Willamette, Umpqua, and Rogue River Valleys, they began to overwhelm the land that had once belonged to the tribes. Conflict ensued. By the 1850s the United States Government, in an effort to end conflict and open up land for settlers, initiated treaty-making with the antecedent tribes and bands of Grand Ronde.

The United States and the Kalapuya and Molala Tribes, among others, entered into the Willamette Valley Treaty. With this treaty, the United States seized much of the Willamette Valley while promising money, supplies, education, health care, and protection to the Indians.

□ 1045

As a result of the Willamette Valley treaty and six other treaties ceding about 14 million acres, over 2,000 tribal people were removed from their native homelands and forced to resettle on the Grand Ronde Indian Reservation in the Yamhill Valley. At that time, the reservation consisted of more than 60,000 acres of land.

Before the arrival of the settlers, there were 20,000 native people living in the Willamette Valley. When the tribes were forced onto the reservation, there were 2,000. At the dawn of the 20th century, there were only 302 people listed on the Grand Ronde Reservation census. Many people had died as a consequence of the administrative neglect or had moved away from the reservation to find better opportunities for work in the cities.

By 1944, the United States Government found itself between a depression and a war. Seeking to cut government spending, they began to terminate their treaty responsibilities to Indian tribes and began the process of ending the United States' relationship with the tribe.

In 1954, Congress passed the Western Oregon Indian Termination Act, which terminated treaties the government had entered into in the 1850s. As a result of that act, the Grand Ronde Indian Reservation was closed. By this time, the tribe had been calling the reservation home for over 100 years. Along with losing their homes, people lost their access to health care, education, and other services the Federal Government promised to provide them in the treaties with the tribes. The Federal Government reneged on its promise to the tribes of a ''permanent reservation forever.''

Although the Grand Ronde people were once again driven from their land, they refused to surrender their cultural identity and traditions. In the 1970s, members of the Grand Ronde reservation community united to form the Confederated Tribes of Grand Ronde Indians to fight for their right to be recognized by the United States Federal Government.

After years of dedication and persistent efforts by tribal members, the United States Congress finally restored its relationship with the tribe on November 22, 1983, passing the Grand Ronde Restoration Act signed by President Ronald Reagan. This act, following nearly 30 years of termination, allowed the tribe to be eligible again for Federal housing, health, and education services. It also initiated a process that would lead to the Grand Ronde Reservation Act and the tribe's recovery of almost 10,000 acres of its original reservation.

Since restoration, the Confederated Tribes of Grand Ronde has thrived, becoming one of the most successful and vibrant tribes in the Pacific Northwest. With their own money, they have reacquired parts of their original reservation. The population of the tribe has grown from roughly 1,500 members a year after restoration to almost 5,000 members.

Grand Ronde boasts a stable economy that is rooted in timber and tribal gaming. The Spirit Mountain Casino on the Grand Ronde reservation has been responsible for a significant part of the tribe's income since the mid-1990s. Spirit Mountain is the most successful casino in Oregon and also the largest employer in Polk County, employing more than 1,200 people. Grand Ronde dedicates 6 percent of casino profits to its Spirit Mountain Community Fund. The fund, which supports a diverse array of charitable organizations in Oregon, has given more than $60 million to local communities, nonprofit organizations, and Oregon's Indian tribes since 1977.

The Confederated Tribes of Grand Ronde emerged from over a century of hardship to become a thriving community. There can be no doubt that the people of Grand Ronde will continue to prosper, as they have done on this land for a thousand years.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

## JOHN ARIALE, THANK YOU FOR A JOB WELL DONE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. CRENSHAW) for 5 minutes.

Mr. CRENSHAW. Mr. Speaker, I rise this morning to honor the congressional career of my chief of staff, John Ariale. I first met John Ariale 13 years ago, right after I was first elected to Congress; and after that first meeting when I saw his keen intellect, I saw his wry sense of humor, his love of Excel spreadsheets, his laser-like focus on policy, and his zany Italian zeal, I knew that was a combination that I needed to lead my legislative office.

They say that the decision to have someone be your chief of staff is one of the most important decisions you will ever make as a Member of Congress because the chief of staff not only represents your political views, but also represents your personal values. If there is one decision that I have made that I think would be unanimously agreed upon by my constituents as well as my colleagues, it would be the choice to have John be my chief of staff.

John has assembled an outstanding team of individuals. He has led that team of individuals through thick and thin. We have fought and won some very important legislative battles, one of which is a proposal of landmark legislation to forever change for the good the way our Nation deals with individuals with disabilities. It is called the ABLE Act. We haven't crossed the finish line yet, but I am sure we will; and when we do, it will be in large part because of the moral clarity and hard work and dedication of John Ariale.

Winston Churchill once said:

We make a living by what we get, but we make a life by what we give.

Mr. Speaker, John Ariale has given me, he has given this institution, he has given all of the individuals who have had a chance to work with him his heart and his soul. He has given his expertise, his wisdom, and his patience. There is little we can do to repay him for all that other than express to him our extreme gratitude and to wish him well on his next opportunities, his next challenge.

And so I would say to John Ariale, as he leaves as chief of my staff, thank you for a job well done.

God bless and Godspeed.

## BUDGET COMMITTEE NEEDS TO GET THEIR JOB DONE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR) for 5 minutes.

Ms. KAPTUR. Mr. Speaker, now that the Republican shutdown is over, Congress should be addressing the most pressing issues facing our Nation—faster economic growth, putting our people back to work at living-wage jobs, balancing the budget, and investing in our future. But so far, there is no Republican budget deal completed to set the frame for all of this, to give confidence to businesses that they can invest, and to assure the American people that there is some certainty that Congress has done its job.

The first step is completion of a responsible budget resolution for 2014 which starts in just a few weeks; and, in fact, the Federal fiscal year started October 1. From that resolution would follow, if we had regular order in this House, 12 appropriation bills constrained within the limits of that important budget. But rather than completing the budget bill, I observed the chairman of the House Budget Committee making political speeches out in Iowa rather than getting the job done here. My message today is get the job done of the Budget Committee.

We know that the economy will grow when more people are working; and when that happens, the Federal debt will go down.

The first chart I have here actually shows that during the Clinton years when employment went up, we were able to balance the budget. It was followed during the Bush year with the terrible recession where unemployment went up and, guess what, the budget deficit increased and our accumulated debt grew at extraordinary proportions.

Now, think about what happens to the U.S. debt when unemployment goes up; and during the Bush years, we had over 8.8 million jobs that were eliminated because of the Great Recession. When people don't have a job, they aren't paying taxes. They aren't buying a new car or spending money at department stores or other consumer spending that drives employment growth and job creation. Increased wages drive investment. Moreover, people who don't have a job are likely relying on government for help—unemployment benefits that are extended, or other parts of the Federal safety net, the social safety net such as health insurance, and health care. That causes a drawdown in Federal spending.

So the message to my Republican colleagues is get the job done. That's the only way you are going to be able to reduce the debt. We cannot balance our budget with unemployment hovering at over 7 percent nationally.

Although the Obama administration has successfully led 42 months of consecutive job creation compared to the Bush years when we went so much into the hole, we still have not dug ourselves out and replaced those 8.8 million jobs that were eliminated. That is a lot of jobs. Over 2 million manufacturing jobs alone were eliminated. If we think about that, we have done a good job month by month. in crawling out of the recession. But the pace of this is not what I would call robust, but it definitely has been steady.

Piled on top of this gigantic effort to try to create jobs is a nagging trade deficit. In my part of America, people know well what job outsourcing has occurred to foreign countries. We have had continuing hemorrhaging of U.S. jobs because of trade agreements like NAFTA, China PNTR, Korea, all in the negative, all in the red, not in the black. We have not had a positive trade balance in this country since 1975, and the numbers show it. The deficits just keep getting worse.

Can you find anything made in America any more? There is $9 trillion in accumulated trade deficit since 1975. That actually equals half of our long-term debt because our monthly trade deficit now hovers around $39 billion more imported goods coming in there than we are able to export. This means more foreign goods, fewer U.S. jobs. Over time, these foreign subsidized products from closed markets replace American products and the jobs that go with them. The word ''outsourcing'' has become all too familiar.

Mr. Speaker, if my Republican colleagues want to tackle the Federal debt, then they need to bring a completed budget deal to the floor. It is months, almost a year, too late. We need to tackle the Federal debt by growing jobs. Bring economic growth and jobs bills to the floor. We need to no longer bring trade deals to this floor that result, through fast track, in the kind of job killing that we have had over the last quarter century. Shouldn't we focus on what the American people have been saying to us year after year after year: it is the economy; it is job creation. This institution ought to be focused laser beam on what the American people are telling us. Why is that so hard to do?

I urge my colleagues on the Budget Committee, get back to work. Stop the politicking around the country; get those committees reaching compromises between the House and the Senate. Let's get the big frame; and then let's, through regular order, bring up the 12 appropriation bills within those budget restraints so we can eliminate the debt by making this economy grow fully again.

## RECESS

The SPEAKER pro tempore (Mr. CRENSHAW). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 57 minutes a.m.), the House stood in recess.

□ 1200

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

## PRAYER

Reverend Dr. John Adams, First Baptist Church, Mantachie, Mississippi, offered the following prayer:

Our Father, we bow before Your majestic throne today. We acknowledge that You are in Heaven and we are on Your good Earth.

Our prayers are given for each one in this Chamber, that Your love and wisdom be in each life. Today, we pray for our Speaker and each legislator, that Your hands will guide their hands.

Father, I know today that the best thing that I can do for these men and women is to pray for them. Give them courage to make the right decisions. Let the laws coming forth from these hallowed Halls be pleasing to You and be a benefit to our fellow man.

Allow these leaders to have a breath of fresh air today and to have the Spirit of God's Son in helping others. We ask Your blessings on our United States of America.

In the name of God's Son, we pray.

Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Ms. FOXX. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Ms. FOXX. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Georgia (Mr. BROUN) come forward and lead the House in the Pledge of Allegiance.

Mr. BROUN of Georgia 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.

## WELCOMING REVEREND DR. JOHN ADAMS

The SPEAKER. Without objection, the gentleman from Mississippi (Mr. NUNNELEE) is recognized for 1 minute.

There was no objection.

Mr. NUNNELEE. Mr. Speaker, I would like to welcome to the House of Representatives this morning Dr. John Adams, Jr., who offered the prayer earlier.

Dr. Adams is a native of Mississippi, and he is currently the senior pastor of First Baptist Church in Mantachie, Mississippi. He is joined by his wife, Darla Kaye Fuller Adams.

Dr. Adams has served as senior pastor in churches in Mississippi, Texas, Colorado, and Arkansas. Dr. Adams has spoken throughout the South and around the country, sharing a 13-part series about the Judeo-Christian heritage of America. He also presently serves as the executive director of the Moral Action of Mississippi and of the national organization, the Moral Action of the Baptist Missionary Association.

We are honored to have him here today, and we deeply appreciate his service to our Lord and to the people of Mississippi.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COLLINS of Georgia). The Chair will now entertain 15 further requests for 1-minute speeches on each side of the aisle.

## THE PATIENT OPTION ACT

(Mr. BROUN of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROUN of Georgia. Mr. Speaker, now more than ever, Americans are feeling the pain from ObamaCare. This law is hurting Americans with higher premiums and cancelation notices. If it is left in place, our country will suffer under the new wave of spending that it will create.

This destroyer must be stopped.

Just last week, the House passed a symbolic bill that merely nibbled at the edges of the problems caused by ObamaCare, but you cannot fix a law that will cripple our economy, increase our Nation's debt, and limit health care options for millions of Americans. I was one of only four Republicans to oppose this bill, because we can't fix the President's broken promises in ObamaCare. Instead, we must repeal ObamaCare for good.

I have introduced legislation, the Patient OPTION Act, that would do just that. Congress must stop wasting time to pass bills that keep ObamaCare in place. We must repeal and replace this disaster immediately. The Patient OPTION Act is the solution.

## WORLD TOILET DAY

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, the concept of a World Toilet Day can make children giggle, some adults blush and others change the subject, but the title is designed to take a most serious subject head-on.

The world can no longer afford to be squeamish, to make jokes or to change the subject about the fundamental issue of access to adequate sanitation. That is because 2.5 billion people live without it, which leads to 700,000 premature deaths each year, and it is getting worse. Instead of solving this global crisis, the number living without access has increased by 700 million people.

Today, we want to renew our commitment to helping these unfortunate people around the world have access to sanitation, which we all take for granted.

I appreciate the Gates Foundation and other NGOs, like WaterAid, for stepping up to help solve the dilemma, and I call on my colleagues to support H.R. 2901, which Congressman POE and I have introduced, which is the Water for the World Act, so that the United States can play a greater, more effective role to save lives around the globe.

## ''MAKE OUR VOICES HEARD''

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, Rodney from Winston-Salem, North Carolina, pays $540 a month for a family health insurance plan that covers his wife, his 16-year-old son, and himself. This plan works well for them and fits within their family budget; but Rodney received the same unwelcomed news that has startled millions of other Americans: the health insurance he likes will be canceled because the ''suits'' in Washington think his preferred plan is lousy. The most similar government-sanctioned ObamaCare plan will cost Rodney's family $1,139 each month—more than their mortgage payment.

Understandably, Rodney is sickened by this news.

I have worked very hard my entire adult life to take care of my family and provide for all of their needs. How am I supposed to continue to support them . . . with the government forcing me into a situation I cannot afford?

Rodney closed his letter by asking me:

If you do nothing else, please do everything in your power to make our voices heard.

House Republicans are doing that every day for Rodney and for Americans like him.

## IF YOU FIX IT, THEY WILL COME

(Mr. COURTNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTNEY. Mr. Speaker, despite all of the hysterical comments like we just heard on the floor here today, it is important for people to know that, in States in which Governors embrace the Affordable Care Act and set up a high-functioning Web site, the fact of the matter is that enrollment is exceeding expectations.

In Connecticut on Friday, which is where I am from, we released figures. Over 13,000 enrolled in the first 6 weeks, and the pace of enrollment is accelerating. In the last 2 weeks, they have enrolled more than they had enrolled in the prior month. On Saturday, I was at an enrollment fair—there were eight of them all across the State—and there was a full waiting room of people who were waiting their turns—like at a deli counter to get their numbers—to sit down to get help in terms of signing up with a plan. Twenty minutes is all it took to sign up for a plan.

I spoke to Merrylyn Weaver from New London, Connecticut, who said:

I am finally going to have health insurance after 3 years of being without it.

It took her 20 minutes to sign up for an Anthem Blue Cross Silver plan.

The fact of the matter is that the message is, if you fix it, they will come. That is what this Congress should be focused on is fixing it so that the people in the waiting room like I saw in Norwich, Connecticut, are going to get help all across the country. It is time to help people get insurance, not to scare them and destroy a plan that provides them hope.

## RECOGNIZING BAYLOR REGIONAL MEDICAL CENTER FOR THE 2013 MALCOLM BALDRIDGE NATIONAL QUALITY AWARD

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to recognize Baylor Regional Medical Center at Plano on their latest accolade—the 2013 Malcolm Baldrige National Quality Award, which is the Nation's highest Presidential honor for performance excellence through innovative practices and visionary leadership.

For nearly a decade, Baylor Plano has provided north Texas with high-quality and compassionate care. Their superior patient satisfaction rate and dedication to training the best and the brightest go unmatched. Baylor Plano's success and patient-centered care is a testament to the endless possibilities when you have choice and freedom on your side.

It is an honor to congratulate Baylor Plano's employees, medical staff, and volunteers for doing their part to keep Texas' bigger and better reputation intact. I wish them continued success.

God bless you, and I salute you.

## EMPLOYMENT NONDISCRIMINATION ACT

(Ms. TSONGAS asked and was given permission to address the House for 1 minute.)

Ms. TSONGAS. Mr. Speaker, I rise today to urge House leaders to let us vote on the Employment Nondiscrimination Act.

In 1979, my late husband, Paul, was the first U.S. Senator to introduce legislation to ban job discrimination based on sexual orientation. I agreed with him then and feel just as strongly about ENDA today. Employees should be judged solely by their ability to do their jobs.

After I was elected in 2007, I was proud to cast one of my first votes in support of the passage of the Employment Nondiscrimination Act, an effort spearheaded by the relentless Barney Frank. While ENDA passed in the House of Representatives in 2007, it did not move in the Senate; but on November 7, the U.S. Senate made history by passing ENDA. It is now time for the House to act—to pass ENDA and to finally expand protections in order to prevent employment discrimination.

Mr. Speaker, for the sake of dignity, justice, and equality, let us vote.

## CANCER DRUG COVERAGE PARITY ACT

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, orally administered anticancer drugs are becoming the standard care for certain types of cancer as a promising alternative to traditional chemotherapy, which is administered through the vein. They are also driving some of the most exciting research in fighting cancer as 35 percent in the oncology pipeline are oral chemo drugs.

Unfortunately, insurance policies have not kept pace with the science. Typically, IV chemotherapy is covered as a medical benefit while oral chemotherapy is covered under the prescription drug component. This creates a disparity in coverage and a financial disincentive to choose oral chemotherapy. Cancer patients should choose a course of treatment based on what they and their doctors believe will work best.

That is why I have introduced the Cancer Drug Coverage Parity Act. It would require insurance plans to provide coverage for oral chemotherapy at a cost no less favorable than that of traditional chemotherapy. My bill has 68 bipartisan cosponsors. I urge my colleagues to join us to support the development of these promising new treatments to patients who need them.

□ 1215

## AFFORDABLE CARE ACT

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Mr. Speaker, even with the difficulties of the health care Web site, we are seeing great things coming out of this Affordable Care Act. Across the country, millions of people who lacked affordable health care options yesterday are checking out their new options today. This law is working.

I continue to hear scores of success stories from California. Marilynn, who is a breast cancer survivor, was paying nearly $1,300 a month for her Anthem Blue Cross policy. Through Covered California, she is saving now more than $500 a month.

Although the healthcare.gov Web site has had its problems—that we are fixing—know that the California exchange has become a model for the rest of the country. Early enrollment results demonstrate that Covered California is working and people are signing up. We led the Nation in our readiness for this new law, and newly released numbers show that 131,000 Californians have already enrolled in new quality health plans on Covered California, more than any other State exchange.

Rather than rooting for its failure, let's work together to make this a reality for all Americans.

## HEALTH CARE ACT ADVANCES EQUALITY, FREEDOM, AND FAIRNESS

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, I pause today to think about history. I thought a lot about the 50th anniversary of President Kennedy's assassination, and today is the 150th anniversary of the Gettysburg Address. I thought I should bring some words to us from the Address. The world can never forget what the soldiers of Gettysburg did:

> It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this Nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the Earth.

I am proud to serve in this House where John Kennedy served. I am proud to serve in this House where Abraham Lincoln served. It is my opinion that part of that work was providing equality, freedom, and fairness. I believe President Lincoln would support the Affordable Care Act and health care for all.

## WE NEED A FAIR AND BALANCED BUDGET

(Ms. LEE of California asked and was given permission to address the House for 1 minute.)

Ms. LEE of California. Mr. Speaker, many of our constituents are still recovering from the reckless Tea Party government shutdown. Now it is time to do our job and pass a budget, help grow the economy, and create jobs. Budgets are statements of our values and priorities as a Nation.

Our top priority in passing a budget must be to end the harmful, across-the-board budget cuts known as the sequester. We must extend emergency unemployment compensation which millions of jobless workers and families rely on. This will end at the end of December if we don't do this.

Although our economy has improved, there are still 4 million people in this country that have been unemployed for 6 months or more. These same individuals have already experienced reductions in their benefits due to sequestration and automatic SNAP—food stamp—cuts as of November 1.

Tea Party Republicans have refused to create jobs, they have cut job training, and now they are ready to pull the plug on this vital lifeline. This is morally wrong and economically stupid.

I urge the budget conferees to extend the Emergency Unemployment Compensation program for at least an additional year and to repeal the sequester. We need a fair and balanced budget that reflects our values.

## PRESIDENTIAL MEDAL OF FREEDOM

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Mr. Speaker, tomorrow will mark the 50th anniversary of the executive order of President Kennedy which established the Presidential Medal of Freedom. Five hundred exceptional individuals have received the award in these 50 years. Tomorrow, 16 will be honored, including President Bill Clinton.

For us in Hawaii, it is noteworthy that the Hawaii-born President will be honoring Senator Daniel K. Inouye. In his press release, the President recognized the Senator for his lifelong public service, including the highly decorated 442nd Regiment in World War II, for which he was awarded the highest

military honor, the Congressional Medal of Honor.

It is, however, most noteworthy that when asked how the Senator wanted to be remembered, Senator Inouye said:

Very simply, that I represented the people of Hawaii honestly and to the best of my abilities. I think I did okay.

He was a true American, a humble man, and truly deserving of the highest civilian honor of this great country.

## AFFORDABLE CARE ACT

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, despite the fact that the robust provisions passed in the House were significantly reduced in the Senate, the people of the Virgin Islands are benefiting in many ways from the Affordable Care Act.

As an example, a physician related to me that the insured 21- to 25-year-olds and the preventive care without copay kept her practice afloat, and the insurance rebate and tax credits for small businesses enabled her to provide insurance for her employees without requiring contributions from them.

In addition, seniors and people with disabilities saved an average of $647 on medicines. Health centers in my district were able to expand space and services; children with sickle cell, asthma, and diabetes could be insured; every newborn will get an important home visit; and the new Medicaid dollars will enable us to provide coverage for up to half of our now uninsured.

We still have work to do to ensure full access in the Virgin Islands and the Nation, but the Affordable Care Act has already made a positive difference in the lives of many of our constituents. The ACA is helping Americans in all of the States and territories, and we will continue to build on its successes, not yield to Republican opportunism and obstructionism.

## BROKEN PROMISES

(Mr. HARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARRIS. Mr. Speaker, the train wreck and broken promises of the President's health care reform act continue.

The gentleman from Connecticut earlier said that we were hysterical. Mr. Speaker, my constituents are hysterical about these broken promises.

Allen from Harford County writes about his 31-year-old son. His 31-year-old son can't get a full-time job because employers won't hire people full-time because of the Affordable Care Act. He writes:

I'm writing today to voice my concern as a parent and to report that my healthy 31-year-old son's health insurance premium will be tripling. Currently, he has his own CareFirst BlueCross plan and was recently notified that it was going to be canceled, and his premium will go up from $200 a month to $600 a month.

Mr. Speaker, this is a train wreck. Parents and families are hysterical. They can't afford a $600 premium for a single person working a part-time job. Canceled policies and skyrocketing premium costs are two broken promises. America deserves better.

## BENEFITS OF OBAMACARE

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, my Republican friends continue to obsess with repealing a law that is making a difference and will make a significant difference in the years to come.

I want to address some of the benefits that have accrued to my congressional district in North Carolina:

Eight thousand young adults now have health insurance through their parents' plan; 150,000 individuals now have health insurance that covers preventive services without any copays, co-insurance, or deductible; and 138,000 residents in my district are saving money due to the ACA provisions that prevent insurance companies from spending more than 20 percent of their premiums on profits and overhead.

Because of these provisions, 13,000 people in my district received a rebate of $87 per family last year and $158 per family the year before.

Although Republicans have been relentless in their efforts to dismantle and discredit ObamaCare, the facts are uncontroverted.

## 35TH ANNIVERSARY OF JONESTOWN

(Ms. WILSON of Florida asked and was given permission to address the House for 1 minute.)

Ms. WILSON of Florida. Mr. Speaker, today we mark the 35th anniversary of the massacre of Jonestown.

Prior to September 11, this was the deadliest event in U.S. history, excluding wars and natural disasters. More than 900 innocent people were killed after being seduced by the charismatic but deeply disturbed Jim Jones.

Mr. Speaker, among the dead was Congressman Leo Ryan, the first Congressman to be assassinated in the line of duty. He went to Guyana out of concern for the safety of his constituents there. Most of them were of African American descent.

Congresswoman JACKIE SPEIER, who was then on Congressman Ryan's staff, was shot five times and had to wait 22 hours for assistance.

Today, I introduced a resolution honoring their extraordinary bravery and calling on the Speaker to establish protocols to memorialize Members who die in the line of duty. Out of the tragedy of Jonestown, true heroes were revealed.

## GIVING TUESDAY

(Mrs. CAROLYN B. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, we all know about Black Friday and Cyber Monday, but I am proud to support Giving Tuesday, a national day dedicated to charitable giving and volunteerism.

On December 3, Giving Tuesday will harness the collective power of charities, families, businesses, and individuals to transform how people think about, talk about, and participate in the giving season.

Launched by the 92nd Street Y in New York City last year, in the district that I am privileged to represent, Giving Tuesday inspires Americans to take action to improve their local communities and strengthen our country.

Thousands of partners in all 50 States are joining in this national movement of individuals and organizations that believe that everyone, whether you are a large donor or an individual volunteer, has a role in helping to solve the challenges our communities face every day.

Americans are the most charitable people in the world, and Giving Tuesday is a day for us as a Nation to celebrate our spirit of generosity.

I urge everyone to spread the word about Giving Tuesday to your constituents so together we can celebrate the giving season and aid the important work of charities and organizations.

## REPAIRING THE AFFORDABLE CARE ACT

(Mr. CLEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEAVER. Mr. Speaker, my son played basketball at Dillard University. I went down to see his games as often as I could. On one occasion, we were driving around in his car, we were at a busy intersection, and the car stops. I didn't know what was wrong, but eventually I realized that he simply didn't have gas in it. I was not happy, but I didn't stand outside of the car and just continue to talk to him about the fact that the car stopped running and needed gas.

What we did is, we tried to get some gas to get the car out of the busy intersection because a lot of people were trying to get by. It would have been of no value for me to stand there and lecture him or talk about how horrible the situation was. We wanted to fix it.

That is the same thing with the Affordable Care Act. There are some problems. I think it would be crazy for anybody to say there are not problems. The law has already been passed by Congress, signed by the President, and

upheld by the Supreme Court of the United States.

We would be infinitely better off if we gave our time to repairing the problems that are there as opposed to standing in the intersection talking about how bad it is.

□ 1230

## PROVIDING FOR CONSIDERATION OF H.R. 1965, FEDERAL LANDS JOBS AND ENERGY SECURITY ACT, AND PROVIDING FOR CONSIDERATION OF H.R. 2728, PROTECTING STATES' RIGHTS TO PROMOTE AMERICAN ENERGY SECURITY ACT

Mr. BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 419 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 419

*Resolved,* That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1965) to streamline and ensure onshore energy permitting, provide for onshore leasing certainty, and give certainty to oil shale development for American energy security, economic development, and job creation, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and amendments specified in this section and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-26 shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. No further amendment to the bill, as amended, shall be in order except those printed in part A of the report of the Committee on Rules accompanying this resolution. Each such further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill, as amended, and any further amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. At any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2728) to recognize States' authority to regulate oil and gas operations and promote American energy security, development, and job creation. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and amendments specified in this section and shall not exceed one hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Science, Space, and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-27 shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. No further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules accompanying this resolution. Each such further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill, as amended, and any further amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Utah is recognized for 1 hour.

Mr. BISHOP of Utah. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, this resolution provides for a structured rule for the consideration of H.R. 1965, the Federal Lands Jobs and Energy Security Act, as well as for consideration of H.R. 2728, the Protecting States' Rights to Promote American Energy Security Act. The rule provides for each bill to receive 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources, except that on H.R. 2728, the Committee on Science, Space, and Technology will control 20 minutes of the 1 hour provided for.

The rule makes in order eight amendments for H.R. 1965 and five amendments for H.R. 2728. In both cases, the number of amendments to be offered by Democrats outnumber those to be offered by Republicans. A number of those amendments which were filed and not made in order violated the House rules either by not being germane or by violating CutGo. So this is a very fair and generous rule and will provide for a balanced debate on the merits of these important pieces of legislation.

Mr. Speaker, I am pleased to stand before the House to support this rule, as well as the underlying pieces of legislation, which are both important bills aimed at making the United States more energy independent.

I appreciate the hard work of the sponsors, Mr. LAMBORN of Colorado, Mr. FLORES of Texas, as well as the work of the chairman of the Natural Resources Committee, the gentleman from Washington (Mr. HASTINGS), as well as that of the chairman of the Science Committee, the gentleman from Texas (Mr. SMITH). These are significant pieces that will move our Nation forward.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman from Utah for yielding me the customary 30 minutes.

Mr. Speaker, for this body to spend the final week before a week-long break, one of the final weeks of the year, the third-to-last week of the legislative year, considering messaging bills that aren't going anywhere is a disservice to this country and one of the reasons that this institution is as unpopular as it is. Rather than taking on immigration reform, rather than protecting Americans from employment discrimination, both of which bills passed the Senate with strong majorities, including many Republicans, we are instead debating a bill to move backward rather than forward.

H.R. 1965 and H.R. 2728, the Federal Lands Jobs and Energy Security Act and the so-called Protecting States' Rights to Promote Energy Security Act, circumvent future Federal regulations designed to keep people safe and healthy by handing over jurisdiction to States that have any guidance, even a few words of guidance, regarding hydraulic fracturing. We will be talking about the example and what this means in my home State of Colorado in

a few moments. But neither bill will become law. Unlike immigration reform, unlike ENDA, which would end workplace discrimination against gays and lesbians across our country, these bills will not become law.

Similar legislation to H.R. 1965 was considered last Congress. This legislation was opposed by the administration. It was not brought up by the Senate, and yet here we are debating it again in the House of Representatives when we have real business to take care of.

These are not the issues that my constituents are calling in demanding that I take action on. They are demanding that I work to fix our broken immigration system. They are demanding that I work to balance the budget. They are calling in demanding that we work to improve upon health care delivery in this country; yet, instead, we are discussing bills that are detrimental to the economy of the district that I represent and destroy jobs.

Let me discuss H.R. 1965 first. This bill's central premise is to allow oil and gas companies to drill wherever and whenever they want to drill on public lands. This bill is completely irresponsible and prioritizes the needs of the oil and gas industry over every other use of our public lands, including the drivers of jobs in my district: hunting, fishing, skiing, and off-road vehicle recreating.

This bill sets arbitrary deadlines for the BLM to approve drilling applications and requires the BLM to lease at least 25 percent of lands nominated by the oil and gas industry each year.

In addition, the underlying bill offers millions of acres of public lands for lease to companies that are trying to develop a fuel source that has not even proven to be viable—oil shale—without regard to the impact on water or our local economy or environment.

I represent the district that includes popular destinations like Vail and Breckenridge and Winter Park, Colorado. People from across the country come to enjoy our skiing in winter, our outdoor recreation, our hunting, our fishing, and white water rafting. When you use areas of land for extraction and you create oil rigs, the heavy truck traffic and roads associated with the extraction industry, people are less likely to want to come visit for these other purposes. It will hurt our ability to attract tourists from the rest of the country if we don't have adequate safeguards around the Federal lands which are part of Eagle and Summit Counties and on which our economy relies.

Now, on H.R. 1965, I did offer several amendments to try to improve these bills, but only one of my amendments was made in order under this rule. I am pleased at least my amendment with the gentleman from California (Mr. HUFFMAN) is in order, which requires the National Academy of Sciences to study and report to Congress about the impact of flooding on oil and gas facilities and leaks and spills from tanks, wells, and pipelines.

My district recently fell victim to horrendous floods. We call it our 100-year flood in Boulder, Larimer, and Weld Counties. A number of drilling operations were impacted, and we are continuing to assess the damage, not only with regard to drilling operations and potential contamination, but of course our people are digging out with regard to their homes and their offices as well. The September floods in Colorado caused an unprecedented level of destruction to thousands of oil and gas facilities in northern and eastern Colorado. As a result, over 43,000 gallons of oil and over 26,000 gallons of produced water spilled from the tanks, wells, and pipelines into the floodwater.

That is why I joined Representative DEFAZIO, the ranking member of Natural Resources, in sending a letter on September 25 to Chairman HASTINGS requesting a hearing to fully understand the consequences resulting from the flooding. That hearing hasn't been scheduled yet, but I am hopeful that we can resolve this issue, hold congressional hearings, understand how this issue affects my district, but also affects other districts that might be subject to flooding that house drilling operations.

With regard to the oil shale amendment, I am disappointed that the other amendment I offered with Mrs. NAPOLITANO was not made in order. It would have simply required a study. The U.S. Geological Survey would have studied the impacts of oil shale leasing on the quantity and quality of water available in the West. My friend from Utah knows that water in the West is a very important thing. You know, gold is for looking at, and water is for fighting over. Frankly, when we look at the impact and the potential impact that a very heavy use of water would have with some of the extraction techniques that are being explored for oil shale production, we need to look at the impact that would have on water that we need for agriculture, for homeowners, and for recreation. And a simple study would be a first step in doing that.

Unfortunately, under this rule and this closed process, we were not allowed to bring forth this amendment to discuss a study of how oil shale production would affect water uses. Many of the test processes use enormous amounts of water to develop oil shale. It is very concerning because the largest known deposits of oil shale are in the Green River formation, which include portions of Colorado, Utah, and Wyoming, all three of our States experiencing over the last several years drought conditions and have scarce water resources that are relied upon by our residents and by our farmers.

Thirty million users of water, including farmers, ranchers, and municipalities, depend on water from the Colorado River basin. My amendment would ensure that we have a better understanding of how much water oil shale would use and could pollute or otherwise impact through the quantities used of the water available for other purposes.

Now, I would like to turn to H.R. 2728. Hydraulic fracturing, or fracking, is a national issue. It is something that we need to address here in Congress. It is something my constituents are demanding of me that we address here in Congress, but H.R. 2728 is not what my constituents had in mind.

□ 1245

In this election this month, earlier here in November, four of the five largest municipalities in my district—Fort Collins, Boulder, Lafayette, and Broomfield—passed measures that put bans or moratoriums on fracking.

Never before in my time in public service have I ever seen an issue that has been the number one issue on the ballot in four of the top five municipalities. And I should add, it was scheduled to be on the ballot of the fifth, but it was deferred. The petitions to put it on the ballot were deferred, and we expect it will be on the ballot at Loveland at this point if the citizens continue with their push for an initiative there.

We have seen tremendous growth in natural gas development due to fracking and directional drilling in the last decade alone. That is a great thing. It is a great thing for American energy independence. It is a great thing for American manufacturing. It is a great thing for reducing our energy costs.

In Colorado alone, 50,000 wells have been drilled, and many more have been drilled nationally. These drilling activities, however, in a district such as mine, a district that is an extraction district, are occurring very close to where people live, work, and where they raise families, yet our State doesn't have any meaningful regulation to protect homeowners.

It meets the definition of having fracking rules; it certainly does. Unfortunately, the fracking rules are overseen by an oil and gas commission that is heavily influenced by the oil and gas industry. They don't have at their disposal the independence or the ability to enact real penalties for violations of our laws, and their charge is not first and foremost to protect homeowners and families and health. That has led to this backlash, which is why even very conservative towns in my district—one of the towns that had a 5-year moratorium on fracking elected a very conservative mayoral candidate by a 60–40 margin, which is not unusual for this town. These are folks who are fundamentally conservative voting for a conservative candidate for mayor, who won, and yet, at that same election, that same year, they passed a moratorium on fracking in Broomfield County.

This is of great concern to the people in my district. The growth of fracking without commonsense Federal guidelines, without commonsense State guidelines, has caused an enormous

amount of friction between the American Dream of homeowners in my district and our Nation's need for energy.

State and local rules are an important part of the equation, but we also need standards at the Federal level, particularly as relates to Federal lands—namely, BLM lands—which are an important part of the equation to address impacts that go beyond any particular community, such as keeping our air free from pollution, keeping pollution out of our lungs, our waterways, and our drinking water.

Some State and local laws addressing oil and gas extraction are woefully unprepared. The extraction industry hit before they had the chance to even create a local regulatory framework, or they have one that is woefully outdated and relates to the extraction technologies that were prevalent decades ago rather than the new extraction technologies that are being deployed today.

Colorado is trying to update its oil and gas rules, but they really haven't done anything to create a meaningful framework to protect homeowners and families, which is why four of the five largest municipalities in my district have either banned or put a moratorium on fracking.

We have a State issue, and the State has actually threatened to sue some of these same municipalities for that ban. That is not a Federal issue, but this has been an enormous issue in my district. The citizens in my district want more protection, not less, when it comes to fracking.

The industry reaction has been extremely counterproductive. The desire for my citizens to see more protection—somehow the industry interprets this as the citizens need more information or need more marketing about how great fracking is. That is not what they need. They have got plenty of that. The opponents of these ballot initiatives, the oil and gas initiatives, spent millions of dollars educating my constituents about how wonderful and harmless fracking is. That is not what they are asking for. If we could take some of that money and instead apply it to recapturing gases from the well sites and ensuring that we have closed systems for the water recovery instead of the marketing campaigns, we would actually make progress with regard to increasing consumer confidence and the confidence of my citizens in the process. But that is not what we have seen to date, and this bill will not help bring it about.

For almost 5 years, I have represented Colorado's Second Congressional District. In that time, I have witnessed exponential growth in natural gas extraction in and around our district. I have met with too many families and communities that have been forced from their homes and devastated by nearby fracking activity.

Fracking has occurred hundreds of feet from homes, schools, and playgrounds. I have been powerless to stop it. We tried to ask an oil and gas company not to frack near a school in Erie, Colorado, Red Hawk Elementary, but the response that I got at my office after two letters continues to be a formulaic response from their attorneys that ''we have the right to frack here and we will.''

Many families are fleeing those communities not because of lack of information, not because the oil and gas company hasn't done everything they can to have wonderful ambassadors in our community creating a lot of great literature, advertising all over our airwaves. That is not why families are fleeing. They are fleeing because they don't want to live next to an oil rig or have their kids going to school next to a fracking pad or oil rig. That is just common sense. There is no amount of marketing or information that will change their minds, and that is the fundamental flaw in the reasoning process that many in the oil and gas industry have had to date.

I have heard many stories from families about getting fracked, and as a result, I had introduced the BREATHE Act in the last Congress and the FRAC Act, requiring disclosure of fracking fluids, removing the exemption that fracking has from the Clean Air Act and the Clean Water Act, the small-site exemption.

I, unfortunately, have gotten to experience fracking firsthand here in this last year. For more than a decade, I have had a peaceful family farm, about 50 acres, near Berthoud, Colorado, where my father-in-law lives. That is our house there. Fracking, without any notice to us, because, of course, it wasn't required under State law, occurred hundreds of feet from our home. In July, overnight, without any warning, a towering drill rig arose, literally across the street from where my father-in-law lives. You can see it right here.

The sounds of the 24-hour-a-day-and-night operation led us to invite my father-in-law to have to stay with us in Boulder in our apartment on our couch during the active phase of the drilling process. The rig was spewing black smog and making loud noises at all hours of the day. And when the drilling rig went up without notice or warning, our little dream and our life became a nightmare and was thrown into turmoil.

Last night, at the Rules Committee hearing, Chairman SESSIONS and Chairman HASTINGS spoke about a Web site, www.fracfocus.org, that supposedly reveals all the chemicals used during the fracking process. But FracFocus is actually not revealing at all. It gives operators sole discretion to decide what information they display and what they don't display.

This is actually an example of a well. This is the one that is very close to our house. You will see that, of course, many of the ingredients of the fracking fluids are completely noncontroversial. We know they are largely water, sand, and quartz. We are not talking about that. That is not the issue. As you will see, they have ''proprietary'' listed next to several vague terms. They have surfactants here, proprietary. So people in the neighborhood don't even know what environmental contaminants to measure for or to look for.

Again, from a marketing perspective, the oil and gas companies are saying it is not leaching into groundwater, there are not surface spills; but, at the same time, they are refusing to provide the information that would allow the independent verification of their claims and safety.

When I looked up the drilling site near my house on FracFocus, there were many ingredients that were listed as proprietary, including surfactants and polymers; and because of the lenient policy of FracFocus, the company that drilled near my house withheld the only information that we were actually interested in in terms of what was being used in the ground.

We need to look at a commonsense approach to fracking. The constituents in my district are demanding it. We could have voted on such a balanced approach to fracking. I introduced, as an amendment to H.R. 2728, the BREATHE Act. The BREATHE Act was identical to a bill that I introduced earlier this Congress. It would have reversed the oil and gas industry's loophole to a provision in the Clean Air Act that protects the public from small air pollution sources that might individually be de minimus but, in the aggregate, released large volumes of toxic substance into the air.

We have to talk about the concentration of this operation. In Weld County, Colorado, there are close to 50,000 wells. Again, for any particular fracking pad, the emission profile is small; but, if you have a number, a dozen, two dozen, 100, in a limited area, the emission profile is going to look a lot more like a factory or even a coal-burning plant than it does something that can be rounded down to zero. We need to look at the fact that the concentration of thousands of wellheads in a very limited geographic area has a profound potential impact and cumulative impact on air quality that affects our health and our quality of life.

My amendment is critical because there is significant evidence that oil and gas wells and their associated infrastructure, including heavy truck traffic and diesel engines, contribute to air pollution. Chemicals such as benzene and volatile organic compounds and methane are associated with oil and gas production sites and should not be subject to an exemption from the Clean Air Act. Despite the growing proof that the oil and gas industry causes air pollution, oil and gas operators are still exempt from the basic Federal protection afforded by the Clean Air Act.

I offer this amendment and introduced the BREATHE Act because people who live near oil and gas developments deserve the protections of the

Clean Air Act, just as other Americans do who live near factories, just as other Americans do who live near coal-burning plants. We have 55 sponsors for the BREATHE Act, yet it has not received a hearing or a markup; and on a party-line vote yesterday in the Rules Committee, it was not allowed to be considered as an amendment to this bill.

Another amendment I helped offer to the underlying measure would also improve the legislation. The amendment I offered with Mr. HOLT allows the Secretary of the Interior to issue regulations to minimize fugitive methane emissions on public lands.

Methane is a potent greenhouse gas that often leaks during the drilling and transportation of oil and gas. In fact, methane leaks are so common in oil and gas drilling that we have rural areas in the Upper Green River Basin in Wyoming that have recorded higher concentration levels than the worst pollution days in downtown Los Angeles.

Fortunately, there are already control technologies available to minimize air pollution in operations. If the oil and gas companies would use just some of the money that they spend on lobbying and on marketing and on all the wonderful advertising that they are doing on our airwaves in Colorado and, instead, upgrade their facilities to recapture methane, I think we could actually see some progress on this issue.

I urge my colleagues to support this amendment when it comes up for consideration later in the afternoon.

Mr. Speaker, the American people are calling for real solutions in Congress. The people of the Second Congressional District are for an all-of-the-above approach to energy. We are for solar. We are for wind. We are for oil. We are for gas. We are for hydro. We want to make them all work. And just as there would be a zoning process around creating a windmill in a residential neighborhood that is 100 feet tall right near your home, there should be a zoning process around the extraction of oil and gas, especially near where the constituents of my district live and work.

Mr. Speaker, this bill is a messaging bill that might help the majority's relationship with oil and gas companies, but what we really need is a balanced approach that ensures that we can develop our domestic oil and gas resources in a way that doesn't destroy jobs in districts like mine and protects the health of Americans across our country.

These bills fall short on that account. And despite our effort to amend them, the rule doesn't allow many of the most important amendments that would remove the exemption from the Clean Air Act and Clean Water Act and ensure that we have an extraction industry that is consistent with the public health.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, the rule that we have before us is about two bills. The first bill deals with fairness for those who live in public land States as to the ability to process oil and gas leases. The second bill deals with fracking, the fracturing of oil that is a policy that started in the 1940s in the State of Texas.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. FLORES), who is the sponsor of the second bill, to discuss that particular portion.

□ 1300

Mr. FLORES. I thank Mr. BISHOP for the time to discuss this rule and the important underlying legislation.

Mr. Speaker, everyone, Republicans and Democrats, like to talk about clean, affordable natural gas. Yet, the Bureau of Land Management has proposed duplicative Federal regulations on the very technology that has facilitated the shale energy revolution, and that is hydraulic fracturing.

States have a proven record in regulating hydraulic fracturing for over 60 years. Obama administration officials are already on the record stating that hydraulic fracturing is safe and that States have a strong role in its regulation.

The proposed BLM regulation of hydraulic fracturing on Federal lands appears to be a solution in search of a problem that does not exist.

The legislation that I have cosponsored with Mr. CUELLAR, H.R. 2728, would stop this Federal overreach by recognizing States' authority to regulate hydraulic fracturing and prohibit the Interior Department from enforcing its proposed regulations in any States that already have a regulatory protocol for this technology.

There are already existing Federal regulations that apply to other energy activities on Federal lands. The tradition of States having a primary role in developing our onshore energy resources has contributed immeasurably to our shale energy revolution, however, and imposing another Federal one-size-fits-all-approach only hampers domestic energy production.

The Federal Government already takes 10 times longer to issue an energy activity permit than States do. Why would we want to give these bureaucrats any more flexibility or tools to deter activity on taxpayer-owned lands? After all, over the last 5 years, natural gas production on Federal lands is down over 20 percent, and the rest of the country has seen dramatic increases.

States are better able to decide how to craft environmentally responsible regulations that reflect both the geology and the water needs of their States. This is why American energy development continues to thrive on private lands and State lands, despite the decrease on Federal lands.

If left unchecked, the new BLM regulations are only the beginning of more Federal overreach that will eventually hamper production on private land.

We are in the midst of an energy transformation, Mr. Speaker, in the way that we produce energy in this country. This energy revolution has created hundreds of thousands of well-paying American jobs in the industry.

More importantly, however, energy from abundant, safe, affordable, and clean natural gas has put America in a position to be globally competitive in manufacturing, where we can create millions of great middle class jobs while simultaneously meaningfully decreasing greenhouse gas emissions, as we have seen over the last decade or so.

Today's rule provides for the legislation that helps us responsibly develop our taxpayer-owned energy resources, and we will later consider legislation that will bring energy to the marketplace.

I urge my colleagues to vote ''yes'' on the rule, and I urge support for the underlying legislation.

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague from Colorado for yielding.

Mr. Speaker, I rise in strong opposition to this rule and to the two underlying bills. In fact, these bills are, themselves, solutions in search of problems. They tear down environmental protections and they restrict public participation in an attempt to expand oil and gas production.

But the truth is, oil production on Federal lands has gone up significantly since 2008, and Federal regulations have not stopped States from implementing their own fracking rules.

These bills are nothing more than reckless giveaways to big oil and gas companies that put American families and the environment at risk.

H.R. 2728, for example, would preemptively prohibit the Federal Government from setting even minimal safety standards for fracking. Fracking, whether onshore or offshore, poses serious environmental and public health risks that we don't fully understand now.

We know very little about the environmental and public health impacts of onshore fracking, and we know even less about offshore fracking. Offshore fracking has been occurring for over 20 years off the California coast, with at least four fracs approved as recently as this year.

Federal regulators and the public only recently became aware of these activities, thanks to FOIA requests released last summer. We know virtually nothing about the size of these fracs, the chemicals being used, or the impacts on the marine environment.

They have been approved with categorical exemptions and decades-old permits that are woefully inadequate, and that is why I offered an amendment to H.R. 2728 to stop these activities until a full environmental review is conducted. Unfortunately, my amendment was not made in order, which is disappointing.

If oil companies get to inject millions of gallons of fracking fluids into

our public lands, then the least we can and must do is study the impacts of those activities. Whether it is done offshore or onshore, we have a responsibility to ensure that fracking is safe, but the bills before us this week greatly undercut this crucial responsibility.

So I urge my colleagues to stop this reckless giveaway to Big Oil, and oppose this rule and the underlying bills.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

When Ronald Reagan was first elected President, he talked to his National Security Advisor—I believe his name was Richard Allen—and told him that his policy for foreign affairs was going to be ''we win and they lose.'' It shocked his National Security Advisor because they had always been talking about managing communism or coexisting with communism. This was the first time somebody had actually come up with such a specific and precise rationale and policy for the Nation.

But President Reagan also realized, for him to actually enact his goal, they first had to fix the economy, which, as strange as it seems, was worse than the economy we have today. With double-digit inflation, double-digit unemployment, double-digit interest rates, he had to first fix that before he could go on to his goal of actually winning the Cold War.

He also recognized that if he was going to fix those economic problems, he had to have a reliable and affordable source of energy, and that, indeed, was one of the problems that caused the situation they were in under the Carter administration.

Earlier this year we brought a couple of bills forward, one for the Defense Authorization Act and the Defense Appropriations Act, and I said at the time that the reason we had those here was because it allowed and empowered our State Department.

Foreign policy is whatever we are willing to fund as far as military growth. They are interrelated.

One of the things this administration appears to have forgotten is the interrelation between improving our economy and improving energy production at the same time, although they have done well in trying to forward green energy solutions.

Unfortunately, as much as that is a positive and proper approach, most of what they have done has failed to reach the goals they established for themselves, and not only that, much of it has also been involved in scandals. Also, it cannot be done at the time you are attacking traditional forms of energy.

So that is why we are here. One of the realities is that, oddly enough, at this particular time, we are producing more energy in America than we have for a long time. And the numbers are always all over the place, depending on what the starting date is with these surveys. Whether you go to an industry like the Western Energy Alliance or a neutral entity like the Congressional Research Service, they are all saying basically the same thing. There is a slight increase in offshore energy on Federal lands. There is not an increase in onshore energy production on Federal lands, depending, once again, on what base you are using, and our increase in production, which is true, has almost all come from private lands, State-owned lands, and Native American lands of this country.

Now, the fact that we are closer to energy independence is nice, but that is not our goal. That is simply an infamous goal that we should have.

The goal should be to reduce the amount of energy coming into this country and becoming more energy independent so we can actually help people, so that we can come to the point where we are producing enough energy from this energy-rich Nation to make sure that we have affordable electricity, so when a family goes into a room, they don't have to worry about turning on the light, impacting their kids' college education fund; so that even low-income families can realize they can heat their homes in the winter; so that one can travel from Point A to Point B in your car and realize it is affordable; so that jobs actually are plentiful, especially spinoff jobs.

It is not those who necessarily are working at the site in which you are developing the energy, but the spinoff jobs: the trucker that goes to and from bringing product into or away from the site, or those who are doing the motels and the restaurants that are feeding the workers, those who are working on Main Street that are providing food and resources to those who are providing the services to those particular workers.

In Western States, like the State of Utah, it is essential, also, to our education fund. If you were to look at this particular chart, the chart on the top, the States in red are the States that have the hardest time, the slowest growth in their education funding.

The chart on the bottom, the stuff in red is what is owned by the Federal Government. I hate to say it, but there is a relationship between the amount of public lands owned by the Federal Government and the inability to try and fund the proper education system.

What that comes to, in gross terms, is over the last 20 years, Western States, the predominantly public land States, have increased their education funding by 35 percent. The rest of the Nation, which has very little public ground, has increased its education funding by 68 percent. They are doubling the growth of it.

What simply matters is that States in the West that are public land States have a difficult time of funding their education system when they are prohibited from being able to develop a lot of the resources which are found in those Western States. That is one of the reasons why we have a difficult time in funding our own education system and why the first bill in this rule is asking for Western States to be treated fairly in this particular process.

Whether one likes it or not, to vote against these bills unintentionally harms kids, and it harms education in the West. If our funding for education in my home State is going to be effectively increased, it has got to come from development of the natural resources that are in my State and not putting impediments in the way of the State moving forward.

This is the map of significance that I showed you. Everything that is red is that which is owned by the Federal Government, and you find—glory be—we have the predominance of it here in the West, in my State.

There is a difference in how energy is developed in the red areas, as opposed to the basically white areas. If you were trying to develop areas in the white, which has very little Federal land, it simply means a company goes out, they contact a property owner, get the right to do exploration, and then, if they find something which they wish, they buy either the land or the mineral rights and go ahead and do it.

On the red areas, the public land areas, the process is far, far different. It has been said on this floor that this bill would allow oil companies to go wherever they want. That is an overstatement. It is not quite accurate.

In the red areas, what happens is, first, the Federal Government, in this case, the Department of the Interior, will establish a regional management plan to establish which areas are proper for economic development, for drilling, and for mining. Not all areas are, so not all areas become part of the regional management plan, and only those areas that have potential for economic development in oil and gas are the ones that are listed in the RMP.

Then it goes through a NEPA process. Once the NEPA process for the RMP is completed, then the Interior Department decides what areas that are listed as potential energy development areas will actually be leased by the Federal Government.

Then they are let out to bid. That also has to go through a NEPA process before, finally, a company can bid on lands and go through and try to find out if it is worthy to develop. If they wish to develop, then they also have to go through an application for drilling.

Now, in most States, the white area, that application for drilling by itself takes between 15 to 30 days. In the red area, that application has been averaging over 300 days, which is where the unfairness takes place.

The first bill that is in this rule would say, okay, let's split the difference, and we will say you make the decision within 60 days; plenty of time to make that particular decision.

It is also noted that, in all of these processes I went through, from the RMP to the NEPA process, to the lease, to the lease bid, to the second

NEPA process, to the APD, there is opportunity for citizens to have input, free speech access to input.

Now, that costs the Department money to access that, which is true, but it is part of their job, so we accept it.

□ 1315

However, when the bid is actually made or a protest is made to that bid, that is extra work for the Department, which, in every other area of government, we would require a fee when some kind of citizen action requires extra work to expedite the paperwork for that type of protest or that type of policy or that type of request.

The companies that do an APD are already charged that by the Department of the Interior. They pay a fee of $6,500 every time they have a request to drill. This bill codifies that. But also it says that, if you are going to challenge or protest one, this is not the opportunity for citizen input that you have along the process each and every step. But if you are actually going to do a challenge of this, then you also should pay a fee because this challenge requires extra work and extra expense on the part of the Department, and this is put at a $5,000 fee. It is $6,500 to actually request the permitting process to start and $5,000 if you want to protest it.

In my State, unfortunately, we have seen examples where, on what I consider to be a whim, the President or the administration or the Department of the Interior has simply withdrawn leases that have gone through all of those steps I indicated and were effective and were put into motion. The first thing this administration did was to withdraw 77 leases in Utah. It had a catastrophic effect upon the Uinta Basin in my home State, where unemployment skyrocketed immediately after that was done, not only because the leases were withdrawn, but the private companies that were doing their work on private lands also saw the handwriting on the wall and wished to no longer go forward with that because of the implications of the withdrawal of those leases.

I got a letter from one of the kids who was living there. She was in junior high school. She asked me to please do something about it because her father was not working on the wells or the sites of those leases. He was one of the truckers, a private contractor who was taking stuff into those sites and trucking stuff out from those sites. And she was so happy because her family had been situated. They were doing well. They had finally bought a house and bought some property, and she had her dream of finally having a horse. And she wrote to me, pleading to see if we could change what this administration had done with those 77 leases so she could simply keep her horse. It didn't happen. She lost the horse. Her father lost the job. They lost the house. They lost land and had to go back to Salt Lake City to find employment.

Recently, in this same area, once again going through the process, the Interior Department identified 800,000 acres that were susceptible and appropriate for economic drilling development. They were those that were already abutting existing leases or intermingled within existing leases. But there were 800,000 acres. When they came up with the lease process, the administration decided to only offer 144,000; and then before the lease actually went out to bid, they withdrew almost 100,000 of those 144,000 because they had found a question in their minds as to what the impact might be.

Now, I recognize this could be legitimate. I mean, the Federal Government has only owned this land since the Mexican War. Obviously there are things that can slip somebody's attention in the first 180 years of looking at a piece of property. But nonetheless, only 44,000 acres were put out to bid. That is 5 percent of the total that was identified as acceptable for this kind of development.

Now, we are not talking about wilderness areas or national park areas or conservation areas; only areas that were susceptible and appropriate for this concept, which is why the 25 percent figure is really kind of a modest figure of what should be the case and should be taken.

If we were to pass these two bills, it is very easy to realize that the desert could bloom again because that is the purpose. These bills, for the first time, identify Native American interests and make sure that Native American interests on Native American lands are going to be respected by the Federal Government. They take it.

Four score and 7 years ago, we started a fracking process in the United States—give or take a score. But this fracturing process has, so far, been working. We have a list of those from the EPA, from the Interior Department, from both Energy Secretaries, the last two Interior Secretaries, a former EPA Administrator, the current Administrator, former BLM Directors who have all said that there is no identifiable problem with what the States are doing with fracturing. The States do have this experience in doing it.

The language is very clear. Sometimes people say, well, there are no regulations because they can't find a specific regulation. It mentions the word ''fracturing.'' But to be honest, and not trying to be too wonkish, if you have rules and regulations that talk about wellbore construction or drill site integrity, that is what is necessary to ensure the health and safety of individuals. And States do know how to go do that, and they do know how to protect that area.

The actual question, though, is, if we are coming up with rules for fracturing—and this deals with the bill that Representative FLORES was addressing—where should the decision be made on how to implement those rules? Should it be made here in Washington or should it be made in the State where the situation exists?

I have a great deal of empathy for what the gentleman from Colorado was saying was what he wished to see in his home State. I would be more than happy to allow him to do anything he wanted to do. If, indeed, they want to cancel all kinds of fossil fuel development in the State of Colorado, I would be more than happy to allow him to do that. I just don't want that in my State.

And unfortunately, the conventional wisdom is always that only people in Washington, D.C., have the broad view to make decisions for the entire Nation. That is a ridiculous wisdom. That is inaccurate. States are just as competent. There are as many smart people who live and reside in States, their Department of Environmental Quality, which we have in the State of Utah, as live here in Washington. They can make these decisions. They can do it well.

If a State does not want to make these kinds of decisions, does not want to have these kinds of rules, allow a national rule to take precedence. No problem. But if a State is willing to be independent and make decisions for themselves, we should allow them to do it because the States are just as good and, unfortunately, often better than the Federal Government in making these kinds of provisions.

You see, one of the things that is happening—the good gentleman from Colorado did talk about what is happening in his State. And once again, if his State wants to ban all kinds of these activities, if they want to ban all development of fossil fuels, that is fine.

This bill's adoption does not stop Colorado from doing anything that Colorado wishes to do. Not passing this bill will stop the State of Utah from having primacy and doing what the State of Utah wishes to do.

Look, we are not talking about the decimation of enormous tracts of Federal land. Within the Federal campus, there are over 650 million acres. That is one-third of America that the Federal Government owns. Of those 650 million acres, 450 million acres are already set aside for preservation and conservation and will never, never have any kind of development or any kind of drilling taking place on those 450 million acres.

The amount of area that has been identified as potential for economic development is only 38 million acres. But on those 38 million acres, allow the States to move forward to make sure that what the State wants on our local lands is respected and that what happens on Federal public lands is fair and equitable to what happens on private lands in non-Federal States.

With that, I look forward to anything the gentleman from Colorado has to say, and I reserve the balance of my time.

Mr. POLIS. I yield myself 30 seconds to respond.

To be clear, there is not an effort in Colorado, as the gentleman insinuated,

to somehow prevent the extraction of fossil fuels from occurring in Colorado. In fact, quite to the contrary. Because of the lack of meaningful State regulations, many cities and counties are banning extraction; and four of the five biggest cities I represent have moratoriums or bans on fracking precisely because there are insufficient Federal and State guidelines. So it is really working with counterpurposes and hurting the very prospects for the extraction industry that the gentleman aspires to assist by not having adequate regulation to safeguard people's homes and families.

I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. I thank the gentleman very much.

Mr. Speaker, the gentleman is correct that none of the dialogue that we just heard is mutually exclusive from creating jobs, from providing a growing economy, having a sustainable environment, and maybe having even a national energy policy. This should not be a conflict between who has read and who has not in terms of land and the ability to use Federal lands and education. We can do both. And what I believe is happening is that we are trying to take sides without looking constructively at everyone's amendments to make this legislation what it should be.

I have always advocated for a national energy policy. Today I rise to discuss the amendments that I offered to try to bring people together. I listened to the discussion.

Since the industry pays $6,500, we must let individual protesters pay $5,000. I would venture to say that the amendment that I offered would have been a fair one. It is to eliminate that amount. It could have been a compromise, make it a $1,000 fee. But in actuality, this blocks individuals from even expressing their viewpoint even though they have been able to go through the process of comment.

I did get an amendment in which will help ensure that the legislation, should it become law, will not apply or be interpreted in such a way that it unfairly burdens injured parties seeking relief. My amendment No. 2 indicates that this shall not be construed to abridge the right of people to petition for the redress of grievances in violation of the first article of the amendment to the Constitution, a right to protest.

Another amendment that I had was also an amendment to protect individuals, farmers, ranchers, and small businesses by removing the provision in the bill prohibiting recovery of attorney fees pursuant to the Equal Access to Justice Act. That amendment was made in order to create a level playing field.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. POLIS. I yield the gentlewoman from Texas an additional 15 seconds.

Ms. JACKSON LEE. There are a number of other amendments that I offered to H.R. 2728. One would have made it clear that the deference accorded to State law under section 44 of the bill applied only to fracking operations conducted on State lands but not to Federal lands. This was a good amendment that did not make it. A number of amendments did not. Some of my amendments did, and I want to say thank you. But I believe we can work together for a national energy policy that works for all of us.

Mr. Speaker, I rise to speak on the rule governing debate on H.R. 1965, the ''Federal Lands Jobs and Energy Security Act,'' and H.R. 2728, the ''Protecting States' Rights to Promote American Energy Security Act.''

As the Member of Congress from Houston, the energy capital of the nation, I have always been mindful of the importance and have strongly advocated for national energy policies that will make our nation more energy independent, preserve and create jobs, and keep our nation's economy strong.

I am not pro- or anti-fracking. I strongly am ''pro-jobs'' and ''pro-growing economy'' and ''pro-sustainable environment.''

Volatile energy prices threaten economic security for millions of middle class Americans and hits consumers hard, raising gas prices and straining budgets for millions of American families.

It is a familiar story, but in order to restore lasting security for middle class families we need a sustained plan for American energy, not false promises of quick fixes.

That is why I carefully consider each energy legislative proposal brought to the floor on its individual merits and support them when they are sound, balanced, fair, and promote the national interest.

Where they fall short, I believe in working across the aisle to improve them by offering constructive amendments.

That is why I offered several amendments for the Rules Committee to consider in reporting the bills covered by this rule.

Three of my amendments were made in order by the Committee and for this I wish to express my appreciation to Chairman SESSIONS and Ranking Member SLAUGHTER hearing the bills before the House.

Four other amendments that I offered were not made in order by the Committee, which I regret very much since I believe strongly that each would have made genuine improvements to the bills.

For the benefits of all Members, I will describe these amendments briefly.

JACKSON LEE AMENDMENTS TO H.R. 1965, ''FEDERAL LANDS JOBS AND ENERGY SECURITY ACT''

Jackson Lee Amendment #1 would have eliminated the new $5,000 filing fee that creates a higher barrier for individuals, small businesses or communities to protest agency actions taken pursuant to the bill.

A filing fee of this magnitude would unduly burden the ability of farmers, ranchers, homeowners, communities, and small businesses aggrieved by agency action to seek redress to vindicate their rights or obtain a remedy for a legally cognizable injury.

Although the Committee did not make in order Jackson Lee Amendment #1, I am pleased that the Rules Committee made in order Jackson Lee Amendment #2, which will help ensure that this legislation, should become law, will not applied or interpreted in such a way that it unfairly burdens injured parties seeking relief.

Jackson Lee Amendment #2 provides that this legislation:

''[S]hall not be construed to abridge the right of the people to petition for the redress of grievances, in violation of the first article of amendment to the Constitution of the United States.''

We should never take for granted the precious and unique right—even for democracies—of citizens to hold their government accountable and answerable to the judiciary for redress for legally cognizable injuries.

I am also pleased that Rules Committee made in order Jackson Lee Amendment #3, another amendment offered to protect individuals, farmers, ranchers, and small businesses by removing the provision in the bill prohibiting recovery of attorney fees pursuant to the Equal Access to Justice Act.

This amendment levels the playing field and conforms the bill to current law and practice.

Since its enactment in 1980, the Equal Access to Justice Act (EAJA) has enhanced parties' ability to hold government agencies accountable for their actions and inaction.

EAJA also helps deter government inaction or erroneous conduct and encourages all parties, not just those with resources to hire legal counsel, to assert their rights.

The EAJA is used to vindicate a variety of federal rights, including access to Veterans Affairs and Social Security disability benefits, as well as to secure statutory environmental protections.

The EAJA promotes public involvement in laws have a significant impact on the public health and safety such as the National Environmental Policy Act, Clean Air Act and Clean Water Act.

2. JACKSON LEE AMENDMENTS TO H.R. 2728, ''PROTECTING STATES' RIGHTS TO PROMOTE AMERICAN ENERGY SECURITY ACT''

I offered several amendments to H.R. 2728, the ''Protecting States' Rights to Promote American Energy Security Act'' that address State and Federal interest in developing and enforcing fracking regulations.

The first of these, Jackson Lee Amendment #1 to H.R. 2728, would have made it clear that the deference accorded to state law under section 44 of the bill applied only to fracking operations conducted on state lands but not to federal lands.

My amendment would not impact the ability of states to approve fracking on state or private lands.

I am disappointed that the Rules Committee did not make this amendment in order because it would have markedly improved the bill.

Before offering this amendment I canvassed and consulted key stakeholders in my district and was advised by them that a patchwork of 50 separate sets of legal rules and regulations governing fracking operations on federal lands was inefficient, expensive, and unduly burdensome. I agree. My amendment would have ensured that there would be only a single, uniform standard governing fracking operations administered by the Department of Interior.

Federal lands are held in trust for the benefit of the American people. They are a source of national pride as well as a source of revenue for a wide range of industries, which include ranching, logging, mineral extraction (including oil and gas), and tourism.

I am hopeful that this amendment will be reconsidered by the Senate or the bicameral conference as the bill makes its way through the legislative process, particularly since the Rules Committee also declined even to make in order another version of the amendment, Jackson Lee Amendment #2, which required only that the Secretary review and approve state fracking law before permitting it to govern fracking operations on federal land.

Mr. Speaker, fracking is a new and promising mining technique that has proven to be very effective and profitable for oil and gas extraction processes. This appears to be good news for our nation's energy and economic but the technology is still in its infancy.

That is why I am also pleased that the Rules Committee made in order Jackson Lee Amendment #3, which provides that the Secretary of the Interior shall annually review and report to Congress on all State activities relating to hydraulic fracturing.

I urge my colleagues to support the Jackson Lee Amendments made in order under this rule.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself 30 seconds, if I could, simply to say that what the bill does, does not restrict any kind of free speech opportunity for individuals. They still have the right of comment, which is totally free, in any of those processes from the RPM to the NEPA to the lease to the leased bid to the second NEPA to the APD. So that is there only when an effort actually causes an additional expense to the government, which is typical and standard. That fee is actually going to be initiated to try to cover the costs to the Federal Government.

It is my pleasure now to yield 2 minutes to the gentleman from Colorado (Mr. LAMBORN), the sponsor of the first of the two bills, who has a bill that will ensure that the standards become fair and equitable for everyone throughout this Nation.

Mr. LAMBORN. I thank the gentleman from Utah.

Mr. Speaker, I want to respond to my colleague from Colorado who has raised some concerns about the issue of hydraulic fracturing. And we all agree. There is a place for reasonable regulation; there is a place for the surface rights of homeowners and businesses in the area of a well to have their safety and health protected; and we would all agree with that.

In Colorado, we really do have a pretty comprehensive and well-thought-out system of regulations. Some of the objections may really get more into State and local issues that my colleague has raised, the distance of setbacks and things like that, but I hope we will not miss the main point.

The main point: these bills are before the House this week. We want to improve the American economy. We want to create more jobs. Energy is one of the bright spots in an otherwise anemic economic recovery. And if you look at where the energy production is really taking off, it is on State and private lands. For my colleague from Colorado, it is a private land scenario that he is dealing with.

Federal lands need to catch up. There are billions of acres of Federal lands, including offshore. I know we are going to concentrate on onshore, but we have not kept up with energy production, and yet this has otherwise been a bright spot in our economy.

So if we want to create jobs for the American people—and these are some of the best paying jobs—if we want to have an expanded manufacturing base, if we want the cost of energy to consumers to be as low as possible so that they can go out and spend their hard-earned money on everything else that they need for their families and not have as high of a utility bill, then we need to pass these three bills this week.

□ 1330

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BISHOP of Utah. I yield the gentleman an additional 1 minute.

Mr. LAMBORN. Mr. Speaker, there is a place to talk about reasonable regulation that has to be in place for the drilling process, for the capture of gas, and for how to treat the water that comes back up from a fractured well.

Yes, let's look at those things; and let's also look at the State role and not think that the Federal role has to take over completely, as we have some in this administration who would like to do.

But the bottom line is we need American jobs. We need a stronger economy. We need lower prices so people keep more of their hard-earned money. That is what these job bills are about this week. It is about the economy and jobs.

So we will get into a discussion later today, tomorrow, and Thursday on making sure that the environment is protected, making sure that everyone else has their rights protected; but let's create jobs. That is what these bills are going to do. That is why I am proud to be a sponsor of the bill that comes up later this afternoon that we will be talking more about.

Mr. POLIS. Mr. Speaker, I would inquire whether the gentleman from Utah has any remaining speakers. If not, I am prepared to close.

Mr. BISHOP of Utah. I have no further speakers.

Mr. POLIS. I yield myself the balance of my time.

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to make sure we don't go home unless we finish the budget by December 13.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. I will submit for the record, as well, a recent poll. The Denver Post published an article this past summer that states that 65 percent of Colorado residents favor protecting wilderness parks and open space and our Federal lands for future generations and 30 percent support more drilling.

It has been 144 days and 13 hours since the Senate passed its immigration reform bill, S. 744. We have introduced H.R. 15 here in the House. Each day that the House refuses to take up reform costs the country $37 million. Already there is more than $5 billion in potential lost revenue so far.

If we can take up immigration reform and pass it, I would even support allowing that revenue to be used to keep the loopholes for the oil and gas industry open—something that I have long opposed. But if we can pass immigration reform, I would accept that pay-for as a way of keeping the oil and gas loopholes open for the next several years.

The nonpartisan Congressional Budget Office found that the comprehensive immigration reform bill would increase our GDP by 3.3 percent, raise American wages by $470 billion, and create an average of 121,000 jobs for Americans each year. So rather than take up a job-creating bill for Americans that reduces our deficit, we are taking up a bill that hurts the economy and hurts jobs in districts like mine.

The longer we fail to act on immigration reform, the greater the cost to the American people. Take the example of the solvency of the Social Security system. As the Social Security Administration estimates, close to two-thirds of the 8 million undocumented people who are here currently work underground. No surprise. They are not allowed to work aboveground in official jobs with payroll deductions, and neither they nor their employers are able to legally declare their earnings or pay their payroll taxes.

Today, only 37 percent of undocumented immigrants pay Social Security taxes. Experts are estimating that our Nation loses about $20 billion in payroll taxes each year. We will continue to lose that money until we pass H.R. 15, comprehensive immigration reform.

The Senate has acted—with strong Republican support and strong Democratic support—and passed bipartisan immigration reform last June; and yet the House hasn't had a single moment of floor time for any immigration reform bill, despite the fact that four have been passed through the committee.

The time is now. We are here today, we are here tomorrow, we are here 2 more weeks. If we need to come back, let's do it.

The country is demanding that we create jobs. Comprehensive immigration reform will do that. The country is demanding we shore up our entitlement programs. Comprehensive immigration reform will do that. The country is demanding that we reduce our deficit. Comprehensive immigration reform will do it. Securing our borders,

protecting our country from terrorists—law enforcement, the faith community all support immigration reform.

In closing, I want to again state the article I am submitting for the record says 65 percent want to protect our environment and 30 percent are for more drilling.

The people have spoken. These bills are out of touch. It is time to take up comprehensive immigration reform.

I urge my colleagues to oppose the rule and the bill, and I yield back the balance of my time.

[From the Denver Post]

POLL OF WESTERNERS ON DRILLING ON PUBLIC LANDS: 65% PROTECTION; 30% DRILLING

(By Bruce Finley)

A new poll finds that 30 percent of the residents of Colorado and the western United States favor oil and gas drilling on public lands, while 65 percent support protecting wilderness, parks and open space for future generations.

Results of the poll done by Hart Research Associates were presented Monday by the policy group Center for American Progress, which with the Wilderness Society was launching a campaign for balance.

''This is a case where Washington's policies and rhetoric are still locked in a drilling-first mind-set, but westerners want the protection of public lands to be put on equal ground,'' said John Podesta, chairman of the Center for American Progress, which is headquartered in Washington, D.C.

''Voters do not see conservation and development of public lands as an either-or choice. Instead, they want to see expanded protections for public lands—including new parks, wilderness and monuments—as part of a responsible and comprehensive energy strategy,'' Podesta said.

U.S. domestic oil and gas production has reached record levels, with more than 37 million acres of public land leased to companies for drilling. Polling and focus group discussions were conducted in Colorado, Montana, New Mexico, Oregon, Arizona, Idaho, Utah, Wyoming and Nevada in April and May.

The poll asked participants to state what they regard as a very important priority, and 65 percent said permanent protection of public lands. Results showed 63 percent prioritized ensuring access to public lands for recreation, while 30 percent favored ensuring access to oil and gas resources.

The poll found that 29 percent supported use of public lands for grazing livestock.

Western Energy Alliance officials in Denver cited a different poll. It found that more than 78 percent of voters nationwide favor increased development of oil and natural gas in the United States.

Voters have a favorable view of ''how oil and natural gas in produced in America,'' said Tim Wigley, president of Western Energy Alliance in a statement. ''Almost one in four (24 percent) chose federal lands over state or private lands.''

Mr. BISHOP of Utah. Mr. Speaker, I yield myself the balance of my time.

I appreciate the poll that was presented into the RECORD; but that is why, I would submit, the Interior Department has a resource management plan. Those RMPs are established in the first place so that incompatible relationships and incompatible entities are not put in the same area. It is why you can actually have both.

What the two bills before us that would be brought to the floor under this rule do is allow States to have a say in what is going on, because States are confident. They are closer to the problem. They should have a say and a stake and make a statement in this particular issue.

If these bills were brought to the floor, public land States in the West—the red areas on my map—would be treated fairly and treated closer to what is happening in the white States, where there is little public land.

This is also, though, one of the things that I want us not to lose focus on. It is not about drilling or not drilling. It is what is the purpose of developing our energy resources, that is, to make sure that people can heat their homes and have lights in their houses, that they can drive from point A to point B and afford it, and so that people can have jobs so that that little middle school girl in my State can actually have a place for her horse. That is what these bills are about.

More importantly, for Western States, the public land States, is to allow us to generate the revenue we need from the resources we have in our State to fund an education system. If these bills are defeated, the ability of Western land States to adequately fund their educational systems will be stymied.

It is important. If you care about kids, you have to provide this kind of resource for the Western States. That is why these two bills are not just rehashes. These two bills are essential for those of us who live in the West.

For the sake of the education system of Western kids, I would encourage everyone to support not only the rule, but support both underlying bills. They are important. This is a fair rule. It is appropriate legislation. They are good bills and a fair rule. I urge their adoption.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 419 OFFERED BY MR. POLIS OF COLORADO

At the end of the resolution, add the following new section:

SEC. 3. It shall not be in order to consider a concurrent resolution providing for adjournment unless the House as adopted a conference report on S. Con. Res. 8, establishing a budget for the United States Government by December 13, 2013.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

The Republican majority may say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution. . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the notion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rile, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. BISHOP of Utah. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 223, nays 194, not voting 13, as follows:

[Roll No. 590]

YEAS—223

Aderholt
Amash
Amodei
Bachmann
Bachus
Barletta
Barr
Barton
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Calvert
Camp
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NAYS—194

Andrews
Barber
Barrow (GA)
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Garcia
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Horsford
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Peterson
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Waters
Watt
Waxman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—13

Campbell
Cárdenas
Davis, Rodney
Gosar
Herrera Beutler
Lowey
McCarthy (NY)
Radel
Rush
Sinema
Thompson (PA)
Wasserman Schultz
Weber (TX)

□ 1402

Ms. SEWELL of Alabama and Mr. CAPUANO changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, on rollcall No. 590 I was unavoidably detained.

Had I been present, I would have voted, "yes."

Stated against:

Ms. SINEMA. Mr. Speaker, on rollcall No. 590, had I been present, I would have voted, "no."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 222, noes 196, not voting 12, as follows:

[Roll No. 591]

AYES—222

Aderholt
Amash
Amodei
Bachmann
Bachus
Barletta
Barr
Barton
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Calvert
Camp
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NOES—196

Andrews
Barber
Barrow (GA)
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Ellison
Engel
Enyart
Eshoo

Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Garcia
Grayson
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Horsford
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Peterson
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Waters
Watt
Waxman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—12

Campbell
Coble
Fleischmann
Gosar
Gutiérrez
Herrera Beutler
McCarthy (NY)
Radel
Rush
Thompson (PA)
Wasserman Schultz
Weber (TX)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1410

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FLEISCHMANN. Mr. Speaker, on rollcall No. 591, I was unavoidably detained—I would have voted, "yes."

## THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

## FEDERAL LANDS JOBS AND ENERGY SECURITY ACT

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1965.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 419 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1965.

The Chair appoints the gentlewoman from North Carolina (Ms. FOXX) to preside over the Committee of the Whole.

□ 1414

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1965) to streamline and ensure onshore energy permitting, provide for onshore leasing certainty, and give certainty to oil shale development for American energy security, economic development, and job creation, and for other purposes, with Ms. FOXX in the chair.

The Clerk read the title of the bill.

THE CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Washington (Mr. HASTINGS) and the gentleman from New Jersey (Mr. HOLT) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

□ 1415

Mr. HASTINGS of Washington. Madam Chair, I yield myself such time as I may consume.

Madam Chair, with millions of Americans still looking for work, growing debts and deficits, and energy prices that are still far too high, the United States needs to implement an all-of-the-above energy plan to responsibly harness our Nation's energy resources on our Federal lands.

New energy production is one of the best ways to grow the economy and create new jobs to put people back to work. One needs to look no further for proof than to States like North Dakota that have flourishing economies and some of the lowest unemployment rates in the country, all due to energy production. Because of this energy boom, the U.S. is now projected to be the world leader in oil production by 2015, surpassing Saudi Arabia.

The catch is that this increased oil production is happening on private and State lands—which is good—places that aren't as restricted by onerous Federal regulations and policies. Federal lands are being left behind.

However, this lack of production on Federal lands is not for a lack of resources. We have tremendous potential for new onshore oil and natural gas production on Federal lands, but the Obama administration is actively and purposely keeping these resources off limits. Leasing and permitting delays, regulatory hurdles, and ever-changing rules are a few of the reasons energy production on Federal lands is in decline.

President Obama has had the four lowest years of Federal acres leased for energy production going back to 1988. Under his administration, the average time to get a drilling permit approved on Federal land is 307 days. By contrast, it takes an average of only 10 days in North Dakota to get a permit; and another example, in Colorado it only takes 27 days.

It is no wonder that State lands are flourishing while Federal lands are experiencing a decrease in energy production. That is unacceptable, and this bill today offers real solutions to unlock the shackles that have been placed on our Federal lands.

H.R. 1965, the Federal Lands Jobs and Energy Security Act, is a package of bills that will help us expand oil, natural gas, and renewable energy production on public lands. It will streamline government red tape, break down bureaucratic hurdles, and put in place a clear plan for developing our own energy resources. Even more importantly, this bill will spur job creation and help grow and strengthen our economy.

Madam Chair, I want to take a moment to specifically highlight the importance of the third title in this bill, the National Petroleum Reserve Alaska Access Act. The NPR–A was specifically designated in 1923 as a petroleum reserve. Let me repeat that: NPR–A was specifically designated in 1923—that is 90 years ago—as a petroleum reserve. Its express purpose was to supply our country with American energy. That was the foresight of Congress 90 years ago. That is why it is completely unacceptable that the Obama administration this year finalized a plan to close half of NPR–A to energy production. Let me repeat: we set aside NPR–A 90 years ago for energy production, and this administration unilaterally shut off half of it. So this bill would nullify that plan and require the Interior Department to produce a new plan for responsibly developing these resources.

This bill would require annual lease sales in the NPR–A and ensure that necessary roads, bridges, and pipelines needed to support energy resources out of the NPR–A can be approved and completed in a timely, efficient manner. Now, Madam Chairman, this is crucial to the Trans-Alaskan Pipeline System, TAPS. It is crucial because that pipeline needs to remain fully operational.

Much focus has been given to the Keystone XL pipeline, and properly so; but we cannot forget that TAPS is one of the most important pieces of energy infrastructure in our Nation. Reduced production in Alaska has left TAPS at less than half of its capacity, threatening a shutdown that would cost jobs

and significantly weaken our energy security. We cannot allow that to happen, and developing our resources in the NPR–A is vital to ensuring that it doesn't.

I urge my colleagues to support this job-creating legislation and allow our Federal lands to be part of our Nation's energy equation.

We have seen the jobs that can be created through energy production. We have seen how it can grow local communities and create thriving economies. We have seen how lower energy prices are vital to putting more money in the pockets of American families. We know what is possible. It is just a matter of realizing that potential by allowing new energy production to occur on our Federal lands.

The majority of the provisions in this bill passed the House last Congress with bipartisan support. It is time for this Congress to once again move forward with this commonsense, job-creating energy plan.

Madam Chair, I reserve the balance of my time.

Mr. HOLT. Madam Chair, I rise in opposition to this misguided, unnecessary, and environmentally harmful piece of legislation and yield myself such time as I may consume.

We all know that under President Obama the United States is in the middle of an almost unprecedented oil and gas boom. Last week, the Energy Information Administration said that for the first time in 20 years U.S. crude oil production surpassed imports. Also last week, the International Energy Agency projected that the U.S. would become the number one oil producer by 2015.

The headlines keep coming. On October 4, EIA reported:

U.S. expected to be the largest producer of petroleum and natural gas hydrocarbons in 2013.

On October 16, a headline read:

U.S. is already world's number one producer, consultants say.

Even the Republicans have to admit this energy boom is happening, but they say it has nothing to do with President Obama because they don't want to give him credit for anything. They say all of the increased production—all of it—is coming from State and private lands. President Obama, they believe, is choking off production on Federal lands, and that is why we need the giveaways to Big Oil. That is why we need these attempts in this legislation to stifle public comment. That is why we need drill-at-all-cost measures.

But they are wrong. Flat-out wrong.

What has actually happened to oil production from our public and Indian lands out West since President Obama took office, you may ask? It has skyrocketed. Onshore oil production from Federal and Indian lands, just what we are talking about in this legislation, has gone up every year since the President has been in office. It is now 35 percent higher than it was under President Bush. Yet this legislation would not just reduce environmental productions. It would gut them; it would remove them.

So here is an even more interesting statistic. The nationwide increase in oil production since President Obama took office is 30 percent. The increase on Federal and Indian lands is even outpacing the increase nationwide, including private lands. I believe it is simple enough that anyone should be able to understand this. Oil production for the entire country is up 30 percent. Oil production on Federal and Indian land is up 35 percent.

But the Republicans have this playbook that they just can't get away from, this shopworn 2008 drill, baby, drill playbook. And so they want to try to make things easier for Big Oil while trying to ensure that conservation and hunting and fishing and recreation and renewables, and everything else that these Federal lands might be used for, has to take a back seat to drilling.

The entire premise of this bill is that President Obama is shutting off access to Federal lands and driving oil production down. The premise is false. We are not here because we need this legislation to increase our domestic production of oil and gas, and it certainly has nothing to do with prices at the pump. We are not here because the bill will have any impact on the world price of oil or gasoline at the pump. We are not here because anyone thinks this bill has a chance of becoming law either. We are here because we have a deeply divided Republican caucus, and one of the few things that unites this caucus is the belief that Big Oil should enjoy higher profits, and those profits should come from publicly owned land.

We are here because bills to convert our priceless national treasures into profits on Big Oil's balance sheets are about the only idea that our Republican colleagues can agree on among themselves.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Chair, I am very pleased to yield 3 minutes to the gentleman from Alaska (Mr. YOUNG), a former chairman of the Natural Resources Committee.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Madam Chairman, it is amazing as I sit on this floor after 40 years of listening to so much nonsense from the other side when it comes to energy. This increase of production in the United States came from private lands and State lands, not the Federal lands, and those are the facts. And we are still not independent from oil from the Middle East that caused us disruption in our economy. To hear the same litany of words over and over again, we have to save, we can't produce, but we have to have employment. We will have a stimulus package. And, in fact, we will have more government borrowing for the economy and forget real jobs.

But I am going to talk about title V in this legislation. The Federal Lands Jobs and Energy Security Act contains a number of measures to promote energy development by and for the benefit of Indians and Alaska Natives.

Specifically, title V contains a range of measures requested by a number of Indian tribes and Alaska Native corporations to streamline burdensome Federal regulations and legal procedures that hinder exploration, development, and production of energy on their lands.

There are 56 million acres of lands held in trust by the Federal Government for the benefit of Indians, 56 million. In Alaska, there are 44 million acres, a total land mass larger than the State of California.

Many of these areas are in untapped energy resources. It is estimated that up to 10 percent or more of our Nation's energy is contained in Native lands.

The problem is that outdated Federal policies thwart the ability of tribes to use their lands for their benefit. Leases of Indian trust lands require Federal review and approval, which arguably brings little or no value to the tribes involved. If Federal review and approval of energy leases created any economic value, then private landowners and State governments would be clamoring to have their projects reviewed and approved by the Federal Government, too.

There are few better measures of how ineffective Federal supervision of Indian affairs has been than the fact that since 2010 nearly $5 billion has been paid by the government to Indians to settle Federal mismanagement of their trust lands.

While many Indian tribes and Alaska Native corporations have made great strides in building businesses and strengthening their economies, tribal communities remain at the bottom of nearly every economic and social indicator. The sad fact is in 21st-century America, severe poverty wears a Native face.

□ 1430

Instead of helping tribes make positive strides in energy development, the Obama administration is erecting new hurdles. The EPA canceled a valid permit for the largest tribe to operate a large power plant on its land with its coal. The Department of the Interior has proposed a hydraulic fracturing rule which makes Indian lands less competitive and less attractive to industry, again, taking away from the American Indians.

Fortunately, several tribes are seeking to shed the current Federal system altogether and to take over management of their lands and energy resources. It is these tribes which asked for the provisions in title V of the bill today.

It is with great pleasure that the standalone bill on which title V is based, H.R. 1548, has been endorsed by the National Congress of American Indians and several individual tribes.

It is time to stop treating Indian trust lands as public lands—they are not public lands; they are private lands—and increase tribes' powers of self-governance over their energy resources for the good of their members and for the good of the United States' energy security.

The CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 30 seconds.

Mr. YOUNG of Alaska. Let's make the principle of tribal self-governance, which you talk about and never follow—you never give the Indians a break for anything. You pat them on the head, give them a blanket and half a beef, and expect them to be quiet. That is that side over there. You do not support the American Indians. You never have. You pat them on the head and give them a side of beef.

Mr. HOLT. Madam Chair, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. DINGELL), a lifelong stalwart supporter of the environment and of energy production.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Madam Chairman, I rise first to pay respects to the distinguished gentleman on the majority side handling the legislation to tell him that I have affection and respect for him, but he is handling a bad bill. I also want to thank my good friend for yielding me this time.

I have been to Alaska many times. I have hunted there. I have fished there. I have been to the NPR–A. I have been to all of the refuges in the national forests and national parks and the BLM lands up there. I have seen what a treasure it is. I have also supported, actively, the idea that this Nation must make it possible for us to easily produce energy, but not at the price of throwing away things like our basic fundamental environmental protection laws.

This legislation is not going to significantly increase production of oil. All it is going to do is throw away the things that are necessary to protect it against unwise use. This has been a battle that we have had in this body many times, where the majority will consistently seek to make it easier to drill for oil that either isn't there or isn't there in the amounts or that is not going to be produced by the oil companies, because we are finding that there is a lot of oil where there is authorization for drilling where they just got the drilling permits and they sit there and look at the drilling permits. Oil is not produced.

Having said this, the Secretary in the last year or so has increased the ability of this Nation to continue producing more and more oil from the public lands. One of the problems with Alaska is the public lands are cold, they are intractable, they are harsh, and they are hard to produce oil from; so it is necessary that it takes longer for us to produce oil on those lands, and that is properly so. It is easy to produce it in the warmer, more gentle climates here in the United States. Given that fact, we can expect that we will see more rapid increases in production here than we will see up there.

We have a tremendous national treasure in Alaska. It produces fish, wildlife, open spaces, salmon, all kinds of riches of renewable resources of all kinds.

The CHAIR. The time of the gentleman has expired.

Mr. HOLT. Madam Chair, I gladly yield the gentleman an additional 1 minute.

Mr. DINGELL. I express my thanks to my dear friend.

Madam Chairwoman, we should not throw away those protections, nor should we open those lands up to being blasted, drilled, ditched, and dug without wise protection. After all, good conservation is wise conservation and wise use of the resources.

We are going to find, as time passes, the predictions of our Department of Energy and the Department of the Interior, that this oil is not present in NPR–A and in the arctic game range and is not there in the amounts that we would like, and there is no real reason for increasing that oil production, especially by permits that will not yield any additional production of oil to this Nation.

I urge my colleagues to reject the legislation. Let the administration continue its production of oil according to wise use and see to it that we protect the treasures that we have in Alaska against unwise use.

Mr. HASTINGS of Washington. Madam Chairman, I am very pleased to yield 4 minutes to the gentleman from Colorado (Mr. LAMBORN), the sponsor of this legislation,

Mr. LAMBORN. Madam Chairman, I thank the chairman of the committee, DOC HASTINGS.

I rise in strong support of H.R. 1965, the Federal Lands Jobs and Energy Security Act, which incorporates four additional bills into my bill. This legislation takes significant steps toward moving our country forward on a path to energy independence by streamlining government regulations and reducing government red tape that hinders onshore energy production. It will create new American jobs, promote energy and economic development, and increase revenues to the State and Federal governments.

This legislation also sets firm timelines for Applications for Permit to Drill, or APD, approvals and dedicates funds from APD solar and wind right-of-way fees to the permitting field offices. It will require the Bureau of Land Management to lease at least 25 percent of the nominated acreage not previously made available for lease. It will inject certainty into the leasing process and terms to give energy developers the certainty they need to move forward with production.

It also requires the Secretary of the Interior to develop a 4-year plan for onshore energy development, similar to the 5-year plan they are required to develop for offshore development. It opens up the National Petroleum Reserve in Alaska for energy production and allows the BLM to conduct leasing through the Internet.

Since taking office, despite the claims to the contrary, President Obama has waged a war on energy development. Under the administration, a simple permit, which in my home State of Colorado on average takes 27 days to approve, takes nearly a year on Federal land. And only minuscule areas of land have been leased for energy development, despite significant interest in many more acres. In fact, the Obama administration has had the 4 lowest years of Federal acres leased for energy production going back to 1988. The Obama administration has even taken the shocking and questionable step of canceling leases that have been legally bought and paid for.

Energy companies are practically fleeing from developing energy on Federal lands in favor of the more reliable and efficient State and private permitting processes. Further, the Obama administration has made it harder for oil shale technology to develop so that companies are showing little interest in developing this promising technology.

While the President tries to take credit for increased energy production under his administration, the reality is that the vast majority of any increased production occurs on State and private land that the Federal Government has no jurisdiction over. In fact, since 2009, total Federal oil production is down 7.8 percent, and total natural gas production on Federal lands is down 21 percent.

My legislation would interject much-needed certainty into nearly every step of the onshore energy production process. It will ensure that permits are approved in a timely fashion, would prohibit the administration from changing lease terms or revoking leases after they have been legally won, would ensure that onshore leasing moves steadily forward, and will allow the Secretary to plan for this Nation's future energy needs.

Energy that is available and affordable creates more jobs for Americans here at home rather than overseas. It lowers the price of essential goods that American families buy every day, and it leaves more of the hard-earned money in the pockets of Americans after they pay their gas and utility bills. There is no reasonable objection to this bill.

I urge my colleagues to support this critical legislation to create new American jobs and establish an efficient process to produce both renewable and conventional energy on Federal lands. We can do this while meeting the extensive environmental standards that are already in place.

Madam Chairwoman, I urge support for this bill.

Mr. HOLT. Madam Chair, let's summarize what is in this legislation.

H.R. 1965 is a compilation of a number of wishful bills, wishful legislation from the other side. It would shortcut environmental reviews, discourage public participation in energy development decisions, and eliminate thoughtful leasing reforms.

It would require that any public entity or individual that wanted to challenge a leasing decision post a $5,000 protest fee just to be able to access the process.

It would require that the Department of the Interior lease at least 25 percent each year of oil and gas nominated areas, whether or not they are suitable for drilling now.

And, Madam Chair, I get this. It would elevate oil and gas leasing decisions above all other uses of public lands, such as hunting, fishing, grazing, conservation, recreation, and other energy uses.

It would also require a plan to crisscross the National Petroleum Reserve in Alaska with roads and pipelines, a network that would be a bonanza for some contractor, I am sure, ignoring the management plan that was approved this year. Why? Not for a good reason. We don't need all these relaxations—''relaxation'' is too mild a word—the gutting of environmental review, the removal of public participation, because oil production is doing very well, thank you.

Let's deal with facts.

Federal onshore oil production, which is what this bill is about, has increased 35 percent. It is actually a faster growth rate than oil production overall in the United States. I am not sure why the other side refuses to acknowledge that. I would think they would want to take that as good news. If you look past their talking points at the actual data, you will see that Federal onshore oil production has increased every year since 2008. That doesn't include Indian lands, where production has also increased every year since 2008. So the fundamental premise of this bill is flawed.

There are, right now, 37 million acres of Federal land under lease for oil and gas development, but two-thirds of that is not in production or exploration. Go figure. Let's go ask these companies why they are bidding on these lands. When you lease land, it is because you think it will be productive, yet they are sitting on them. We don't need to streamline. We don't need to remove any environmental controls in order to stimulate leasing, because 37 million acres of Federal land are under lease now.

Furthermore, even if the other side was right about their flawed premise, even if it was a problem in production, onshore Federal oil is only 5 percent or 6 percent of total production. That is all it will be. So if there were a production problem, if it were not the case that we were producing more than we have produced—we are in better shape than we have been in decades—further drilling on Federal land would not be the answer.

□ 1445

So there is no reason for this bill. It sets back the use of these Federal lands to a free-for-all, unprotected state, and this is bad legislation.

Madam Chair, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Chairwoman, I am very pleased to yield 3 minutes to the gentleman from Colorado (Mr. TIPTON), a member of the committee.

Mr. TIPTON. Thank you, Mr. Chairman, for yielding me time on this critical matter.

I appreciate that my Planning for American Energy Act was incorporated as title II of the Federal Lands Jobs and Energy Security Act of 2013. This final, commonsense package seeks to put in place responsible American energy plans that will reduce energy costs for consumers while also spurring economic growth and job opportunities.

The legislation before us today would unleash the potential for thousands of new jobs and establish a reliable, affordable, and secure source of American energy through responsible production. Title II of this act seeks to establish commonsense steps to create an all-of-the-above American energy plan for using Federal lands to meet America's energy needs.

Under title II of this legislation, the nonpartisan Energy Information Administration provides the projected energy needs of the United States for the next 30 years to the Secretaries of the Interior and Agriculture. The Secretaries would use this information to establish an environmentally responsible, 4-year energy production plan.

The bill allows for energy development on public lands in order to promote the energy and national security of the United States in accordance with multiple-use management standards established by the Federal Land Policy and Management Act.

Title II requires an all-of-the-above approach to energy development responsibly in this country. The bill specifically cites wind, solar, hydropower, geothermal, oil, gas, coal, oil shale, and minerals needed for energy development to be included in the plan. These goals would be accomplished responsibly, without repealing a single environmental regulation or review process.

Earlier this year, an important study entitled ''Energy Cost Impacts on American Families'' was released. This study, which relies on government data, had some troubling findings, including that more than 50 percent of U.S. households are expected to spend at least 20 percent of their family budgets on energy costs in 2013. This figure has nearly doubled in the last 10 years alone.

Even more troubling is the fact that these energy increases have disproportionately impacted families on lower incomes and seniors on fixed incomes. This stands to reason, given the decline in energy production on Federal lands under this administration.

Since President Obama took office, production on Federal lands has declined significantly, including a staggering 21 percent decline in Federal natural gas production.

Colorado, along with our neighboring Western States, is in a unique position to contribute to our Nation's energy security and ensure that the United States remains competitive in the world market.

By promoting a commonsense regulatory framework embracing domestic energy research and development, and applying environmental and safety standards already on the books rather than adding costly new mandates, we can help meet America's energy needs right here at home, providing energy and economic security that will benefit American families.

The Acting CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 30 seconds.

Mr. TIPTON. An all-of-the-above approach in energy, this responsibly increases production on federal lands and is needed to ensure that the prosperity of our Nation is ensured. This is exactly what H.R. 1965 will accomplish. It creates a framework to responsibly meet America's energy needs, lower energy costs for consumers, and create much-needed American jobs.

I urge the immediate passage of this bill.

Mr. HOLT. Madam Chair, I am pleased to yield 4 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished whip of the Democratic Party, someone who understands the economic importance of protecting the environment.

Mr. HOYER. Madam Chair, I thank the gentleman from New Jersey for yielding.

Madam Chair, this bill, and the other two House bills we will consider this week, were put forward, in my opinion, to fill time. Yes, they are unifying issues on the Republican side of the aisle, Madam Chair, but they are not pressing. Even if they were good policy, they are not pressing.

We stand here without a budget. We stand here with 10 days left to go.

Madam Chair, it is now quarter of 3:00, and it was about 2:30, and our business is through for today. No budget, no unemployment insurance extension, no farm bill, no conference report even on the budget, no immigration bill, no ending discrimination, ENDA, bill—a raft of critically important issues that this House ought to be considering.

So this is somewhat the fiddle on which we are playing while Rome is burning.

We shut down the government for 16 days, for the first time in 17 years, a

conscious decision to shut down government, and 147 of my Republican colleagues, Madam Chair, voted to keep the government shut down and voted against paying our bills. Yet, we consider this legislation.

Now, I am against this legislation substantively, but even more egregious is the wasting of 4 of the 12 days we had available to address the issues I have just discussed. America is rightfully disgusted with the Congress of the United States. Me too.

Energy security remains an important issue. I agree with my colleagues on that. But these bills offer partisan solutions to energy production that are taking our time away from pressing matters, as I have explained, like the budget conference, unemployment insurance, comprehensive immigration reform, the farm bill, Medicare physician payment formula, and tax extenders.

We are all going to be wringing our hands just a few days from now saying, Of course we want to make sure there is a doc fix so that people with Medicare can make sure their doctors are paid appropriately so they will continue to serve them. We will say, Of course we want to do that.

Well, why did you waste a week?

We won't have an answer to that, unless the answer is, Well, we are really not going to address them; we would rather address these issues that bring our party together and make us look like we are doing the work that our base wants us to do.

Tomorrow's legislation seeks to block a proposed Bureau of Land Management regulation that is not even yet in effect and overreaches to cover all Interior Department lands.

The first of these bills sets an arbitrary deadline on leases, permits, and reviews that stand in the way of regulators doing their job to protect citizens and affected communities.

I think citizens want to be protected. Yes, they want it done in an efficient, effective manner, but they want to be protected.

These bills were put forward in the name of achieving energy security, when, in truth, ironically, America is now more energy secure than it has been in decades.

The Acting CHAIR (Mr. HULTGREN). The time of the gentleman has expired.

Mr. HOLT. I yield 2 minutes to the gentleman.

Mr. HOYER. We are more energy independent than we have been in decades. As a matter of fact, when I talk about the Make It In America agenda of making manufacturing jobs and making things here in this country, one of our assets is, we are the abundant energy supply in the world today. There are more oil rigs in America today than the rest of the world combined.

Yet, we are talking about energy security. We have it. Do we need to enhance it? Of course. Just days ago, the Energy Information Administration announced that we produced more crude oil last month, Madam Chair, than we imported for the first time in almost 20 years. Under President Obama, oil production is up, and we now have more rigs operating, as I said, than the rest of the world combined.

Domestic natural gas extraction has also grown to an all-time record, and energy companies already hold more than 20 million acres of public land onshore on which they have yet to produce oil or gas. That is 56 percent of leased public lands onshore. The gentleman from New Jersey (Mr. HOLT) was speaking of that.

These bills distract and delay this body's critical attention to the issues of critical concern to all America, and, yes, indeed, to the rest of the world that wants to see and needs a responsible, fiscally secure America.

No budget, no budget conference, no farm bill, no immigration bill, no ENDA bill, all which passed the Senate in a bipartisan fashion. They are worthy of debate. That doesn't mean either side has to agree, but that is what we ought to be debating, ladies and gentlemen of this House, because they are the critical issues confronting us before the end of this year.

Yet, we waste our time, and frankly, we let ourselves off early because we don't have enough work to do.

I urge opposition to these three bills. I urge the majority party to bring the important pieces of legislation to the floor that America needs.

Mr. HASTINGS of Washington. Mr. Chairman, before I yield to my colleague from Ohio, I yield myself 1 minute to respond to my good friend, the minority leader. He characterized these bills as being not pressing.

Mr. Chairman, I would point out that probably the biggest issue facing America that we have heard from our constituents probably on both sides of the aisle is the need to have a growing economy and jobs. American energy—we have a chance to capture American energy and jobs with this legislation. So while it is not pressing, as the gentleman says, it is certainly very, very important.

Now, I would also point out the gentleman, the minority leader, was talking about several issues that are important. I would just suggest that probably number one on Americans' minds right now actually started on October 1, when the signup for the health care plan passed. Now, if there is something that is absolutely pressing that needs to pass this Congress before the end of the year, it is to rectify how people can keep the health care policies that they wanted.

The Acting CHAIR. The time of the gentleman has expired.

Mr. HASTINGS. Mr. Chair, I yield myself an additional 30 seconds.

I might add, last week, last Friday, in a bipartisan vote, 39 Members of my colleagues on the other side of the aisle joined us to ensure that if people like their health care policies they can keep their health care policies.

Now, that bill is waiting in the Senate. We have a bicameral legislature. We know they have to act. But if there is one thing that is absolutely pressing before we get done is to resolve that issue.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. JOHNSON).

Mr. JOHNSON of Ohio. Mr. Chairman, today I rise in support of the Federal Lands Jobs and Energy Security Act. This important legislation will help streamline onshore energy production and create jobs right here in America.

I want to thank the chairman for including legislation I have introduced, the BLM Live Internet Auctions Act, as a title in this legislation.

As we are all aware, oftentimes the Federal Government is behind the private sector when it comes to technological innovation. As a former chief information officer of a publicly traded company, I understand how much more efficient the Federal Government could become if we were able to provide some much-needed technological innovation.

□ 1500

The BLM Live Internet Auctions Act will allow the Federal Government to come into the 21st century and do what the private sector has already been doing for over a decade.

This legislation fixes an unintended consequence of a 26-year-old law that requires that BLM conduct auctions by oral bidding. Back in 1987, the Internet hadn't even been created by a certain former Vice President, and this bill simply gives the Bureau of Land Management the option to conduct auctions for their lease sales over the Internet. Traditional in-person auctions will still be held, but we can more effectively speed up sales, reduce fraud, and ensure the best return to Federal taxpayers for oil and gas leases by conducting them securely online.

Most importantly, this legislation will ensure efficient and timely lease sales so that developers can more quickly begin producing homegrown energy for American consumers and create much-needed jobs for Americans.

We know that BLM has the capability to do this because back in 2009 BLM conducted a test run of the program, selling 28 land parcels via live Internet auctions. By all accounts, they were very successful. The pilot program resulted in 1,500 unique visitors from 46 States, increasing the number of bidders and the sale price when compared with traditional in-person auctions. Even the administration supports this legislation, and I am hopeful that the Senate will act on it quickly so that we can bring the BLM process into the 21st century.

I urge all of my colleagues to support the underlying legislation.

Mr. HOLT. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Oregon (Mr. DEFAZIO), the

minority member of highest rank on our committee, the Natural Resources Committee.

Mr. DEFAZIO. I thank the gentleman.

Mr. Chairman, I was listening with interest to some of the statements made earlier in the debate about the administration deliberately restraining the oil and gas industry in this country. Actually, the facts belie those statements.

The Federal lands oil production is growing faster than that on private lands—plus 30, plus 35. Obviously, they start with a larger base, but still it is growing faster. So that hardly shows any deliberate attempts by the Obama administration to limit this production.

And, again, Republicans talk about that the President had not leased an adequate amount of land. But if you look, these little photos are of former President George Bush, and when the lines start to go up, these are from the current President, Barack Obama, and onshore oil production on Federal lands is up 35 percent.

So let's deal with what the real intent here is. The Obama administration has an all-of-the-above strategy. They are trying to produce these resources responsibly. The other side of the aisle would have us believe that environmental laws and other restrictions and an intentional campaign by the Obama administration are making us vulnerable to foreign influences. Actually, our imports were at the lowest level in recent history in the last year. We are producing more and more of our own oil and are headed toward self-sufficiency. But we also have to deal with climate change, and we also have to deal with prices to consumers.

Now, with this legislation, we are actually celebrating Thanksgiving a week early. I would call the bill a turkey. But it is not just a turkey; it is leftovers from Turkey Day, because we have actually passed this legislation previously, and it went nowhere previously, as will this legislation here today.

But they want to pretend that this will somehow benefit consumers and that somehow there is a campaign by the Obama administration to restrain the supply. Nothing could be further from the truth. I will have an amendment later.

If we want to drive down prices at the pump tomorrow by 70 cents, it is pretty simple: just stop the speculation on Wall Street. But I will talk about that more later.

There are a number of provisions in this bill that are egregious. I don't have time to go into all of them, but there are a few things. As I mentioned earlier, basically do away with environmental protections, muzzle the public's voice in terms of them appealing decisions by the distant Federal Government to develop in their backyard or next door, you know, to elevate oil and gas drilling to the predominant use on any Federal public lands—yes, predominant use over and above hunting, fishing, recreation. Anything else, oil and gas is predominant.

Now, the President also said, You know what? I think that we ought to go out and look at these parcels before we lease them. That is something they didn't do in the Bush era. We have 25-year-old land use plans at many of these agencies. They are understaffed. They are behind. They haven't revised their land use plans in a long time. A lot of things have happened in the last 25 years, and it might be that there is now a ski resort right next to an area that was previously available or was potentially available for oil and gas leasing.

The Obama administration said we ought to go out and look to see how it can impact other activities that have come to the floor in the last 25 years. They are being criticized for that. Now, that does take a little bit of time, but they are saying, hey, some States are allowing private lands to go forward in 10 days. These aren't private lands. These are the lands of the people of the United States of America. I think a little more due diligence is in order. We don't want to mimic a State that says, Oh, you want to drill there? Okay. Here you go. No one gets to say anything about it. It is your land. You go right ahead.

Then, this is amazing. This is kind of a fun math issue. They say that the industry can nominate land, which is the current law, but they are saying the government must lease 25 percent of whatever the industry chooses to nominate in a given year. So there are 130 million acres available for oil and gas leasing in the United States, predominantly in the West. So in the first year, the industry nominates 130 million acres. That means the Interior Department has to offer 32 million acres to lease. Now, next year, well, we have only got 100 million left, so they would get 25 percent of that. That is 25 million acres.

As you can figure it out, we are sort of infinitely headed toward zero here. The gentleman from New Jersey (Mr. HOLT) is a scientist. He can probably figure it out better. I don't know if we would ever get to zero. But it would be in ever and ever smaller increments that we were leasing here. And yet there are 25 million acres that the industry has under lease that they haven't yet developed, but they could get this astonishing increase.

The Acting CHAIR. The time of the gentleman has expired.

Mr. HOLT. I yield an additional 1 minute to the gentleman from Oregon.

Mr. DEFAZIO. I was thinking of bringing a map of all the leasable land, but it would be difficult to produce. But you can get it in your imagination.

So let's deal with the real problems before us. If we are going to produce energy on Federal lands, make sure there is no real conflict. Let's keep the multiple use concept. I think most members of the public support that, not give oil and gas a predominant use. Let's also keep in mind that we have to look at alternative energy development on Federal lands so that we can deal with climate change, which some of us believe in.

This warmed-over leftover turkey proposal will pass the House, of course, but that will be the last that anyone hears of it. Happy Thanksgiving.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentlewoman from Wyoming (Mrs. LUMMIS), another member of the Natural Resources Committee.

Mrs. LUMMIS. Mr. Chair, I would like to put a couple things straight that have been said. We are not talking about all Federal lands in this bill. We are not talking about National Park Service lands. National parks and national monuments are excluded from this bill. We are not talking about wilderness. We are not talking about lands that have been recommended for wilderness status. Those are managed as de facto wilderness. We are not talking about wildlife refuges. We are not talking about Department of Defense lands. We are not talking about Bureau of Reclamation lands. We are only talking about Bureau of Land Management lands that are managed for multiple use now. We are also talking about a Nation that desperately needs jobs.

Mr. Chair, I was in a country in the Arab world last weekend. They have 6.5 percent employment in the private sector. Everyone else is either unemployed or works for the government. Their neighbors prop up their economies to keep their problems from spilling over the borders into their countries. For a country that has been clamoring for jobs to smack down this bill as being irrelevant indicates to me that Congress has lost its way, that it doesn't understand that what the American people want is to work. They want earned success. They want self-respect. They want jobs.

H.R. 1965 would streamline the leasing and permitting process to put our public land resources back to work for the people who own them, the American people, particularly those who live near these resources and know the importance of a quality environment.

I represent the whole State of Wyoming. I have lived there my entire life. Nobody cares more about the environment of Wyoming than I do—nobody. This is also good fiscal policy.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. HASTINGS of Washington. I yield an additional 30 seconds to the gentlewoman from Wyoming.

Mrs. LUMMIS. Wyoming's payments to the U.S. Treasury for oil, gas, and coal royalties nearly pays for the entire BLM budget.

And I would point out that, contrary to what the gentleman said about the increase in production on Federal land, between the year 2000 and 2007, in Wyoming, the number of new leases issued

was 873, on average; during the Obama administration, it is 599. In my book, that is a decline of 31 percent.

Mr. Chairman, I want to thank Messrs. Hastings and Lamborn for making this bill possible. I urge the Members to support it.

Mr. HOLT. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Texas (Mr. POE), the gentleman from the State that certainly knows what oil production is about.

Mr. POE of Texas. I thank the gentleman for yielding.

Mr. Chairman, for the first time in nearly 20 years, the United States is producing more crude oil than it imports. U.S. oil output is soaring due to the fracking boom in North Dakota and, yes, in Texas and some other areas. That is the reason.

The Energy Information Administration said this week that oil production by barrels is up 11 percent from last year and 63 percent over the last 5 years. If this trend continues, with the expanded use of renewables, and, of course, the completion of the Keystone XL pipeline, it is entirely possible that we could see total energy independence in this country in the next 10 years. Imagine what our foreign policy could be if we were energy independent. We could make Middle Eastern oil, turmoil, and politics irrelevant.

However, all of this progress has been made despite the current administration. How ironic it is the administration takes credit for all the oil production boom when it does everything it can to stonewall this boom.

Oil and natural gas production on Federal lands is down 40 percent compared to 10 years ago. Most of the new drilling is on private and State land, not Federal land. Under this administration, 2010 had the lowest number of offshore leases since 1984. Imagine what we could do if we could speed up the permitting process on Federal land.

To address this, H.R. 1965 expands onshore oil and natural gas production on Federal lands and streamlines the leasing and permitting process, among many other commonsense provisions, to help get the government out of the way of progress.

Mr. HOLT. Mr. Chair, I yield myself such time as I may consume.

I would like to address the talking points that have been parroted without thinking by speaker after speaker from the other side.

The fact is oil production on onshore public lands, the subject of this legislation, is up by 35 percent. It is not down. It is not flat. It is up. It is up even more than oil production in the country overall. So what is the problem here?

As for employment, it is worth pointing out that oil and natural gas industry employment has increased.

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Clearly, there was a falloff with the recession—or let's call it a depression—but in the last half-dozen years, industry employment has increased by more than 162,000—a 40 percent increase. Oil and gas industry jobs decreased in 2009 as a result of the recession, but now the jobs are increasing at a rate even faster than before.

And I have to emphasize that in connection with this because this legislation says that oil and gas would take precedence over all other uses of Federal lands. Federal lands don't exist solely for the purpose of oil and gas extraction.

As I have said before, there is one thing that the Republicans seem to agree on, that we should give away whatever we can to the oil companies. That is why we are doing this legislation, because they don't have any other legislation that they can agree on well enough to bring to the floor. But multiple uses of our Federal lands, aside from oil and gas production, are important to Americans.

As for jobs, the government shutdown that the folks who are proposing this legislation voted for and supported caused the closure of over 400 units of our National Park Service and cost local economies hundreds of millions of dollars and caused delays in the approval of pending permits, by the way.

It is also worth pointing out that this week the Interior Department announced that, because of revenues from oil and gas extraction, the Department of the Interior was able to disburse $14.2 billion—a 17 percent increase over the previous year—to State, local, and tribal accounts. This money goes for the land and water conservation fund, the reclamation fund, historic preservation, and so forth.

So this is a bill to address a problem that doesn't exist—and to do it in a way that does not address the interests of the people at large. It is a giveaway to the oil and gas industry. I urge my colleagues to vote this down.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Washington has 5¼ minutes remaining.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

Mr. Chairman, just let me talk about what this bill is about. This bill is about attempting to open Federal lands to energy production.

All the talk has been on oil and gas. That is very important. But this is also for renewable by doing what? By saying that in the process of using Federal lands for energy production, those lands that have the potential for the most production should be the first leased. What a remarkable idea: go where the potential energy is. And that is what this bill does.

But let me respond to my good friend from New Jersey who talked about how much we are producing in this country and so forth. I would suggest that he left out a few important points.

First of all, it takes some length of time in order to get an active lease into production, and the gentleman didn't talk about that. Why? Because it generally takes 4 to 6 years. And sometimes it is 8 to 10 years.

But in the last administration—the Bush II administration—they were very active in letting leases. And as a result of that, at the time that this administration took over, there were a number of active leases that were ready to produce. That is why the production was high in the early part of this administration.

And just put it this way: again, we are talking about Federal lands that are being leased for production. When the President took office, roughly 1.9 million acres were leased for energy production. That was in 2009. In 2012, that figure dropped to 1.75 million acres that were open for production. That is, obviously, a reduction.

But another way to look at it is the application permits to drill, which is really where I guess it meets the road, so to speak. In 2001, there were a little over 2,000 permits that were issued; and in 2012, there were a little over 1,700 permits issued. That is a 15 percent drop. If you drop the permits, you are obviously going to have less production.

So I think that needed to be pointed out to kind of set the record straight.

As to my good friend, Mr. DINGELL, who is not on the floor now, I want to talk about the National Petroleum Reserve in Alaska one more time.

Ninety years ago, that was set aside as a reserve. In all the years that Democrats controlled Congress, from the mid-fifties all the way to the nineties, nothing was ever done to change that policy until this administration decided, without any direction from Congress, to set aside one-half of that.

Why is that important?

I mentioned in my opening remarks that the Trans-Alaska Pipeline is a very important part of our pipeline system. There is no question that there is a movement in this country to try to dry up that pipeline by slow-walking oil exploration in Alaska, whether they are talking about offshore or onshore.

The NPR was designed to be a petroleum reserve. Why should we not build an infrastructure to utilize that?

It has been said, well, there's not that much oil there. Well, that will come out when leases are offered. Those that want to take advantage of this and think there is some production there will make the leases. The market will dictate that. But to unilaterally close it off doesn't make any sense. This bill corrects that. It makes NPR what it was supposed to be historically since 1923.

So those are just a couple of issues, Mr. Chairman, I wanted to touch on.

I urge my colleagues to support this legislation, and I yield back the balance of my time.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources, printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113–26 is adopted. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the 5-minute rule and shall be considered as read.

The text of the bill, as amended, is as follows:

H.R. 1965

*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 ''Federal Lands Jobs and Energy Security Act of 2013''.*

***SEC. 2. TABLE OF CONTENTS.***

*The table of contents for this Act is as follows:*



## *TITLE I—FEDERAL LANDS JOBS AND ENERGY SECURITY*

***SEC. 1001. SHORT TITLE.***

*This title may be cited as the ''Federal Lands Jobs and Energy Security Act''.*

***SEC. 1002. POLICIES REGARDING BUYING, BUILDING, AND WORKING FOR AMERICA.***

*(a) CONGRESSIONAL INTENT.—It is the intent of the Congress that—*

*(1) this title will support a healthy and growing United States domestic energy sector that, in turn, helps to reinvigorate American manufacturing, transportation, and service sectors by employing the vast talents of United States workers to assist in the development of energy from domestic sources;*

*(2) to ensure a robust onshore energy production industry and ensure that the benefits of development support local communities, under this title, the Secretary shall make every effort to promote the development of onshore American energy, and shall take into consideration the socioeconomic impacts, infrastructure requirements, and fiscal stability for local communities located within areas containing onshore energy resources; and*

*(3) the Congress will monitor the deployment of personnel and material onshore to encourage the development of American manufacturing to enable United States workers to benefit from this title through good jobs and careers, as well as the establishment of important industrial facilities to support expanded access to American resources.*

*(b) REQUIREMENT.—The Secretary of the Interior shall when possible, and practicable, encourage the use of United States workers and equipment manufactured in the United States in all construction related to mineral resource development under this title.*

### *Subtitle A—Onshore Oil and Gas Permit Streamlining*

***SEC. 1101. SHORT TITLE.***

*This subtitle may be cited as the ''Streamlining Permitting of American Energy Act of 2013''.*

### *CHAPTER 1—APPLICATION FOR PERMITS TO DRILL PROCESS REFORM*

***SEC. 1111. PERMIT TO DRILL APPLICATION TIMELINE.***

*Section 17(p)(2) of the Mineral Leasing Act (30 U.S.C. 226(p)(2)) is amended to read as follows:*

*''(2) APPLICATIONS FOR PERMITS TO DRILL REFORM AND PROCESS.—*

*''(A) TIMELINE.—The Secretary shall decide whether to issue a permit to drill within 30 days after receiving an application for the permit. The Secretary may extend such period for up to 2 periods of 15 days each, if the Secretary has given written notice of the delay to the applicant. The notice shall be in the form of a letter from the Secretary or a designee of the Secretary, and shall include the names and titles of the persons processing the application, the specific reasons for the delay, and a specific date a final decision on the application is expected.*

*''(B) NOTICE OF REASONS FOR DENIAL.—If the application is denied, the Secretary shall provide the applicant—*

*''(i) in writing, clear and comprehensive reasons why the application was not accepted and detailed information concerning any deficiencies; and*

*''(ii) an opportunity to remedy any deficiencies.*

*''(C) APPLICATION DEEMED APPROVED.—If the Secretary has not made a decision on the application by the end of the 60-day period beginning on the date the application is received by the Secretary, the application is deemed approved, except in cases in which existing reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) are incomplete.*

*''(D) DENIAL OF PERMIT.—If the Secretary decides not to issue a permit to drill in accordance with subparagraph (A), the Secretary shall—*

*''(i) provide to the applicant a description of the reasons for the denial of the permit;*

*''(ii) allow the applicant to resubmit an application for a permit to drill during the 10-day period beginning on the date the applicant receives the description of the denial from the Secretary; and*

*''(iii) issue or deny any resubmitted application not later than 10 days after the date the application is submitted to the Secretary.*

*''(E) FEE.—*

*''(i) IN GENERAL.—Notwithstanding any other law, the Secretary shall collect a single $6,500 permit processing fee per application from each applicant at the time the final decision is made whether to issue a permit under subparagraph (A). This fee shall not apply to any resubmitted application.*

*''(ii) TREATMENT OF PERMIT PROCESSING FEE.—Of all fees collected under this paragraph, 50 percent shall be transferred to the field office where they are collected and used to process protests, leases, and permits under this Act subject to appropriation.''.*

***SEC. 1112. SOLAR AND WIND RIGHT-OF-WAY RENTAL REFORM.***

*(a) IN GENERAL.—Subject to subsection (b), and notwithstanding any other provision of law, of fees collected each fiscal year as annual wind energy and solar energy right-of-way authorization fees required under section 504(g) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(g))—*

*(1) no less than 25 percent shall be available, subject to appropriation, for use for solar and wind permitting and management activities by Department of the Interior field offices responsible for the land where the fees were collected;*

*(2) no less than 25 percent shall be available, subject to appropriation, for Bureau of Land*

Management solar and wind permit approval activities; and

(3) no less than 25 percent shall be available, subject to appropriation, to the Secretary of the Interior for department-wide solar and wind permitting activities.

(b) LIMITATION.—The amount used under subsection (a) each fiscal year shall not exceed $10,000,000.

### CHAPTER 2—ADMINISTRATIVE PROTEST DOCUMENTATION REFORM

**SEC. 1121. ADMINISTRATIVE PROTEST DOCUMENTATION REFORM.**

Section 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) is further amended by adding at the end the following:

''(4) PROTEST FEE.—

''(A) IN GENERAL.—The Secretary shall collect a $5,000 documentation fee to accompany each protest for a lease, right of way, or application for permit to drill.

''(B) TREATMENT OF FEES.—Of all fees collected under this paragraph, 50 percent shall remain in the field office where they are collected and used to process protests subject to appropriation.''.

### CHAPTER 3—PERMIT STREAMLINING

**SEC. 1131. IMPROVE FEDERAL ENERGY PERMIT COORDINATION.**

(a) ESTABLISHMENT.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall establish a Federal Permit Streamlining Project (referred to in this section as the ''Project'') in every Bureau of Land Management field office with responsibility for permitting energy projects on Federal land.

(b) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall enter into a memorandum of understanding for purposes of this section with—

(A) the Secretary of Agriculture;

(B) the Administrator of the Environmental Protection Agency; and

(C) the Chief of the Army Corps of Engineers.

(2) STATE PARTICIPATION.—The Secretary may request that the Governor of any State with energy projects on Federal lands to be a signatory to the memorandum of understanding.

(c) DESIGNATION OF QUALIFIED STAFF.—

(1) IN GENERAL.—Not later than 30 days after the date of the signing of the memorandum of understanding under subsection (b), all Federal signatory parties shall, if appropriate, assign to each of the Bureau of Land Management field offices an employee who has expertise in the regulatory issues relating to the office in which the employee is employed, including, as applicable, particular expertise in—

(A) the consultations and the preparation of biological opinions under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536);

(B) permits under section 404 of Federal Water Pollution Control Act (33 U.S.C. 1344);

(C) regulatory matters under the Clean Air Act (42 U.S.C. 7401 et seq.);

(D) planning under the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.); and

(E) the preparation of analyses under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) DUTIES.—Each employee assigned under paragraph (1) shall—

(A) not later than 90 days after the date of assignment, report to the Bureau of Land Management Field Managers in the office to which the employee is assigned;

(B) be responsible for all issues relating to the energy projects that arise under the authorities of the employee's home agency; and

(C) participate as part of the team of personnel working on proposed energy projects, planning, and environmental analyses on Federal lands.

(d) ADDITIONAL PERSONNEL.—The Secretary shall assign to each Bureau of Land Management field office identified in subsection (a) any additional personnel that are necessary to ensure the effective approval and implementation of energy projects administered by the Bureau of Land Management field offices, including inspection and enforcement relating to energy development on Federal land, in accordance with the multiple use mandate of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(e) FUNDING.—Funding for the additional personnel shall come from the Department of the Interior reforms identified in sections 1111, 1112, and 1121.

(f) SAVINGS PROVISION.—Nothing in this section affects—

(1) the operation of any Federal or State law; or

(2) any delegation of authority made by the head of a Federal agency whose employees are participating in the Project.

(g) DEFINITION.—For purposes of this section the term ''energy projects'' includes oil, natural gas, coal, and other energy projects as defined by the Secretary.

**SEC. 1132. ADMINISTRATION OF CURRENT LAW.**

Notwithstanding any other law, the Secretary of the Interior shall not require a finding of extraordinary circumstances in administering section 390 of the Energy Policy Act of 2005 (42 U.S.C. 15942).

### CHAPTER 4—JUDICIAL REVIEW

**SEC. 1141. DEFINITIONS.**

In this chapter—

(1) the term ''covered civil action'' means a civil action containing a claim under section 702 of title 5, United States Code, regarding agency action (as defined for the purposes of that section) affecting a covered energy project on Federal lands of the United States; and

(2) the term ''covered energy project'' means the leasing of Federal lands of the United States for the exploration, development, production, processing, or transmission of oil, natural gas, wind, or any other source of energy, and any action under such a lease, except that the term does not include any disputes between the parties to a lease regarding the obligations under such lease, including regarding any alleged breach of the lease.

**SEC. 1142. EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS RELATING TO COVERED ENERGY PROJECTS.**

Venue for any covered civil action shall lie in the district court where the project or leases exist or are proposed.

**SEC. 1143. TIMELY FILING.**

To ensure timely redress by the courts, a covered civil action must be filed no later than the end of the 90-day period beginning on the date of the final Federal agency action to which it relates.

**SEC. 1144. EXPEDITION IN HEARING AND DETERMINING THE ACTION.**

The court shall endeavor to hear and determine any covered civil action as expeditiously as possible.

**SEC. 1145. STANDARD OF REVIEW.**

In any judicial review of a covered civil action, administrative findings and conclusions relating to the challenged Federal action or decision shall be presumed to be correct, and the presumption may be rebutted only by the preponderance of the evidence contained in the administrative record.

**SEC. 1146. LIMITATION ON INJUNCTION AND PROSPECTIVE RELIEF.**

In a covered civil action, the court shall not grant or approve any prospective relief unless the court finds that such relief is narrowly drawn, extends no further than necessary to correct the violation of a legal requirement, and is the least intrusive means necessary to correct that violation. In addition, courts shall limit the duration of preliminary injunctions to halt covered energy projects to no more than 60 days, unless the court finds clear reasons to extend the injunction. In such cases of extensions, such extensions shall only be in 30-day increments and shall require action by the court to renew the injunction.

**SEC. 1147. LIMITATION ON ATTORNEYS' FEES.**

Sections 504 of title 5, United States Code, and 2412 of title 28, United States Code, (together commonly called the Equal Access to Justice Act) do not apply to a covered civil action, nor shall any party in such a covered civil action receive payment from the Federal Government for their attorneys' fees, expenses, and other court costs.

**SEC. 1148. LEGAL STANDING.**

Challengers filing appeals with the Department of the Interior Board of Land Appeals shall meet the same standing requirements as challengers before a United States district court.

### CHAPTER 5—KNOWING AMERICA'S OIL AND GAS RESOURCES

**SEC. 1151. FUNDING OIL AND GAS RESOURCE ASSESSMENTS.**

(a) IN GENERAL.—The Secretary of the Interior shall provide matching funding for joint projects with States to conduct oil and gas resource assessments on Federal lands with significant oil and gas potential.

(b) COST SHARING.—The Federal share of the cost of activities under this section shall not exceed 50 percent.

(c) RESOURCE ASSESSMENT.—Any resource assessment under this section shall be conducted by a State, in consultation with the United States Geological Survey.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section a total of $50,000,000 for fiscal years 2014 through 2017.

## Subtitle B—Oil and Gas Leasing Certainty

**SEC. 1201. SHORT TITLE.**

This subtitle may be cited as the ''Providing Leasing Certainty for American Energy Act of 2013''.

**SEC. 1202. MINIMUM ACREAGE REQUIREMENT FOR ONSHORE LEASE SALES.**

In conducting lease sales as required by section 17(a) of the Mineral Leasing Act (30 U.S.C. 226(a)), each year the Secretary of the Interior shall perform the following:

(1) The Secretary shall offer for sale no less than 25 percent of the annual nominated acreage not previously made available for lease. Acreage offered for lease pursuant to this paragraph shall not be subject to protest and shall be eligible for categorical exclusions under section 390 of the Energy Policy Act of 2005 (42 U.S.C. 15942), except that it shall not be subject to the test of extraordinary circumstances.

(2) In administering this section, the Secretary shall only consider leasing of Federal lands that are available for leasing at the time the lease sale occurs.

**SEC. 1203. LEASING CERTAINTY.**

Section 17(a) of the Mineral Leasing Act (30 U.S.C. 226(a)) is amended by inserting ''(1)'' before ''All lands'', and by adding at the end the following:

''(2)(A) The Secretary shall not withdraw any covered energy project issued under this Act without finding a violation of the terms of the lease by the lessee.

''(B) The Secretary shall not infringe upon lease rights under leases issued under this Act by indefinitely delaying issuance of project approvals, drilling and seismic permits, and rights of way for activities under such a lease.

''(C) No later than 18 months after an area is designated as open under the current land use plan the Secretary shall make available nominated areas for lease under the criteria in section 2.

''(D) Notwithstanding any other law, the Secretary shall issue all leases sold no later than 60 days after the last payment is made.

''(E) The Secretary shall not cancel or withdraw any lease parcel after a competitive lease

*sale has occurred and a winning bidder has submitted the last payment for the parcel.*

*''(F) Not later than 60 days after a lease sale held under this Act, the Secretary shall adjudicate any lease protests filed following a lease sale. If after 60 days any protest is left unsettled, said protest is automatically denied and appeal rights of the protestor begin.*

*''(G) No additional lease stipulations may be added after the parcel is sold without consultation and agreement of the lessee, unless the Secretary deems such stipulations as emergency actions to conserve the resources of the United States.''.*

***SEC. 1204. LEASING CONSISTENCY.***

*Federal land managers must follow existing resource management plans and continue to actively lease in areas designated as open when resource management plans are being amended or revised, until such time as a new record of decision is signed.*

***SEC. 1205. REDUCE REDUNDANT POLICIES.***

*Bureau of Land Management Instruction Memorandum 2010–117 shall have no force or effect.*

***SEC. 1206. STREAMLINED CONGRESSIONAL NOTIFICATION.***

*Section 31(e) of the Mineral Leasing Act (30 U.S.C. 188(e)) is amended in the matter following paragraph (4) by striking ''at least thirty days in advance of the reinstatement'' and inserting ''in an annual report''.*

***Subtitle C—Oil Shale***

***SEC. 1301. SHORT TITLE.***

*This subtitle may be cited as the ''Protecting Investment in Oil Shale the Next Generation of Environmental, Energy, and Resource Security Act'' or the ''PIONEERS Act''.*

***SEC. 1302. EFFECTIVENESS OF OIL SHALE REGULATIONS, AMENDMENTS TO RESOURCE MANAGEMENT PLANS, AND RECORD OF DECISION.***

*(a) REGULATIONS.—Notwithstanding any other law or regulation to the contrary, the final regulations regarding oil shale management published by the Bureau of Land Management on November 18, 2008 (73 Fed. Reg. 69,414) are deemed to satisfy all legal and procedural requirements under any law, including the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and the Secretary of the Interior shall implement those regulations, including the oil shale leasing program authorized by the regulations, without any other administrative action necessary.*

*(b) AMENDMENTS TO RESOURCE MANAGEMENT PLANS AND RECORD OF DECISION.—Notwithstanding any other law or regulation to the contrary, the November 17, 2008 U.S. Bureau of Land Management Approved Resource Management Plan Amendments/Record of Decision for Oil Shale and Tar Sands Resources to Address Land Use Allocations in Colorado, Utah, and Wyoming and Final Programmatic Environmental Impact Statement are deemed to satisfy all legal and procedural requirements under any law, including the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and the Secretary of the Interior shall implement the oil shale leasing program authorized by the regulations referred to in subsection (a) in those areas covered by the resource management plans amended by such amendments, and covered by such record of decision, without any other administrative action necessary.*

***SEC. 1303. OIL SHALE LEASING.***

*(a) ADDITIONAL RESEARCH AND DEVELOPMENT LEASE SALES.—The Secretary of the Interior shall hold a lease sale within 180 days after the date of enactment of this Act offering an additional 10 parcels for lease for research, development, and demonstration of oil shale resources, under the terms offered in the solicitation of bids for such leases published on January 15, 2009 (74 Fed. Reg. 10).*

*(b) COMMERCIAL LEASE SALES.—No later than January 1, 2016, the Secretary of the Interior shall hold no less than 5 separate commercial lease sales in areas considered to have the most potential for oil shale development, as determined by the Secretary, in areas nominated through public comment. Each lease sale shall be for an area of not less than 25,000 acres, and in multiple lease blocs.*

***Subtitle D—Miscellaneous Provisions***

***SEC. 1401. RULE OF CONSTRUCTION.***

*Nothing in this title shall be construed to authorize the issuance of a lease under the Mineral Leasing Act (30 U.S.C. 181 et seq.) to any person designated for the imposition of sanctions pursuant to—*

*(1) the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note), the Comprehensive Iran Sanctions, Accountability and Divestiture Act of 2010 (22 U.S.C. 8501 et seq.), the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8701 et seq.), section 1245 of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a), or the Iran Freedom and Counter-Proliferation Act of 2012 (22 U.S.C. 8801 et seq.);*

*(2) Executive Order 13622 (July 30, 2012), Executive Order 13628 (October 9, 2012), or Executive Order 13645 (June 3, 2013);*

*(3) Executive Order 13224 (September 23, 2001) or Executive Order 13338 (May 11, 2004); or*

*(4) the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (22 U.S.C. 2151 note).*

***TITLE II—PLANNING FOR AMERICAN ENERGY***

***SEC. 2001. SHORT TITLE.***

*This title may be cited as the ''Planning for American Energy Act of 2013''.*

***SEC. 2002. ONSHORE DOMESTIC ENERGY PRODUCTION STRATEGIC PLAN.***

*(a) IN GENERAL.—The Mineral Leasing Act (30 U.S.C. 181 et seq.) is amended by redesignating section 44 as section 45, and by inserting after section 43 the following:*

***''SEC. 44. QUADRENNIAL STRATEGIC FEDERAL ONSHORE ENERGY PRODUCTION STRATEGY.***

*''(a) IN GENERAL.—*

*''(1) The Secretary of the Interior (hereafter in this section referred to as 'Secretary'), in consultation with the Secretary of Agriculture with regard to lands administered by the Forest Service, shall develop and publish every 4 years a Quadrennial Federal Onshore Energy Production Strategy. This Strategy shall direct Federal land energy development and department resource allocation in order to promote the energy and national security of the United States in accordance with Bureau of Land Management's mission of promoting the multiple use of Federal lands as set forth in the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).*

*''(2) In developing this Strategy, the Secretary shall consult with the Administrator of the Energy Information Administration on the projected energy demands of the United States for the next 30-year period, and how energy derived from Federal onshore lands can put the United States on a trajectory to meet that demand during the next 4-year period. The Secretary shall consider how Federal lands will contribute to ensuring national energy security, with a goal for increasing energy independence and production, during the next 4-year period.*

*''(3) The Secretary shall determine a domestic strategic production objective for the development of energy resources from Federal onshore lands. Such objective shall be—*

*''(A) the best estimate, based upon commercial and scientific data, of the expected increase in domestic production of oil and natural gas from the Federal onshore mineral estate, with a focus on lands held by the Bureau of Land Management and the Forest Service;*

*''(B) the best estimate, based upon commercial and scientific data, of the expected increase in domestic coal production from Federal lands;*

*''(C) the best estimate, based upon commercial and scientific data, of the expected increase in domestic production of strategic and critical energy minerals from the Federal onshore mineral estate;*

*''(D) the best estimate, based upon commercial and scientific data, of the expected increase in megawatts for electricity production from each of the following sources: wind, solar, biomass, hydropower, and geothermal energy produced on Federal lands administered by the Bureau of Land Management and the Forest Service;*

*''(E) the best estimate, based upon commercial and scientific data, of the expected increase in unconventional energy production, such as oil shale;*

*''(F) the best estimate, based upon commercial and scientific data, of the expected increase in domestic production of oil, natural gas, coal, and other renewable sources from tribal lands for any federally recognized Indian tribe that elects to participate in facilitating energy production on its lands; and*

*''(G) the best estimate, based upon commercial and scientific data, of the expected increase in production of helium on Federal lands administered by the Bureau of Land Management and the Forest Service.*

*''(4) The Secretary shall consult with the Administrator of the Energy Information Administration regarding the methodology used to arrive at its estimates for purposes of this section.*

*''(5) The Secretary has the authority to expand the energy development plan to include other energy production technology sources or advancements in energy on Federal lands.*

*''(b) TRIBAL OBJECTIVES.—It is the sense of Congress that federally recognized Indian tribes may elect to set their own production objectives as part of the Strategy under this section. The Secretary shall work in cooperation with any federally recognized Indian tribe that elects to participate in achieving its own strategic energy objectives designated under this subsection.*

*''(c) EXECUTION OF THE STRATEGY.—The relevant Secretary shall have all necessary authority to make determinations regarding which additional lands will be made available in order to meet the production objectives established by strategies under this section. The Secretary shall also take all necessary actions to achieve these production objectives unless the President determines that it is not in the national security and economic interests of the United States to increase Federal domestic energy production and to further decrease dependence upon foreign sources of energy. In administering this section, the relevant Secretary shall only consider leasing Federal lands available for leasing at the time the lease sale occurs.*

*''(d) STATE, FEDERALLY RECOGNIZED INDIAN TRIBES, LOCAL GOVERNMENT, AND PUBLIC INPUT.—In developing each strategy, the Secretary shall solicit the input of affected States, federally recognized Indian tribes, local governments, and the public.*

*''(e) REPORTING.—The Secretary shall report annually to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on the progress of meeting the production goals set forth in the strategy. The Secretary shall identify in the report projections for production and capacity installations and any problems with leasing, permitting, siting, or production that will prevent meeting the goal. In addition, the Secretary shall make suggestions to help meet any shortfalls in meeting the production goals.*

*''(f) PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.—Not later than 12 months after the*

*date of enactment of this section, in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), the Secretary shall complete a programmatic environmental impact statement. This programmatic environmental impact statement will be deemed sufficient to comply with all requirements under that Act for all necessary resource management and land use plans associated with the implementation of the strategy.*

*''(g) CONGRESSIONAL REVIEW.—At least 60 days prior to publishing a proposed strategy under this section, the Secretary shall submit it to the President and the Congress, together with any comments received from States, federally recognized Indian tribes, and local governments. Such submission shall indicate why any specific recommendation of a State, federally recognized Indian tribe, or local government was not accepted.*

*''(h) STRATEGIC AND CRITICAL ENERGY MINERALS DEFINED.—For purposes of this section, the term 'strategic and critical energy minerals' means those that are necessary for the Nation's energy infrastructure including pipelines, refining capacity, electrical power generation and transmission, and renewable energy production and those that are necessary to support domestic manufacturing, including but not limited to, materials used in energy generation, production, and transportation.''.*

*(b) FIRST QUADRENNIAL STRATEGY.—Not later than 18 months after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress the first Quadrennial Federal Onshore Energy Production Strategy under the amendment made by subsection (a).*

## *TITLE III—NATIONAL PETROLEUM RESERVE IN ALASKA ACCESS*

***SEC. 3001. SHORT TITLE.***

*This title may be cited as the ''National Petroleum Reserve Alaska Access Act''.*

***SEC. 3002. SENSE OF CONGRESS AND REAFFIRMING NATIONAL POLICY FOR THE NATIONAL PETROLEUM RESERVE IN ALASKA.***

*It is the sense of Congress that—*

*(1) the National Petroleum Reserve in Alaska remains explicitly designated, both in name and legal status, for purposes of providing oil and natural gas resources to the United States; and*

*(2) accordingly, the national policy is to actively advance oil and gas development within the Reserve by facilitating the expeditious exploration, production, and transportation of oil and natural gas from and through the Reserve.*

***SEC. 3003. NATIONAL PETROLEUM RESERVE IN ALASKA: LEASE SALES.***

*Section 107(a) of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6506a(a)) is amended to read as follows:*

*''(a) IN GENERAL.—The Secretary shall conduct an expeditious program of competitive leasing of oil and gas in the reserve in accordance with this Act. Such program shall include at least one lease sale annually in those areas of the reserve most likely to produce commercial quantities of oil and natural gas each year in the period 2013 through 2023.''.*

***SEC. 3004. NATIONAL PETROLEUM RESERVE IN ALASKA: PLANNING AND PERMITTING PIPELINE AND ROAD CONSTRUCTION.***

*(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior, in consultation with other appropriate Federal agencies, shall facilitate and ensure permits, in a timely and environmentally responsible manner, for all surface development activities, including for the construction of pipelines and roads, necessary to—*

*(1) develop and bring into production any areas within the National Petroleum Reserve in Alaska that are subject to oil and gas leases; and*

*(2) transport oil and gas from and through the National Petroleum Reserve in Alaska in the most direct manner possible to existing transportation or processing infrastructure on the North Slope of Alaska.*

*(b) TIMELINE.—The Secretary shall ensure that any Federal permitting agency shall issue permits in accordance with the following timeline:*

*(1) Permits for such construction for transportation of oil and natural gas produced under existing Federal oil and gas leases with respect to which the Secretary has issued a permit to drill shall be approved within 60 days after the date of enactment of this Act.*

*(2) Permits for such construction for transportation of oil and natural gas produced under Federal oil and gas leases shall be approved within 6 months after the submission to the Secretary of a request for a permit to drill.*

*(c) PLAN.—To ensure timely future development of the Reserve, within 270 days after the date of the enactment of this Act, the Secretary of the Interior shall submit to Congress a plan for approved rights-of-way for a plan for pipeline, road, and any other surface infrastructure that may be necessary infrastructure that will ensure that all leasable tracts in the Reserve are within 25 miles of an approved road and pipeline right-of-way that can serve future development of the Reserve.*

***SEC. 3005. ISSUANCE OF A NEW INTEGRATED ACTIVITY PLAN AND ENVIRONMENTAL IMPACT STATEMENT.***

*(a) ISSUANCE OF NEW INTEGRATED ACTIVITY PLAN.—The Secretary of the Interior shall, within 180 days after the date of enactment of this Act, issue—*

*(1) a new proposed integrated activity plan from among the non-adopted alternatives in the National Petroleum Reserve Alaska Integrated Activity Plan Record of Decision issued by the Secretary of the Interior and dated February 21, 2013; and*

*(2) an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) for issuance of oil and gas leases in the National Petroleum Reserve-Alaska to promote efficient and maximum development of oil and natural gas resources of such reserve.*

*(b) NULLIFICATION OF EXISTING RECORD OF DECISION, IAP, AND EIS.—Except as provided in subsection (a), the National Petroleum Reserve-Alaska Integrated Activity Plan Record of Decision issued by the Secretary of the Interior and dated February 21, 2013, including the integrated activity plan and environmental impact statement referred to in that record of decision, shall have no force or effect.*

***SEC. 3006. DEPARTMENTAL ACCOUNTABILITY FOR DEVELOPMENT.***

*The Secretary of the Interior shall issue regulations not later than 180 days after the date of enactment of this Act that establish clear requirements to ensure that the Department of the Interior is supporting development of oil and gas leases in the National Petroleum Reserve-Alaska.*

***SEC. 3007. DEADLINES UNDER NEW PROPOSED INTEGRATED ACTIVITY PLAN.***

*At a minimum, the new proposed integrated activity plan issued under section 3005(a)(1) shall—*

*(1) require the Department of the Interior to respond within 5 business days to a person who submits an application for a permit for development of oil and natural gas leases in the National Petroleum Reserve-Alaska acknowledging receipt of such application; and*

*(2) establish a timeline for the processing of each such application, that—*

*(A) specifies deadlines for decisions and actions on permit applications; and*

*(B) provide that the period for issuing each permit after submission of such an application shall not exceed 60 days without the concurrence of the applicant.*

***SEC. 3008. UPDATED RESOURCE ASSESSMENT.***

*(a) IN GENERAL.—The Secretary of the Interior shall complete a comprehensive assessment of all technically recoverable fossil fuel resources within the National Petroleum Reserve in Alaska, including all conventional and unconventional oil and natural gas.*

*(b) COOPERATION AND CONSULTATION.—The resource assessment required by subsection (a) shall be carried out by the United States Geological Survey in cooperation and consultation with the State of Alaska and the American Association of Petroleum Geologists.*

*(c) TIMING.—The resource assessment required by subsection (a) shall be completed within 24 months of the date of the enactment of this Act.*

*(d) FUNDING.—The United States Geological Survey may, in carrying out the duties under this section, cooperatively use resources and funds provided by the State of Alaska.*

## *TITLE IV—BLM LIVE INTERNET AUCTIONS*

***SEC. 4001. SHORT TITLE.***

*This title may be cited as the ''BLM Live Internet Auctions Act''.*

***SEC. 4002. INTERNET-BASED ONSHORE OIL AND GAS LEASE SALES.***

*(a) AUTHORIZATION.—Section 17(b)(1) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)) is amended—*

*(1) in subparagraph (A), in the third sentence, by inserting '', except as provided in subparagraph (C)'' after ''by oral bidding''; and*

*(2) by adding at the end the following:*

*''(C) In order to diversify and expand the Nation's onshore leasing program to ensure the best return to the Federal taxpayer, reduce fraud, and secure the leasing process, the Secretary may conduct onshore lease sales through Internet-based bidding methods. Each individual Internet-based lease sale shall conclude within 7 days.''.*

*(b) REPORT.—Not later than 90 days after the tenth Internet-based lease sale conducted under the amendment made by subsection (a), the Secretary of the Interior shall analyze the first 10 such lease sales and report to Congress the findings of the analysis. The report shall include—*

*(1) estimates on increases or decreases in such lease sales, compared to sales conducted by oral bidding, in—*

*(A) the number of bidders;*

*(B) the average amount of bid;*

*(C) the highest amount bid; and*

*(D) the lowest bid;*

*(2) an estimate on the total cost or savings to the Department of the Interior as a result of such sales, compared to sales conducted by oral bidding; and*

*(3) an evaluation of the demonstrated or expected effectiveness of different structures for lease sales which may provide an opportunity to better maximize bidder participation, ensure the highest return to the Federal taxpayers, minimize opportunities for fraud or collusion, and ensure the security and integrity of the leasing process.*

## *TITLE V—NATIVE AMERICAN ENERGY*

***SEC. 5001. SHORT TITLE.***

*This title may be cited as the ''Native American Energy Act''.*

***SEC. 5002. APPRAISALS.***

*(a) AMENDMENT.—Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.) is amended by adding at the end the following:*

***''SEC. 2607. APPRAISAL REFORMS.***

*''(a) OPTIONS TO INDIAN TRIBES.—With respect to a transaction involving Indian land or the trust assets of an Indian tribe that requires the approval of the Secretary, any appraisal relating to fair market value required to be conducted under applicable law, regulation, or policy may be completed by—*

*''(1) the Secretary;*

*''(2) the affected Indian tribe; or*

*''(3) a certified, third-party appraiser pursuant to a contract with the Indian tribe.*

*''(b) TIME LIMIT ON SECRETARIAL REVIEW AND ACTION.—Not later than 30 days after the date on which the Secretary receives an appraisal*

*conducted by or for an Indian tribe pursuant to paragraphs (2) or (3) of subsection (a), the Secretary shall—*

*''(1) review the appraisal; and*

*''(2) provide to the Indian tribe a written notice of approval or disapproval of the appraisal.*

*''(c) FAILURE OF SECRETARY TO APPROVE OR DISAPPROVE.—If, after 60 days, the Secretary has failed to approve or disapprove any appraisal received, the appraisal shall be deemed approved.*

*''(d) OPTION TO INDIAN TRIBES TO WAIVE APPRAISAL.—*

*''(1) An Indian tribe wishing to waive the requirements of subsection (a), may do so after it has satisfied the requirements of subsections (2) and (3) below.*

*''(2) An Indian tribe wishing to forego the necessity of a waiver pursuant to this section must provide to the Secretary a written resolution, statement, or other unambiguous indication of tribal intent, duly approved by the governing body of the Indian tribe.*

*''(3) The unambiguous indication of intent provided by the Indian tribe to the Secretary under paragraph (2) must include an express waiver by the Indian tribe of any claims for damages it might have against the United States as a result of the lack of an appraisal undertaken.*

*''(e) DEFINITION.—For purposes of this subsection, the term 'appraisal' includes appraisals and other estimates of value.*

*''(f) REGULATIONS.—The Secretary shall develop regulations for implementing this section, including standards the Secretary shall use for approving or disapproving an appraisal.''.*

*(b) CONFORMING AMENDMENT.—The table of contents of the Energy Policy Act of 1992 (42 U.S.C. 13201 note) is amended by adding at the end of the items relating to title XXVI the following:*

*''Sec. 2607. Appraisal reforms.''.*

***SEC. 5003. STANDARDIZATION.***

*As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall implement procedures to ensure that each agency within the Department of the Interior that is involved in the review, approval, and oversight of oil and gas activities on Indian lands shall use a uniform system of reference numbers and tracking systems for oil and gas wells.*

***SEC. 5004. ENVIRONMENTAL REVIEWS OF MAJOR FEDERAL ACTIONS ON INDIAN LANDS.***

*Section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) is amended by inserting ''(a) IN GENERAL.—'' before the first sentence, and by adding at the end the following:*

*''(b) REVIEW OF MAJOR FEDERAL ACTIONS ON INDIAN LANDS.—*

*''(1) IN GENERAL.—For any major Federal action on Indian lands of an Indian tribe requiring the preparation of a statement under subsection (a)(2)(C), the statement shall only be available for review and comment by the members of the Indian tribe and by any other individual residing within the affected area.*

*''(2) REGULATIONS.—The Chairman of the Council on Environmental Quality shall develop regulations to implement this section, including descriptions of affected areas for specific major Federal actions, in consultation with Indian tribes.*

*''(3) DEFINITIONS.—In this subsection, each of the terms 'Indian land' and 'Indian tribe' has the meaning given that term in section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501).*

*''(4) CLARIFICATION OF AUTHORITY.—Nothing in the Native American Energy Act, except section 5006 of that Act, shall give the Secretary any additional authority over energy projects on Alaska Native Claims Settlement Act lands.''.*

***SEC. 5005. JUDICIAL REVIEW.***

*(a) TIME FOR FILING COMPLAINT.—Any energy related action must be filed not later than the end of the 60-day period beginning on the date of the final agency action. Any energy related action not filed within this time period shall be barred.*

*(b) DISTRICT COURT VENUE AND DEADLINE.—All energy related actions—*

*(1) shall be brought in the United States District Court for the District of Columbia; and*

*(2) shall be resolved as expeditiously as possible, and in any event not more than 180 days after such cause of action is filed.*

*(c) APPELLATE REVIEW.—An interlocutory order or final judgment, decree or order of the district court in an energy related action may be reviewed by the U.S. Court of Appeals for the District of Columbia Circuit. The D.C. Circuit Court of Appeals shall resolve such appeal as expeditiously as possible, and in any event not more than 180 days after such interlocutory order or final judgment, decree or order of the district court was issued.*

*(d) LIMITATION ON CERTAIN PAYMENTS.—Notwithstanding section 1304 of title 31, United States Code, no award may be made under section 504 of title 5, United States Code, or under section 2412 of title 28, United States Code, and no amounts may be obligated or expended from the Claims and Judgment Fund of the United States Treasury to pay any fees or other expenses under such sections, to any person or party in an energy related action.*

*(e) LEGAL FEES.—In any energy related action in which the plaintiff does not ultimately prevail, the court shall award to the defendant (including any intervenor-defendants), other than the United States, fees and other expenses incurred by that party in connection with the energy related action, unless the court finds that the position of the plaintiff was substantially justified or that special circumstances make an award unjust. Whether or not the position of the plaintiff was substantially justified shall be determined on the basis of the administrative record, as a whole, which is made in the energy related action for which fees and other expenses are sought.*

*(f) DEFINITIONS.—For the purposes of this section, the following definitions apply:*

*(1) AGENCY ACTION.—The term ''agency action'' has the same meaning given such term in section 551 of title 5, United States Code.*

*(2) INDIAN LAND.—The term ''Indian Land'' has the same meaning given such term in section 203(c)(3) of the Energy Policy Act of 2005 (Public Law 109-58; 25 U.S.C. 3501), including lands owned by Native Corporations under the Alaska Native Claims Settlement Act (Public Law 92-203; 43 U.S.C. 1601).*

*(3) ENERGY RELATED ACTION.—The term ''energy related action'' means a cause of action that—*

*(A) is filed on or after the effective date of this Act; and*

*(B) seeks judicial review of a final agency action to issue a permit, license, or other form of agency permission allowing:*

*(i) any person or entity to conduct activities on Indian Land, which activities involve the exploration, development, production or transportation of oil, gas, coal, shale gas, oil shale, geothermal resources, wind or solar resources, underground coal gasification, biomass, or the generation of electricity; or*

*(ii) any Indian Tribe, or any organization of two or more entities, at least one of which is an Indian tribe, to conduct activities involving the exploration, development, production or transportation of oil, gas, coal, shale gas, oil shale, geothermal resources, wind or solar resources, underground coal gasification, biomass, or the generation of electricity, regardless of where such activities are undertaken.*

*(4) ULTIMATELY PREVAIL.—The phrase ''ultimately prevail'' means, in a final enforceable judgment, the court rules in the party's favor on at least one cause of action which is an underlying rationale for the preliminary injunction, administrative stay, or other relief requested by the party, and does not include circumstances where the final agency action is modified or amended by the issuing agency unless such modification or amendment is required pursuant to a final enforceable judgment of the court or a court-ordered consent decree.*

***SEC. 5006. TRIBAL BIOMASS DEMONSTRATION PROJECT.***

*The Tribal Forest Protection Act of 2004 is amended by inserting after section 2 (25 U.S.C. 3115a) the following:*

***''SEC. 3. TRIBAL BIOMASS DEMONSTRATION PROJECT.***

*''(a) IN GENERAL.—For each of fiscal years 2014 through 2018, the Secretary shall enter into stewardship contracts or other agreements, other than agreements that are exclusively direct service contracts, with Indian tribes to carry out demonstration projects to promote biomass energy production (including biofuel, heat, and electricity generation) on Indian forest land and in nearby communities by providing reliable supplies of woody biomass from Federal land.*

*''(b) DEFINITIONS.—The definitions in section 2 shall apply to this section.*

*''(c) DEMONSTRATION PROJECTS.—In each fiscal year for which projects are authorized, the Secretary shall enter into contracts or other agreements described in subsection (a) to carry out at least 4 new demonstration projects that meet the eligibility criteria described in subsection (d).*

*''(d) ELIGIBILITY CRITERIA.—To be eligible to enter into a contract or other agreement under this subsection, an Indian tribe shall submit to the Secretary an application—*

*''(1) containing such information as the Secretary may require; and*

*''(2) that includes a description of—*

*''(A) the Indian forest land or rangeland under the jurisdiction of the Indian tribe; and*

*''(B) the demonstration project proposed to be carried out by the Indian tribe.*

*''(e) SELECTION.—In evaluating the applications submitted under subsection (c), the Secretary—*

*''(1) shall take into consideration the factors set forth in paragraphs (1) and (2) of section 2(e) of Public Law 108–278; and whether a proposed demonstration project would—*

*''(A) increase the availability or reliability of local or regional energy;*

*''(B) enhance the economic development of the Indian tribe;*

*''(C) improve the connection of electric power transmission facilities serving the Indian tribe with other electric transmission facilities;*

*''(D) improve the forest health or watersheds of Federal land or Indian forest land or rangeland; or*

*''(E) otherwise promote the use of woody biomass; and*

*''(2) shall exclude from consideration any merchantable logs that have been identified by the Secretary for commercial sale.*

*''(f) IMPLEMENTATION.—The Secretary shall—*

*''(1) ensure that the criteria described in subsection (c) are publicly available by not later than 120 days after the date of enactment of this section; and*

*''(2) to the maximum extent practicable, consult with Indian tribes and appropriate intertribal organizations likely to be affected in developing the application and otherwise carrying out this section.*

*''(g) REPORT.—Not later than September 20, 2015, the Secretary shall submit to Congress a report that describes, with respect to the reporting period—*

*''(1) each individual tribal application received under this section; and*

*''(2) each contract and agreement entered into pursuant to this section.*

*''(h) INCORPORATION OF MANAGEMENT PLANS.—In carrying out a contract or agreement under this section, on receipt of a request from an Indian tribe, the Secretary shall incorporate into the contract or agreement, to the extent practicable, management plans (including*

*forest management and integrated resource management plans) in effect on the Indian forest land or rangeland of the respective Indian tribe.*

*''(i) TERM.—A stewardship contract or other agreement entered into under this section—*

*''(1) shall be for a term of not more than 20 years; and*

*''(2) may be renewed in accordance with this section for not more than an additional 10 years.''.*

***SEC. 5007. TRIBAL RESOURCE MANAGEMENT PLANS.***

*Unless otherwise explicitly exempted by Federal law enacted after the date of the enactment of this Act, any activity conducted or resources harvested or produced pursuant to a tribal resource management plan or an integrated resource management plan approved by the Secretary of the Interior under the National Indian Forest Resources Management Act (25 U.S.C. 3101 et seq.) or the American Indian Agricultural Resource Management Act (25 U.S.C. 3701 et seq.), shall be considered a sustainable management practice for purposes of any Federal standard, benefit, or requirement that requires a demonstration of such sustainability.*

***SEC. 5008. LEASES OF RESTRICTED LANDS FOR THE NAVAJO NATION.***

*Subsection (e)(1) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(e)(1); commonly referred to as the ''Long-Term Leasing Act''), is amended—*

*(1) by striking '', except a lease for'' and inserting '', including leases for'';*

*(2) in subparagraph (A), by striking ''25'' the first place it appears and all that follows and inserting ''99 years;'';*

*(3) in subparagraph (B), by striking the period and inserting ''; and''; and*

*(4) by adding at the end the following:*

*''(C) in the case of a lease for the exploration, development, or extraction of mineral resources, including geothermal resources, 25 years, except that any such lease may include an option to renew for one additional term not to exceed 25 years.''.*

***SEC. 5009. NONAPPLICABILITY OF CERTAIN RULES.***

*No rule promulgated by the Department of the Interior regarding hydraulic fracturing used in the development or production of oil or gas resources shall have any effect on any land held in trust or restricted status for the benefit of Indians except with the express consent of the beneficiary on whose behalf such land is held in trust or restricted status.*

The Acting CHAIR. No further amendment to the bill, as amended, shall be in order except those printed in part A of House Report 113–271. Each such further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. HASTINGS OF WASHINGTON

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 113–271.

Mr. HASTINGS of Washington. Mr. Chairman, I have an amendment made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 17, strike ''$10,000,000'' and insert ''$5,000,000''.

The Acting CHAIR. Pursuant to House Resolution 419, the gentleman from Washington (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Chairman, this amendment makes adjustments in the bill to the amount of funds authorized to be made available to BLM field offices for energy permitting. This change is made to ensure the bill meets its goal of reducing the deficit, not increasing spending.

According to information from the Congressional Budget Office, after adoption of this amendment the underlying bill would reduce the deficit by $26 million, while generating more American energy and new jobs for American workers.

This amendment sets the funding directed to wind and solar energy permitting in local BLM field offices at $5 million each fiscal year. Currently, under existing law, no funds get sent to those doing the work to permit these renewable projects. After the amendment, the amount to help foster renewable energy on Federal lands is less than currently in the bill, but is far more than the zero dollars allocated today.

A vote for this amendment is a vote for an all-of-the-above approach to American energy. It is a vote for more American-made energy, and it is a vote to support renewable energy that uses its own funds and not taxpayers' subsidies; and, Mr. Chairman, it is a vote to reduce the deficit.

I reserve the balance of my time.

Mr. HOLT. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. HOLT. I wanted to point out a curious, but revealing, point about this amendment.

In order to get the bill to score properly to fit with the policy of the Republican Conference, it was necessary to cut $5 million out of the authorization in the bill.

So where did they go? To cut $5 million out of renewable energy and let the tens of millions of dollars of authorized funds for the oil and gas to sit untouched.

But I would really like to address something else that the gentleman said that has to do with the whole reason we are here today on this bill instead of doing that important work that Mr. HOYER spoke of earlier.

The gentleman talked about how we have to increase the supply of oil so that we can drive down prices at the pump and talked about how the policies of President Bush were responsible for the undeniable increases in onshore oil production.

They say that gas was as much as $4 a gallon in 2008. You know whose fault that was.

And then, in 2009, it was $2 a gallon.

Did the supply in the United States change that much in 1 year? No. This shows quite clearly that it is not because of the amount of drilling on public lands. That has nothing to do with it. It has a scant effect on the price at the pump.

It is amazing, Mr. Speaker. When confronted with something uncomfortable, the Republicans always have a convenient excuse.

Gas prices were $4 a gallon in 2008. Oh, that is because NANCY PELOSI was Speaker of the House.

Gas prices plummet later that year to half that amount. Well, that is because President Bush said we need to drill more.

Then, gas prices shoot up after JOHN BOEHNER becomes Speaker of the House, but that is because President Obama is in office.

And, now, oil production on Federal lands skyrockets under President Obama, and it is a boom. But that is really because of President Bush.

So if gas prices go down further this year, maybe that is because of, I don't know, was it Eisenhower or Reagan?

Give me a break.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I urge adoption of the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. HASTINGS).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 113–271.

Ms. JACKSON LEE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 9, line 9, strike the closing quotation marks and the following period, and after line 9 insert the following:

''(C) RIGHT TO PETITION PRESERVED.—This paragraph shall not be construed to abridge the right of the people to petition for the redress of grievances, in violation of the first article of amendment to the Constitution of the United States.''.

The Acting CHAIR. Pursuant to House Resolution 419, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Let me thank Mr. HOLT and Mr. HASTINGS and the Rules Committee for admitting this amendment.

Mr. Chairman, we could all engage in discussions about our commitment to a national energy policy. I would venture to say that we would not find one Member of this body that was not committed to the idea of individuals being

able to have low costs at the pump and to be able to have heat in the severe winters and air conditioning for those of us in the heat of summer in places like Texas and elsewhere. We are committed to doing so.

□ 1530

I said this earlier this morning on the rule. Let me thank the Rules Committee for this amendment that has been admitted on my behalf, but let me also say that we will do better if we come across the aisle and talk about the issues—again, sustainable environment, sustainable energy policy, the creation of jobs, and addressing the needs of low-income families. That is the American way. The American way is also the ability to petition your government in the system of laws that we have.

My amendment is simple. It indicates that the underlying bill should not be construed to abridge the right of the people to petition for the redress of grievances in violation of the first article of the amendment to the Constitution in the Bill of Rights.

It is important to note that there is a $5,000 fee for anyone who wants to protest the particular structure in this bill, upon aggrieved parties, to challenge the award by the agency of a lease, of a right-of-way, of a permit to drill on public lands. This $5,000 fee is supposed to give comfort because, on the larger entities—the businesses—it is a $6,500 fee. For many parties, that may adversely affect the individuals, who would be homeowners, small businesses, nonprofits, and community organizations. A filing or a documentation fee of this amount, in many cases, is prohibitive and will discourage many injured parties from taking the actions necessary to vindicate their rights.

My amendment seeks to avoid this undesirable result by making it plain that it is not the intent of Congress to discourage parties from seeking relief where necessary or to deny access to justice to any party with a legitimate claim. I ask my colleagues to support this amendment.

I reserve the balance of my time.

Mr. Chairman, my amendment is simple and straightforward. The Jackson Lee Amendment provides that nothing in section 1121 of the bill:

"[S]hall not be construed to abridge the right of the people to petition for the redress of grievances, in violation of the first article of amendment to the Constitution of the United States."

Section 1121 amends the Mineral Leasing Act (30 U.S.C. 226(p)) to impose a $5,000 "documentation fee" upon aggrieved parties to challenge the award by the agency of a lease, right of way, permit to drill on public lands.

For many parties that may be adversely affected by these types of agency actions—individuals, home owners, small businesses, nonprofits and community organizations—a filing or documentation fee of this amount in many cases is prohibitive and will discourage many injured parties from taking the action necessary to vindicate their rights.

My amendment seeks to avoid this undesirable result by making plain that it is not the intent of Congress to discourage parties from seeking relief where necessary or to deny access to justice to any party with a legitimate claim.

The Jackson Lee Amendment is intended to provide flexibility to the agency and the courts in considering a request to waive all or a portion of the "documentation fee."

It does not direct or require the agency to grant such waivers. The amendment is intended only to permit and encourage such waivers in appropriate cases.

Mr. Chairman, we should never take for granted the precious and unique right—even for democracies—of citizens to hold their government accountable and answerable to the judiciary for redress for legally cognizable injuries.

As the Member of Congress from Houston, the energy capital of the nation, I have always been mindful of the importance and have strongly advocated for national energy policies that will make our nation more energy independent, preserve and create jobs, and keep our nation's economy strong.

I am pro-energy independence, "pro-jobs," "pro-growing economy" and pro-sustainable environment. As a senior member of the Judiciary Committee, I am also "pro-fairness."

The Jackson Lee Amendment seeks to establish fairness and restore balance in the application and implementation of this law.

I urge my colleagues to support this amendment.

Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

To be clear, nothing in this act prohibits individuals from asserting their rights to petition the government. In fact, it would be ridiculous for us to try to write a statute that would negate the First Amendment, so nothing in this bill does that at all. Let me talk about the process here.

The BLM undertakes multiple layers of rulemaking and environmental review when going through its Federal actions. Nearly every layer of this process allows for the opportunity for public comments, involvement, and questions regarding BLM's actions. Nothing, Mr. Chairman, in this legislation impacts an individual's right to comment, petition, and object to the actions of BLM under this bill. Nothing, by the way, in this legislation stops individuals from filing lawsuits. That is important in this debate on this amendment.

H.R. 1965 simply implements a cost recovery fee for the formal process of filing protests of oil and gas leasing. These formal protests require a direct BLM response, using staff time, energy, and resources to address what is, simply, often a delaying tactic. This paperwork recovery fee will ensure that BLM has the resources necessary to address the protests but that it has the necessary resources to carry out the functions of the Bureau of Land Management, which is for multipurpose use in this country.

So it is for these reasons, Mr. Chairman, that I oppose this amendment, because it does not add anything to what people already have a constitutional right to do.

I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Chairman, I take issue with my good friend from Washington State.

This bill has a $5,000 documentation fee on the stage of protest and petition. Obviously, our good friends on the industry side don't even pay anything to nominate land, but it is a $5,000 barrier.

My friend refers to the administrative process. I am a lawyer. It is under the APA code. That is different from being able to go to a higher level and to be able to comment under the Federal Register and write that ''I don't like this,'' and then you are ruled against anyhow. Then your next level of protest is to be able to protest at the level that requires you to pay $5,000, not even $1,000. We are scoring this, and we are doing it on the backs of citizens.

My amendment does make sense because what it says is that we are committed as a Congress not to block people from being able to have an equal opportunity to protest. They may not prevail, Mr. Chairman, but they should have an equal opportunity.

I believe it would be senseless for Republicans and Democrats not to go on record to say that we support the opportunity for protest and petition. I am pro-energy independence, pro-jobs, pro-growing the economy, pro-fairness, pro-sustainable environment, and I believe that there are opportunities for us to come together. We haven't listened to each other. The gentleman from New Jersey (Mr. HOLT) just made some very important statements. I am making a statement about the idea.

I believe it is egregious to have a $5,000 fee on individuals—nonprofits, farmers, ranchers, neighbors, et cetera. I will say to you, if you want to understand what it means, in my town, there is a group going to court to fight against a high-rise. That high-rise, Mr. Chairman, went through every process—the planning commission, the city council—and they were rejected, but they are going into a lawsuit. They happen to be a little bit more prosperous. Farmers, ranchers, and others who are having to pay $5,000 and neighbors who are having to pay $5,000, I simply think that is excessive.

My colleagues, since the amendment that I had was to eliminate the $5,000, I welcome a compromise of $1,000; but I offer this simple statement that what we do today shall not be construed to abridge the right of the people to petition for the redress of grievances in violation of the first article of the amendment, and it protects the Fifth Amendment as well, which is due process—the right to protect your property.

Frankly, I believe that it is extremely important because there are entities that are near Federal lands.

So, with a generosity of spirit, I would ask my colleagues to support the Jackson Lee amendment.

I yield back the balance of my time.

Mr. HASTINGS of Washington. How much time is remaining, Mr. Chairman?

The Acting CHAIR. The gentleman has 3 minutes remaining.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

First of all, Mr. Chairman, this bill has nothing to do with high-rises, so we should set that apart, and I know the gentlelady was using that as an example.

I have to say this in a larger sense, which is that, in the time that I have had the privilege to chair this committee, we have seen over and over and over what I would call ''frivolous action'' by people with lawsuits who are trying to slow down the process. The gentlelady used her example of high-rises in Houston. I will use another example that, I think, this House needs to address, and that is the issue of the Endangered Species Act and how it affects development in other parts of the country.

In setting that aside for now, this bill simply says that, in going through the process, there should be something up front if you are serious about your issue. It is nothing more than that. This is a modest way to say, if people are serious about the actions that they are trying to take, then there ought to be nothing more than some skin in the game. That is what this bill does. This amendment would take that out. That is why I oppose the amendment and why I urge my colleagues to vote ''no.''

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. LOWENTHAL

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part A of House Report 113–271.

Mr. LOWENTHAL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 12, beginning at line 20, strike section 1132.

Beginning at page 16, line 24, strike '', except that'' and all that follows through page 17, line 2 and insert a period.

The Acting CHAIR. Pursuant to House Resolution 419, the gentleman from California (Mr. LOWENTHAL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. LOWENTHAL. Mr. Chairman, I yield myself such time as I may consume.

The amendment I offer today maintains the Interior Department's ability to review oil and gas activities for significant impacts on public health and safety, among other extraordinary circumstances.

While predictable, it is unfortunate that the majority again and again is willing to throw out basic health and safety protections in order to speed up oil and gas extractions for industry. Whether it is in this oil and gas industry bill today, in last week's mining industry bill, or in tomorrow's natural gas industry bill, the majority's common theme is that of getting rid of transparency and protections for public health and safety and of threatening our environment in the name of increased profits for industry.

This is not okay with me. This is not why I came to Washington.

The oil and gas industry is the most profitable in the world, and the rates of domestic extraction have increased under the Obama administration. ExxonMobil reported a net income of over $44 billion in 2012. I know it and Wall Street knows it, and their balance sheets prove it. These companies are doing fine. So why are we stripping our oversight agencies and the ability of the public to ensure that extraction is done responsibly and not at the expense of the welfare of this and future generations? I think it is shortsighted; I think it is irresponsible; and I think it is wrong.

H.R. 1965, as it is currently written, would prevent the Interior Department from reviewing oil and gas activities that would otherwise qualify for skipping the National Environmental Policy Act for extraordinary circumstances.

Section 390 of the Energy and Policy Act of 2005 allows certain qualifying oil and gas activities to potentially skip a full NEPA process through a categorical exclusion. Title 43 of section 46.205 of the Code of Federal Regulations requires that the Interior Department test for extraordinary circumstances in which a normally excluded action may have a significant environmental effect and require additional analysis and action. Title 43 of section 46.215 of the Code of Federal Regulations goes on to list the types of extraordinary circumstances to be tested before proceeding with a categorical exclusion for the oil and gas activity.

Thus, before the Interior Department bypasses NEPA, this is what it currently checks for:

Are there significant impacts upon public health or safety? Are there violations of Federal, State, local, or tribal law? Are there limits to access and ceremonial use of Indian sacred sites? Is there the introduction, continued existence, or spread of noxious weeds or of nonnative invasive species? It also lists eight other potential significant problems.

This is what the existing law and regulation does. It helps to protect the public and the environment during oil and gas activities. Simply speaking, H.R. 1965 eliminates these protections. My amendment would simply preserve them, and I urge a ''yes'' vote.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

This amendment would increase regulatory red tape and opportunities for frivolous lawsuits to stop what we are trying to do here—American energy production and job creation. It would achieve the exact opposite of what our Nation needs and what the bill provides.

H.R. 1965 seeks to streamline and expedite the onshore oil and gas and renewable permitting process, and it does so in a safe and responsible way. This amendment would simply reinject the same uncertainty and bureaucracy into the permitting process that this legislation seeks to do away with.

The Energy Policy Act of 2005, Mr. Chairman, established in a broad, bipartisan fashion the use of categorical exclusions for energy projects in specific and limited circumstances. This provision was intended to expedite the permit approvals of certain energy projects on disturbed land, on operations with a small footprint, or in areas that were previously approved in recent years. Again, the Energy Policy Act of 2005 was a bipartisan attempt, and this provision which I just described was part of the 2005 Act.

□ 1545

These pro-energy reforms are designed to allow minor actions that do not significantly affect the environment to move forward without the burdensome and lengthy full costly environmental review.

To the point the gentleman is making and what the gentleman's amendment addresses, this legislation clarifies the Department's ability to use the categorical exclusion tool to quickly permit energy projects. This amendment, unfortunately, would require the Department of the Interior to unreasonably review what we call ''extraordinary circumstances'' which require additional NEPA reviews, thereby essentially negating any value from expediting a project and inserting more certainty into an already uncertain energy permitting process.

The intent of this legislation is to streamline and simplify projects that are held up, often for years, in bureaucratic red tape and regulatory uncertainty. This amendment backtracks

from the goal by injecting more bureaucracy and regulatory hurdles into the process.

Mr. Chairman, I don't think this amendment adds anything to what we are trying to accomplish. In fact, I think it goes the other way. It goes the other way in such a way that negates what the Energy Act of 2005 in a bipartisan manner said.

I urge rejection of the amendment, and I reserve the balance of my time.

Mr. LOWENTHAL. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from California has 1½ minutes remaining.

Mr. LOWENTHAL. Thank you.

Mr. Chairman, the gentleman from Washington is saying that, if we remove the extraordinary circumstances part of seeing whether, in fact, we grant a categorical exemption—what my amendment does by saying ''no'' is that the public must have an opportunity, if we are going to grant an exemption, which we think is fine, but what is wrong with finding out whether there is going to be a significant impact on health and safety? What is wrong with finding out if there is going to be a violation of State, Federal, local, or tribal law? What is wrong with understanding what are the limits to access to ceremonial use of sacred sites? He says that by asking these questions before we give an exemption, that this imposes regulatory red tape that is exactly the opposite of what the Nation needs, it is more bureaucracy.

It is just the opposite. This protects the Nation. This allows us to understand, when we are given a categorical exemption, that we are protecting the public health of the Nation.

I urge an ''aye'' vote on my amendment, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of my time.

Notwithstanding what my good friend from California said, I just want to make this point, which ironically was not brought out at all in the gentleman's argument. That is the issue of categorical exclusion.

That has been in place on energy projects now for 8 years. If there is something wrong with that or there is an example of where it has been abused, then maybe the gentleman has a case, but the gentleman didn't speak at all—not at all—to the point that that provision in the 2005 Energy Act has been abused. That alone should be enough to reject this amendment.

In any case, I do not believe that his amendment adds to what we are trying to do to streamline the process of energy creation and creating American energy jobs.

I urge rejection of this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. LOWENTHAL).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. LOWENTHAL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 4 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 113–271.

Ms. JACKSON LEE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 15, beginning at line 4, strike section 1147.

The Acting CHAIR. Pursuant to House Resolution 419, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chairman, I yield myself 3 minutes.

I again thank the managers, Mr. HOLT and Mr. HASTINGS.

Mr. Chairman, I again make the same comment about what I have heard on this floor from Members on both sides of the aisle: that they are pro-energy policy, pro-environment, pro-jobs, pro-sustainable environment. They simply want an opportunity to work on legislation to activate or to ensure that that occurs.

There is a prohibition contained in section 1147 of this legislation with respect to the recovery of attorney fees and costs by a prevailing party pursuant to the Equal Access to Justice Act. My amendment removes the prohibition, a prohibition that has been established law for a very long time.

This amendment is needed to level the playing field and conform the bill to current law and practice. I think that if we listen to each other, it will be a simple answer of ''yes'' if we ask any citizen should they have a right to sue, and if they prevail under the Equal Access to Justice Act, that they are able to get attorney fees.

I think the answer, when clear heads would respond, is not whether it is an energy bill or not, or who the defendant is; they would say, Why shouldn't this bill be subjected to the law that exists?

The Equal Access to Justice Act allows individuals, small businesses, and nonprofits to recover attorney fees from the Federal Government. This act is used to vindicate a variety of Federal rights, including access to Veterans Affairs and Social Security disability benefits, as well as to secure statutory environmental protections.

Therefore, to eliminate that is again to cut into—to cut into—the very Bill of Rights of your right to petition, to the right to counsel, all of that, because it indicates that you have a right to prevail in attorney fees.

It is a simple process that does not undermine, if you will, the question of the energy policy in the United States.

If we look at the first poster, we will acknowledge the fact that, interestingly enough, the average amount of money under these cases was $1.8 million annually over the last 8 years. The EPA only paid out $280,000 annually over the last 5 years. I venture to say with the average payment of $100,000 this is not busting the bank. This is allowing citizens who prevail to be able to have attorney fees. I clearly believe that the legislation that we have warrants a fix, a fair fix, to be able to ensure that anyone that has a disagreement post the administrative process and goes into court can, in fact, utilize.

This is one that shows that, in fact, local environmental groups and national environmental groups are no more than others. The largest amount goes to various State governments, individuals, various unions and workers that got a minimal amount or may not have even prevailed.

So I think it is important to recognize that this is not one that is going to destroy this bill, it is going to enhance the bill.

With that, I reserve the balance of my time.

Mr. Chairman, my amendment removes the prohibition contained in Section 1147 with respect to the recovery of attorney fees and costs by a prevailing party pursuant to the Equal Access to Justice Act (5 U.S.C. § 504 and 28 U.S.C. § 2412).

This amendment is needed to level the playing field and conform the bill to current law and practice.

For more than three decades, since its enactment in 1980, the Equal Access to Justice Act (EAJA) has enhanced parties' ability to hold government agencies accountable for their actions and inaction.

EAJA allows individuals, small businesses and nonprofits to recover attorney fees from the federal government.

The EAJA is used to vindicate a variety of federal rights, including access to Veterans Affairs and Social Security disability benefits, as well as to secure statutory environmental protections.

The EAJA promotes public involvement in laws have a significant impact on the public health and safety such as the National Environmental Policy Act, Clean Air Act and Clean Water Act.

EAJA also helps deter government inaction or erroneous conduct and encourages all parties, not just those with resources to hire legal counsel, to assert their rights.

Mr. Chairman, fee awards under the EAJA are NOT available in any and every case. Rather, attorneys' fees are only recoverable in cases where plaintiffs prevail and the government cannot demonstrate that its legal position was ''substantially justified.''

The amount of attorney fees awarded cannot exceed $125 per hour, a figure is far below the amount currently charged by big city law firms.

No law firm or public interest group is getting rich off a practice relying upon EAJA awards for its attorney fees.

A new report, Shifting the Debate: In Defense of the Equal Access to Justice Act, concludes that EAJA has been cost-effective, applies only to meritorious litigation and that existing legal safeguards and the independent discretion of federal judges will continue to ensure its prudent application.

Moreover, the claim that large environmental groups are getting rich on attorney fees simply is not supported by available evidence.

A recent GAO study (requested by House Republicans) of cases brought against EPA found: most environment lawsuits (48%) were brought by trade associations and private companies; attorney fees were awarded only about eight percent of the time; among environmental plaintiffs, the majority of cases were brought by local groups rather than national groups; and the average award under the EAJA was only about $100,000.

In reality, EAJA ''reforms'' would have the effect of watering down the implementation and enforcement of law enacted to protect the public health and safety.

Much has been made about environmental groups obtaining fees in suits that are ''merely'' procedural.

Both public-interest and industry litigants agree that ''procedural'' litigation under the Administrative Procedure Act is essential to checking executive power on a range of issues.

Additionally, it should be pointed out that procedural requirements and deadlines contained in environmental laws are paramount to ensuring the protections that Congress has enacted.

Indeed, in the case of the National Environmental Policy Act, the nation's foundational environmental statute, following sound procedure is the entire point of the law.

NEPA requires agencies to take a ''hard look'' at the consequences of their actions and to carefully consider alternatives, but compels no particular outcomes.

Mr. Chairman, the provision in the bill that prohibits recovery of attorney fees under the EAJA is not ''reform''; it is a step backwards.

Instead of providing an important tool by which the public can hold the federal government accountable for its actions, Section 1147 wold deny the benefit of this proven accountability tool to unwelcome legal challenges and to prejudice a subset of disfavored plaintiffs.

I urge my colleagues to support the Jackson Lee Amendment.

JACKSON LEE AMENDMENT #4

1. EAJA attorney fees awards do not cost a lot of money

According to GAO, the EAJA attorney fees paid to successful plaintiffs on average: by the Treasury Department: $1.8 million annually over the last 8 years; by EPA: $280,000 annually over the last 5 years; average Payment: $100,000.

2. EAJA attorney fees awards are infrequently awarded

Attorney fees were awarded only about eight percent (8%) of the time according to a July 2013 report by the Environmental Law Institute, ''The Environmental Relevance of the Equal Access to Justice Act.''

3. Most environmental cases are brought by industry trade associations and private companies

In August 2011 GAO conducted study of cases brought against EPA and found: most suits were brought by trade associations and private companies; and, among environmental plaintiffs, the majority of cases were brought by local groups rather than national groups.

4. Largest EAJA attorney fees have been awarded in actions brought by industry trade group plaintiffs, private companies, and state or local government agencies

$500,000: National Cotton Council;

$150,000: Honeywell International, Inc.;

$95,000: National Pork Producers Council & American Farm Bureau;

$92,000. American Trucking Association;

$22,000: American Corn Growers Association.

$400,000: State of New Jersey;

$100,000: State of North Carolina;

$127,500: Commonwealth of Massachusetts;

$198,000: State of New York;

$240,000: South Coast Air Quality Management District (Calif.).

In August 2011 GAO conducted a study of cases brought against EPA and found:

1. most suits were brought by trade associations and private companies; and

2. among environmental plaintiffs, the majority of cases were brought by local groups rather than national groups.

| Share of environmental cases by lead plaintiff type: FY 1995–2010 by type of group | Number of cases | Percentage |
|---|---|---|
| Trade associations | 622 | 25 |
| Private companies | 566 | 23 |
| Local environmental and citizens' groups | 388 | 16 |
| National environmental groups | 338 | 14 |
| States, territories, municipalities, and regional government entities | 297 | 12 |
| Individuals | 185 | 7 |
| Unions, workers' groups, universities, and tribes | 46 | 2 |
| Other | 33 | 1 |
| Unknown | 7 | 1 |
| Total | 2,482 | 100 |

On average, EAJA attorney fees paid to successful plaintiffs:

Treasury: $1.8 million annually over the last 8 years;

EPA: $280,000 annually over the last 5 years; average payment: $100,000.

Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I say, I rise to oppose this amendment.

The Equal Access to Justice Act, or the EAJA, was created, rightfully so, to level the playing field between citizens seeking to do the right thing and a well-funded Federal Government. Unfortunately, wealthy activist groups have been able to distort the intended purpose of the EAJA by exploiting the program as a cash register to file thousands of lawsuits, many based on frivolous technicalities.

Further, Federal payments to lawyers fighting lawsuits come out of each agency's budgets, which, of course, hinders the agency's ability to do their job and forces tighter budgets on the agencies working on behalf of Americans.

Every year, numerous energy projects are held up by burdensome legal challenges by activist groups whose aim is to hold up or simply stop energy production in this country.

Under the guise of ''responsible development,'' these groups file lawsuit after lawsuit that force the government to use Federal resources and millions of dollars in taxpayer funds to litigate these lengthy and burdensome lawsuits. These well-funded activist groups have the resources to hire, in some cases, multiple lawyers to sue the Federal Government.

These unnecessary delays in energy projects result in a domino effect of delays in economic development, of delays, obviously, in job creation, of delays in income generation for local, State, and, indeed, the Federal Government, and delays in making the United States becoming energy independent.

Further, many small communities depend on a robust energy sector to provide jobs for its residents and generate income for their local schools and for their communities. These well-funded activist organizations should not be rewarded, Mr. Chairman, with taxpayer dollars for delaying American job creation and the generation of funds for our local communities.

I urge my colleagues to vote ''no'' on the amendment, and I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Chairman, let me be very clear that the awards under the EAJA are not available for any and every case. Only when the plaintiff prevails. Is that not fair?

When an individual, a nonprofit, who has sought to even the playing field, who wants to make sure that we have a strong energy policy but they are praying that you listen to them as to how it is destroying their property, their house, their quality of life, they have a right to petition.

So I want to correct the gentleman's interpretation. I heard on the floor of the House that he mentioned the word ''frivolous.'' As a lawyer, and one who adheres to the Constitution, I would like to not think that if you are concerned about an issue, that you cannot get into the court of justice and that you cannot make your case. You may not win, but I want to surprise him with the fact that the large number of cases that went under this act and sued the EPA were trade associations—622; private companies—556. There are a variety of others, not collectively together. State territories and municipalities—297. Should they not recover if they prevail? Should environmental groups not recover if they prevail—only at 388? Should individuals at 185 cases not prevail if they win? Should workers groups and universities and tribes not prevail if they should win?

I think that we are wrongheaded if we simply do not adhere to the existing law; not use the terminology ''frivolous'' but applaud Americans who are willing to stand up for their rights.

My example was correct. It was an analogy. These homeowners are fighting Big Business, but what they decided to do is, after they were ruled against by every administrative local body, they have gone into the courthouse. They happen to be more prosperous than someone else, but why would you fault an individual who is using their meager pennies with an attorney to try and prevail on something that they believe will harm them?

My amendment is very simple. It just indicates, if you prevail, you should not be denied the attorney fees that anyone else would get and, if you will, debunks and rebuts the proposition that only those groups that we might not enjoy their position—trade associations, private big companies—I ask my colleagues to support the Jackson Lee amendment for fairness and justice in America.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of the time.

I would just simply say that what this bill and the bill tomorrow, for that matter—this bill is designed to create an atmosphere for more American energy production, which I think is badly needed in our economy, because we know that a growing economy by any measure has to have a predictable energy source. That has been lacking on our Federal lands. That is what the underlying bill does.

What we have seen, and what we have observed in our committee, is the fact that the courtroom is used to slow down so many projects on Federal land. This provision in the current bill simply, I think, clarifies and rectifies that we can have some certainty in the law. That, I think, is the important part of creating American energy. I don't think that this amendment adds anything to that.

I urge rejection of the amendment, and I yield back the balance of my time.

□ 1600

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT NO. 5 OFFERED BY MS. HANABUSA

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 113–271.

Ms. HANABUSA. Mr. Chairman, I have an amendment at the desk

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 25, on line 15, strike ''and'', on line 20, strike the period and insert ''; and'', and after line 20 insert the following:

''(H) the best estimate, based upon commercial and scientific data, of the expected increase in domestic production of geothermal, solar, wind, or other renewable energy sources from 'available lands' (as such term is defined in section 203 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), and including any other lands deemed by the Territory or State of Hawaii, as the case may be, to be included within that definition) that the agency or department of the government of the State of Hawaii that is responsible for the administration of such lands selects to be used for such energy production.

The Acting CHAIR. Pursuant to House Resolution 419, the gentlewoman from Hawaii (Ms. HANABUSA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Hawaii.

Ms. HANABUSA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is nearly identical to one I proposed last Congress to a similar Natural Resources bill numbered H.R. 4480, which was agreed to by a voice vote.

This amendment simply adds to title II, the Planning for America Energy Act of 2013, a subsection (h), which essentially mirrors the language found in a prior subsection addressing Native American tribal lands. This particular amendment requires the inclusion of Hawaiian Homes Commission Act lands.

As you know, Hawaii is in a unique situation in that, in 1920, this Congress created the Hawaiian Homes Commission Act; and there is a special body of approximately 203,000 acres of land which is under the control of Congress. Congress approves whether or not things can be amended in the act. Even upon statehood, that right was retained.

This amendment seeks to have those Hawaiian Home lands that the State agency or department responsible for the administration of these lands has selected to be used for the very development of geothermal, solar, wind, and other renewable energy sources included in the Quadrennial Federal Onshore Energy Production Strategy. It has no implications other than the fact that these lands could be used for renewable energy development and that these lands have somehow become forgotten, but do necessarily fall under Federal jurisdiction.

Mr. HASTINGS of Washington. Will the gentlelady yield?

Ms. HANABUSA. I yield to the gentleman.

Mr. HASTINGS of Washington. I have no problem with your amendment. As you rightfully said, in the last Congress this was accepted by a voice vote. I think it adds more lands for energy production; and as the gentlelady knows, we are in favor of that. So we accept the gentlelady's amendment.

Ms. HANABUSA. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Hawaii (Ms. HANABUSA).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. MARINO

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 113–271.

Mr. MARINO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 26, after line 4, insert the following:

''(6) The Secretary shall include in the Strategy a plan for addressing new demands for transmission lines and pipelines for distribution of oil and gas across Federal lands to ensure that energy produced can be distributed to areas of need.

The Acting CHAIR. Pursuant to House Resolution 419, the gentleman from Pennsylvania (Mr. MARINO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. MARINO. Mr. Chairman, I yield myself such time as I may consume.

Study after study proves that pipelines are the safest, most environmentally friendly, and most efficient method for transporting oil and natural gas. A company in my district tried to expand a current pipeline or build a new pipeline through a recreation area, but was unable to do so because of bureaucratic red tape and mess.

Instead of expanding a pipeline that was in the ground before the recreation area was created, the company had to loop the pipeline around the recreation area in order to provide natural gas to residents in New Jersey. This forced the company to add seven additional miles of pipeline, even though it would be more environmentally friendly to build a pipeline through the park. Yet the level of bureaucratic red tape in trying to construct oil and gas pipelines through Federal lands is nothing short of ludicrous.

My amendment wouldn't solve the problem we experienced in my district; however, this amendment takes a small step in addressing the difficulties in constructing pipelines by requiring the Secretary of the Interior to include a plan for addressing new demands for transmission lines and pipelines for distribution of oil and gas across Federal lands to ensure that energy produced can be distributed to areas of need.

Common sense tells us that without the necessary pipeline infrastructure to transport the energy, it will be much more difficult to meet America's future oil and gas demands.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. MARINO. I yield to the gentleman.

Mr. HASTINGS of Washington. I want to thank the gentleman for bringing this amendment to the floor. I think it adds a great deal to what we are trying to do with energy development in this country, and I am prepared to accept the amendment. I thank the gentleman for yielding to me.

Mr. MARINO. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MARINO).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. POLIS

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 113–271.

Mr. POLIS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

**TITLE ___—MISCELLANEOUS PROVISIONS**

**SEC. _01. STUDY OF EFFECTS OF FLOODING ON OIL AND GAS FACILITIES.**

The Secretary of the Interior shall enter into an arrangement with the National Academy of Sciences under which the Academy shall study and report to the Congress on the effect of flooding on oil and gas facilities, and the resulting instances of leaking and spills from tanks, wells, and pipelines.

The Acting CHAIR. Pursuant to House Resolution 419, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer my amendment along with Representative HUFFMAN from California. It is a very simple amendment. It would require the National Academy of Sciences to study and report to Congress about the impact of flooding on oil and gas facilities and the resulting instances of leaking and spills from tanks, wells, and pipelines.

Sadly, this is an issue that hits very close to home. In my district in Colorado, we recently suffered from the great flood of 2013. Many counties in my district were declared Federal disaster areas. Many of those counties are also home to significant extraction operations. Floods can happen anywhere, and this one occurred well outside of a floodplain; but it is important to understand how to minimize damage to oil and gas infrastructure in the event of a flood. Constituents in my district in Colorado are rebuilding. We are working hard, and we wish we had the kind of information that this study would produce years before the flood so we could have better prepared with regard to our oil and gas infrastructure and the safeguards around it.

We do know a few things about the impact of the floods so far with regard to oil and gas facilities in northern and northeastern Colorado. Over 43,000 gallons of oil and 26,000 gallons of produced water have spilled from the tanks, wells, and pipelines in the floodwater.

If we learn a lot from this experience, I hope that future areas impacted by flooding, as well as ours, because we never know whether the next flood is decades or years or centuries away, will be able to avoid these kinds of spills in our communities.

On September 25, I did join Representative DEFAZIO in sending a letter to Chairman HASTINGS requesting a hearing to understand the consequences resulting from the flood. I continue to hope that the gentleman will be open to scheduling that hearing with regard to the impact of flooding, or perhaps more generally disasters, and how we can better safeguard our oil and gas infrastructure in this country.

The floods in Colorado did shed a light on the need to better understand how we can safeguard our oil and gas infrastructure from disasters generally and, in our case, a terrible flood that had seven confirmed fatalities and hundreds of millions of dollars of property damage.

We would all benefit from learning more about how disasters like the Colorado flood can impact communities, States, and, indeed, the Federal Government. Local elected officials, first responders, experts in oil and gas technology innovation, and the Academy of Sciences can help enhance our understanding of how to prevent damage to oil and gas infrastructure and avert spills and leaks in other communities. We don't want our communities to have to learn the hard way, as ours has done. I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in light of the recent flooding in the gentleman's home State of Colorado, I can appreciate his concern about this issue. However, this amendment contains no restrictions on the scope and breadth of this study, and it seems to be endless. In fact, the study is not focused on the tragic flooding in Colorado, and it is so expansive it can include all flooding anywhere, and the term ''oil and gas'' facilities is undefined. That is what the amendment says.

''Oil and gas'' facilities could be interpreted to mean many things, much of which is outside of the jurisdiction of this committee. This could include corner gasoline stations or private gas meters. And ''leaking and spills from tanks, wells, and pipelines'' does not have to be associated with natural gas. It can be anything, such as a septic or water or sewer tanks and pipelines.

Further, this amendment does not specify that the study be conducted in conjunction with production on Federal land, which of course is what this legislation specifically deals with. The result is a nationwide study that can touch a variety of sources, right down to private homes, the results of which will have nothing to do with the energy production process that this legislation seeks to streamline.

This study, undoubtedly at the expense of taxpayer dollars, will have no impact on energy production; and, frankly, it has no clear goal.

Finally, the proper place to examine the effects of flooding in Colorado is in Colorado. In testing done by the Colorado State Department of Public Health and the Environment, they found pollutants from oil and gas in the aftermath of the spills at 29 specific sites, but no pollutants in Colorado's waterways. However, the incidence of E. coli and raw sewage was measurable and did have an impact on public health, which is not limited to one industry and is not even covered by this study.

Mr. Chairman, for a variety of reasons, and I think I have tried to touch on the major ones that I just enunciated, I urge rejection of this amendment.

I reserve the balance of my time.

Mr. POLIS. Mr. Chairman, again, regarding the language of the amendment, of course it is not designed to apply narrowly to Colorado. That would be considered an earmark, prohibited under the rules of the House. In addition, it is not designed just to serve the needs of my district.

This amendment is designed to learn from this so other areas of the country don't go through the same damage from flooding to our oil and gas infrastructure that occurred in my district.

The language is very limiting with regard to the report to Congress, very boilerplate language that we have used for other studies which have been successfully accomplished by the Academy of Sciences, reporting to Congress ''on the effect of flooding on oil and gas facilities, and the resulting instances of leaking and spills from tanks, wells, and pipelines,'' precisely what has occurred as a result of the flooding in Colorado and could, of course, occur as a result of flooding in other areas of the country that have a significant presence of the extraction industry.

I hope that my colleagues will support this measure that Mr. HUFFMAN and I have brought forward. I think it would be a commonsense report that would be of great value to this Congress in protecting our infrastructure and our environment from the impact of flooding.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 1½ minutes to the gentleman from Colorado (Mr. LAMBORN), the author of this legislation.

Mr. LAMBORN. Mr. Chairman, I thank the full committee chairman for yielding me this time.

I want to applaud and commend my colleague from Colorado for his concern and thoughtfulness to the people impacted in Colorado, many of which were in his and Representative CORY GARDNER's district, some even further south in my district where there was, unfortunately, some loss of life also. So we all share that same concern.

□ 1615

To put things in perspective, though, when we look at the oil and gas impact of the flooding, there was no hydraulic fracturing going on during the flooding, and the spillage that was later determined to have taken place was relatively minor. There were about 1,000 barrels of oil and gas spilled, with about 400 barrels of production water. That is about 1,500 barrels, which is about 62,000 gallons. To put that in perspective, this was considered a 1 trillion-gallon rainfall in a period of 7 days or so. That would amount to more than that every second. Every single second would have 67,000 barrels of river flow. So 1 second's worth of oil and gas in the entire horrific rainfall, I think, puts things in perspective.

So I ask for a ''no'' vote on this amendment. It is a lot broader than just the Federal lands that this legislation talks about, and so it goes beyond the scope of the legislation and I don't think it is really called for.

The Acting CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Washington has 1 minute remaining.

Mr. HASTINGS of Washington. I yield the gentleman an additional 30 seconds.

Mr. LAMBORN. Just to conclude, when you put things in perspective, I think that there were a lot more serious issues with the flooding, some of which continue to today and will continue far into the future. Those are the issues we should really concentrate on.

For that reason, I ask for a ''no'' vote on this amendment.

Mr. POLIS. Mr. Chairman, I do want to again elaborate a little bit. The gentleman from Washington brought up germaneness and jurisdictional issues.

This amendment has been advanced to the floor by the Rules Committee with the necessary waivers granted, so it does not need to go through any other committee. It is here for the full House to consider. I appreciate it being included in the rule. I encourage Members to make the decision on the merits. It has been granted the necessary waivers to be considered on the House floor. Again, I do think this study would be of value to Congress, if, in fact, the 43,000 gallons of oil don't represent any kind of danger or risk that will be included in the report.

The National Academy of Sciences will have access to the information that we as policymakers will need and my State will need for future planning and other States that have an extraction industry will benefit from in the event of a flood. This can save the health of people, it can save lives, and it can save costly infrastructure in the oil and gas industry. It is a commonsense measure, a useful study.

I encourage my colleagues to vote ''yes,'' and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of my time.

As I mentioned in my initial remarks, this amendment really is very broadly written. And when we had other amendments talking about potential lawsuits, boy, adopting this amendment here would really be a litigant's dream if it were to be part of the legislation.

I urge rejection of this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. POLIS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. DEFAZIO

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 113–271.

Mr. DEFAZIO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following (and conform the table of contents accordingly):

**TITLE VI—MISCELLANEOUS PROVISIONS**

**SEC. 6001. CERTAIN REVENUES GENERATED BY THIS ACT TO BE MADE AVAILABLE TO THE COMMODITY FUTURES TRADING COMMISSION TO LIMIT EXCESSIVE SPECULATION IN ENERGY MARKETS.**

The Mineral Leasing Act (30 U.S.C. 181 et seq.) is amended by redesignating section 44 as section 45, and by inserting after section 43 the following:

**''SEC. 44. REVENUES TO BE MADE AVAILABLE TO THE COMMODITY FUTURES TRADING COMMISSION.**

''(a) ESTABLISHMENT OF TREASURY ACCOUNT.—The Secretary of the Treasury (in this section referred to as the 'Secretary') shall establish an account in the Treasury of the United States.

''(b) DEPOSIT INTO ACCOUNT OF CERTAIN REVENUES GENERATED BY THIS ACT.—The Secretary shall deposit into the account established under subsection (a) the first $10,000,000 of the total of the amounts received by the United States under leases issued under this Act or any plan, strategy, or program under this Act.

''(c) AVAILABILITY AND USE OF FUNDS.—

''(1) IN GENERAL.—Subject to paragraph (2), the amounts in the account established under subsection (a) shall be made available to the Commodity Futures Trading Commission to use its existing authorities to limit excessive speculation in energy markets.

''(2) SUBJECT TO APPROPRIATIONS.—The authority provided in paragraph (1) may be exercised only to such extent, and with respect to such amounts, as are provided in advance in appropriations Acts.''.

The Acting CHAIR. Pursuant to House Resolution 419, the gentleman from Oregon (Mr. DEFAZIO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, much of the majority's argument here is based on providing relief to the American consumer, and this amendment would provide a real and potentially immediate relief to American consumers.

Two years ago in the Senate, in the spring when we were having a big run-up in oil prices, they had the head of Exxon Mobil testify. He said, Hey, don't blame us for those high prices. He said, Blame Wall Street. He basically said that 60 cents to 70 cents per gallon at the pump is going to Wall Street speculators. So if we want to provide real relief to the American people, we need to rein in speculation.

But the Republicans only have one watchdog out there—the Commodity Futures Trading Commission. They are supposed to set up position limits for nonparticipants, people just speculating on price, not people actually utilizing these commodities. That hasn't been done, and they are otherwise under relenting attack, including a $10 million cut in their budget by the Republicans.

So if we really wanted to do something to help consumers, we would pass this amendment, get a few more watchdogs downtown, put in place those position limits on speculators, and next May you wouldn't see prices run up $1, $1.25, $1.50 a gallon like we see every May. That has to do with two things: refinery manipulation by the industry and speculation by Wall Street. We are not addressing either of those things.

Today, we are talking about putting more land up for leasing. And today, we have a total of 35,397,010 acres of active leases, and the nonproducing leases are 30,019,256, i.e., that is about 85 percent of the leases that are nonproducing leases.

They have got plenty of places to go now. It is in their interest to constrain supply somewhere along the way. It hasn't been on the side of production because we are exporting crude oil. We are still exporting gasoline, even. It has been on the refinery side and has been speculation by Wall Street that has driven up the price.

I urge adoption of this amendment and reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, let me be very clear that I do oppose this amendment.

This amendment is costly and wasteful. The amendment would redirect $10 billion away from Federal permitting streamlining, which we know would help lower costs and produce more energy, and instead funnel the money to another fruitless study of the unfounded position of somehow market speculation is impacting energy prices.

Mr. Chairman, earlier this year, researchers Christopher Knittel and Robert S. Pindyck from the Massachusetts Institute of Technology, Sloan School of Management, MIT, found that speculation wasn't driving up energy prices. I will quote them, Mr. Chairman.

Back to those pesky speculators for a moment: surely, their bets on oil have had at least some effect on prices?

According to our latest research, the answer is: not really. In our recent paper, we explore the link between speculation and inventory changes. We calculate a series of speculation-free prices by creating a stable inventory of oil, providing us with a picture of what the market might look like in the absence of speculation. We focus on inventory for a simple reason: if oil prices are changing because of speculators, then there would have to be commensurate changes to inventories—a buildup when prices are increasing and a drawdown when prices are falling.

But when the economy was strong and oil prices were increasing, we didn't see large increases in inventories. In fact, they fell somewhat. This means that peak prices would have actually been higher if you take away any effects of speculation.

And let me repeat that final part:

But when the economy was strong and oil prices were increasing, we didn't see large increases in inventories. In fact, they fell somewhat. This means that peak prices would have actually been higher if you take away any effects of speculation.

Time and time again, we have heard from those opposed to oil and gas drilling that it is the shady Wall Street speculator, the man behind the curtain who is driving up energy prices. The truth is that the best way to fight speculators, or foreign cartels, is simply to outproduce them, and that should be our solution here today.

We should be working to figure out how to use more than just 2 percent of our Federal lands for energy development. We should find a way to have Federal lands keep pace with private lands in the revolution of energy production as currently taking place in the United States. Yet the Congressional Research Service tells us:

All of the increase from fiscal year 2007 to fiscal year 2012 took place on non-Federal lands, and the Federal share of total U.S. crude oil production fell by about 7 percentage points.

Yet, instead of reversing this trend, streamlining permitting, the author of this amendment wants to siphon off money for studies.

The legislation before us today is designed to streamline and produce more onshore energy production. This will create jobs and reduce our dependence on foreign imports. It demands an all-of-the-above energy agenda, and I would like to think that the folks on the other side could at least embrace that part of it.

I urge my colleagues to reject this amendment and support the underlying bill, and I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, may I inquire as to how much time I have left?

The Acting CHAIR. The gentleman from Oregon has 2½ minutes remaining.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in support of the gentleman's amendment today, which helps ensure that our derivatives regulator can protect our financial markets and economy. This amendment improves the funding situation of the CFTC by giving back $10 million that my Republican colleagues proposed to cut earlier this year.

Many Americans are unaware that the CFTC is charged with enforcing laws designed to thwart Wall Street from manipulating the cost of commodities, which affects the price at the pump and the cost of food on our plates. Just as importantly, the CFTC has been tasked with writing and enforcing rules reforming the financial markets and participants like AIG that contributed to the worst financial crisis since the Great Depression.

For these reforms to have teeth, we need a cop with the resources and staff to hold the financial industry accountable. And yet, despite the overwhelming need, House Republicans want to cut the CFTC's budget, deciding this year to provide the CFTC a funding level that is 40 percent below the President's request. This funding level is in addition to sequester cuts, which have caused temporary staff layoffs as well as the agency-wide closure for 2 weeks during the Republican shutdown.

Mr. Chairman, we are witnessing a multifaceted effort by the Republican majority to undercut laws and regulations with which Republicans and certain special interests disagree, halting Dodd-Frank rulemaking through litigation and legislation, while simultaneously depriving our market cops of resources.

The DeFazio amendment is a first step towards countering this offensive, by funding Wall Street's cop, at a minimum, with the same resources as last year.

I thank my thoughtful friend from Oregon and urge adoption of this amendment.

Mr. HASTINGS of Washington. Mr. Chairman, I am prepared to close if the gentleman is prepared to close, and I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, according to MIT, then, the head of Exxon Mobil perjured himself under oath at the Senate and the Federal Reserve Bank in St. Louis is wrong because they have an in-depth study not paid for by the industry that says, indeed, speculation is a major factor.

Here is over 1 month where you see the price vary by up to $11 per day.Now, you tell me that the supply changed by $11 worth in a day and then, whoops, the next day it is back down? Then, Ben Bernanke said he saw a further decline coming and the industry tanked oil futures by $6.

This is pure speculation. Don't defend it. Support the amendment and give the American people real relief from high gas prices that are unnecessary.

Mr. HASTINGS of Washington. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Washington has 1 minute remaining.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I know there is no truism specifically in economic theory, but one thing we do know about crude oil is that it is subject to international pricing.

□ 1630

We do know that a big part of the international pricing and production is conducted by a cartel, namely, OPEC. The last figure I saw was about 45 percent of the international market. Well, when you have 45 percent controlled by one entity, you are going to have some price pressures that are coming. Indeed, you probably have some speculation.

Mr. Chairman, this is the important part of what this underlying bill and the bill that we will have on the floor tomorrow does.

The only way that you are going to beat cartels is to outproduce them. I don't care if you are talking about crude oils or if you are talking about apples or you are talking about potatoes or you are talking about timber. The whole idea, if you have somebody that controls a big part of the marketplace, the way you beat them is to outproduce them.

This bill allows America to outproduce our foreign competitors. This amendment adds nothing to that. I urge rejection of the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

Mr. HASTINGS of Washington. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAMBORN) having assumed the chair, Mr. HULTGREN, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1965) to streamline and ensure onshore energy permitting, provide for onshore leasing certainty, and give certainty to oil shale development for American energy security, economic development, and job creation, and for other purposes, had come to no resolution thereon.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1900, NATURAL GAS PIPELINE PERMITTING REFORM ACT

Mr. BURGESS, from the Committee on Rules, submitted a privileged report (Rept. No. 113–272) on the resolution (H. Res. 420) providing for consideration of the bill (H.R. 1900) to provide for the timely consideration of all licenses, permits, and approvals required under Federal law with respect to the siting, construction, expansion, or operation of any natural gas pipeline projects, which was referred to the House Calendar and ordered to be printed.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

## PEPFAR STEWARDSHIP AND OVERSIGHT ACT OF 2013

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1545) to extend authorities related to global HIV/AIDS and to promote oversight of United States programs.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1545

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''PEPFAR Stewardship and Oversight Act of 2013''.

**SEC. 2. INSPECTOR GENERAL OVERSIGHT.**

Section 101(f)(1) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7611(f)(1)) is amended—

(1) in subparagraph (A), by striking ''5 coordinated annual plans for oversight activity in each of the fiscal years 2009 through 2013'' and inserting ''coordinated annual plans for oversight activity in each of the fiscal years 2009 through 2018''; and

(2) in subparagraph (C)—

(A) in clause (ii)—

(i) in the heading, by striking ''SUBSEQUENT'' and inserting ''2010 THROUGH 2013''; and

(ii) by striking ''the last four plans'' and inserting ''the plans for fiscal years 2010 through 2013''; and

(B) by adding at the end the following new clause:

''(iii) 2014 PLAN.—The plan developed under subparagraph (A) for fiscal year 2014 shall be completed not later than 60 days after the date of the enactment of the PEPFAR Stewardship and Oversight Act of 2013.

''(iv) SUBSEQUENT PLANS.—Each of the last four plans developed under subparagraph (A) shall be completed not later than 30 days before each of the fiscal years 2015 through 2018, respectively.''.

**SEC. 3. ANNUAL TREATMENT STUDY.**

(a) ANNUAL STUDY; MESSAGE.—Section 101(g) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7611(g)) is amended—

(1) in paragraph (1), by striking ''through September 30, 2013'' and inserting ''through September 30, 2019'';

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph:

''(2) 2013 THROUGH 2018 STUDIES.—The studies required to be submitted by September 30, 2014, and annually thereafter through September 30, 2018, shall include, in addition to the elements set forth under paragraph (1), the following elements:

''(A) A plan for conducting cost studies of United States assistance under section 104A of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2) in partner countries, taking into account the goal for more systematic collection of data, as well as the demands of such analysis on available human and fiscal resources.

''(B) A comprehensive and harmonized expenditure analysis by partner country, including—

''(i) an analysis of Global Fund and national partner spending and comparable data across United States, Global Fund, and national partner spending; or

''(ii) where providing such comparable data is not currently practicable, an explanation of why it is not currently practicable, and when it will be practicable.''; and

(4) by adding at the end the following new paragraph:

''(4) PARTNER COUNTRY DEFINED.—In this subsection, the term 'partner country' means a country with a minimum United States Government investment of HIV/AIDS assistance of at least $5,000,000 in the prior fiscal year.''.

**SEC. 4. PARTICIPATION IN THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS, AND MALARIA.**

(a) LIMITATION.—Section 202(d)(4) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7622(d)(4)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ''2013'' and inserting ''2018'';

(B) in clause (ii)—

(i) by striking ''2013'' and inserting ''2018''; and

(ii) by striking the last two sentences; and

(C) in clause (vi), by striking ''2013'' and inserting ''2018''; and

(2) in subparagraph (B)—

(A) by striking ''under this subsection'' each place it appears;

(B) in clause (ii), by striking ''pursuant to the authorization of appropriations under section 401'' and inserting ''to carry out section 104A of the Foreign Assistance Act of 1961''; and

(C) in clause (iv), by striking ''2013'' and inserting ''2018''.

(b) WITHHOLDING FUNDS.—Section 202(d)(5) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7622(d)) is amended by—

(1) in paragraph (5)—

(A) by striking ''2013'' and inserting ''2018'';

(B) in subparagraph (C)—

(i) by inserting ''in an open, machine readable format'' after ''site'';

(ii) by amending clause (v) to read as follows:

''(v) a regular collection, analysis, and reporting of performance data and funding of grants of the Global Fund, which covers all principal recipients and all subrecipients on the fiscal cycle of each grant, and includes the distribution of resources, by grant and principal recipient and subrecipient, for prevention, care, treatment, drugs, and commodities purchase, and other purposes as practicable;'';

(C) in subparagraph (D)(ii), by inserting '', in an open, machine readable format,'' after ''audits'';

(D) in subparagraph (E), by inserting '', in an open, machine readable format,'' after ''publicly'';

(E) in subparagraph (F)—

(i) in clause (i), by striking ''; and'' and inserting a semicolon; and

(ii) by striking clause (ii) and inserting the following new clauses:

''(ii) all principal recipients and subrecipients and the amount of funds disbursed to each principal recipient and subrecipient on the fiscal cycle of the grant;

''(iii) expenditure data—

''(I) tracked by principal recipients and subrecipients by program area, where practicable, prevention, care, and treatment and reported in a format that allows comparison with other funding streams in each country; or

''(II) if such expenditure data is not available, outlay or disbursement data, and an explanation of progress made toward providing such expenditure data; and

''(iv) high-quality grant performance evaluations measuring inputs, outputs, and outcomes, as appropriate, with the goal of achieving outcome reporting;''; and

(F) by amending subparagraph (G) to read as follows:

''(G) has published an annual report on a publicly available Web site in an open, machine readable format, that includes—

''(i) a list of all countries imposing import duties and internal taxes on any goods or services financed by the Global Fund;

''(ii) a description of the types of goods or services on which the import duties and internal taxes are levied;

''(iii) the total cost of the import duties and internal taxes;

''(iv) recovered import duties or internal taxes; and

''(v) the status of country status-agreements;''.

**SEC. 5. ANNUAL REPORT.**

Section 104A(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2(f)) is amended to read as follows:

''(f) ANNUAL REPORT.—

''(1) IN GENERAL.—Not later than February 15, 2014, and annually thereafter, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report in an open, machine readable format, on the implementation of this section for the prior fiscal year.

''(2) REPORT DUE IN 2014.—The report due not later than February 15, 2014, shall include the elements required by law prior to

the enactment of the PEPFAR Stewardship and Oversight Act of 2013.

''(3) REPORT ELEMENTS.—Each report submitted after February 15, 2014, shall include the following:

''(A) A description based on internationally available data, and where practicable high-quality country-based data, of the total global burden and need for HIV/AIDS prevention, treatment, and care, including—

''(i) estimates by partner country of the global burden and need; and

''(ii) HIV incidence, prevalence, and AIDS deaths for the reporting period.

''(B) Reporting on annual targets across prevention, treatment, and care interventions in partner countries, including—

''(i) a description of how those targets are designed to—

''(I) ensure that the annual increase in new patients on antiretroviral treatment exceeds the number of annual new HIV infections;

''(II) reduce the number of new HIV infections below the number of deaths among persons infected with HIV; and

''(III) achieve an AIDS-free generation;

''(ii) national targets across prevention, treatment, and care that are—

''(I) established by partner countries; or

''(II) where such national partner country-developed targets are unavailable, a description of progress towards developing national partner country targets; and

''(iii) bilateral programmatic targets across prevention, treatment, and care, including—

''(I) the number of adults and children to be directly supported on HIV treatment under United States-funded programs;

''(II) the number of adults and children to be otherwise supported on HIV treatment under United States-funded programs; and

''(III) other programmatic targets for activities directly and otherwise supported by United States-funded programs.

''(C) A description, by partner country, of HIV/AIDS funding from all sources, including funding levels from partner countries, other donors, and the private sector, as practicable.

''(D) A description of how United States-funded programs, in conjunction with the Global Fund, other donors, and partner countries, together set targets, measure progress, and achieve positive outcomes in partner countries.

''(E) An annual assessment of outcome indicator development, dissemination, and performance for programs supported under this section, including ongoing corrective actions to improve reporting.

''(F) A description and explanation of changes in related guidance or policies related to implementation of programs supported under this section.

''(G) An assessment and quantification of progress over the reporting period toward achieving the targets set forth in subparagraph (B), including—

''(i) the number, by partner country, of persons on HIV treatment, including specifically—

''(I) the number of adults and children on HIV treatment directly supported by United States-funded programs; and

''(II) the number of adults and children on HIV treatment otherwise supported by United States-funded programs;

''(ii) HIV treatment coverage rates by partner country;

''(iii) the net increase in persons on HIV treatment by partner country;

''(iv) new infections of HIV by partner country;

''(v) the number of HIV infections averted;

''(vi) antiretroviral treatment program retention rates by partner country, including—

''(I) performance against annual targets for program retention; and

''(II) the retention rate of persons on HIV treatment directly supported by United States-funded programs; and

''(vii) a description of supportive care.

''(H) A description of partner country and United States-funded HIV/AIDS prevention programs and policies, including—

''(i) an assessment by country of progress towards targets set forth in subparagraph (B), with a detailed description of the metrics used to assess—

''(I) programs to prevent mother to child transmission of HIV/AIDS, including coverage rates;

''(II) programs to provide or promote voluntary medical male circumcision, including coverage rates;

''(III) programs for behavior-change; and

''(IV) other programmatic activities to prevent the transmission of HIV;

''(ii) antiretroviral treatment as prevention; and

''(iii) a description of any new preventative interventions or methodologies.

''(I) A description of the goals, scope, and measurement of program efforts aimed at women and girls.

''(J) A description of the goals, scope, and measurement of program efforts aimed at orphans, vulnerable children, and youth.

''(K) A description of the indicators and milestones used to assess effective, strategic, and appropriately timed country ownership, including—

''(i) an explanation of the metrics used to determine whether the pace of any transition to such ownership is appropriate for that country, given that country's level of readiness for such transition;

''(ii) an analysis of governmental and local nongovernmental capacity to sustain positive outcomes;

''(iii) a description of measures taken to improve partner country capacity to sustain positive outcomes where needed; and

''(iv) for countries undergoing a transition to greater country ownership, a description of strategies to assess and mitigate programmatic and financial risk and to ensure continued quality of care for essential services.

''(L) A description, globally and by partner country, of specific efforts to achieve and incentivize greater programmatic and cost effectiveness, including—

''(i) progress toward establishing common economic metrics across prevention, care and treatment with partner countries and the Global Fund;

''(ii) average costs, by country and by core intervention;

''(iii) expenditure reporting in all program areas, supplemented with targeted analyses of the cost-effectiveness of specific interventions; and

''(iv) import duties and internal taxes imposed on program commodities and services, by country.

''(M) A description of partnership framework agreements with countries, and regions where applicable, including—

''(i) the objectives and structure of partnership framework agreements with countries, including—

''(I) how these agreements are aligned with national HIV/AIDS plans and public health strategies and commitments of such countries; and

''(II) how these agreements incorporate a role for civil society; and

''(ii) a description of what has been learned in advancing partnership framework agreements with countries, and regions as applicable, in terms of improved coordination and collaboration, definition of clear roles and responsibilities of participants and signers, and implications for how to further strengthen these agreements with mutually accountable measures of progress.

''(N) A description of efforts and activities to engage new partners, including faith-based, locally-based, and United States minority-serving institutions.

''(O) A definition and description of the differentiation between directly and otherwise supported activities, including specific efforts to clarify programmatic attribution and contribution, as well as timelines for dissemination and implementation.

''(P) A description, globally and by country, of specific efforts to address co-infections and co-morbidities of HIV/AIDS, including—

''(i) the number and percent of people in HIV care or treatment who started tuberculosis treatment; and

''(ii) the number and percentage of eligible HIV positive patients starting isoniazid preventative therapy.

''(Q) A description of efforts by partner countries to train, employ, and retain health care workers, including efforts to address workforce shortages.

''(R) A description of program evaluations completed during the reporting period, including whether all completed evaluations have been published on a publically available Internet website and whether any completed evaluations did not adhere to the common evaluation standards of practice published under paragraph (4).

''(4) COMMON EVALUATION STANDARDS.—Not later than February 1, 2014, the Global AIDS Coordinator shall publish on a publically available Internet website the common evaluation standards of practice referred to in paragraph (3)(R).

''(5) PARTNER COUNTRY DEFINED.—In this subsection, the term 'partner country' means a country with a minimum United States Government investment of HIV/AIDS assistance of at least $5,000,000 in the prior fiscal year.''.

**SEC. 6. ALLOCATION OF FUNDING.**

(a) ORPHANS AND VULNERABLE CHILDREN.—Section 403(b) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673(b)) is amended—

(1) by striking ''2013'' and inserting ''2018''; and

(2) by striking ''amounts appropriated pursuant to the authorization of appropriations under section 401'' and inserting ''amounts appropriated or otherwise made available to carry out the provisions of section 104A of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2)''.

(b) FUNDING ALLOCATION.—Section 403(c) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673(c)) is amended—

(1) by striking ''2013'' and inserting ''2018''; and

(2) by striking ''amounts appropriated for bilateral global HIV/AIDS assistance pursuant to section 401'' and inserting ''amounts appropriated or otherwise made available to carry out the provisions of section 104A of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2)''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from New York (Mr. ENGEL) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask that all of our Members have 5 legislative

days to revise and extend their remarks and to include any extraneous materials that they might wish to include on this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1545. They call this the PEPFAR Stewardship and Oversight Act of 2013.

It was just over a decade ago that AIDS threatened to decimate an entire generation of men and women and children around the world, and particularly in Africa. Without access to lifesaving treatment, there was then no incentive to get tested. Without testing, it was impossible to detect and prevent new infections.

In the hardest-hit countries, an estimated 35 percent of the population was HIV positive, and life expectancy in those countries dropped to as low as 34 years.

The global AIDS pandemic was a massive humanitarian challenge, but it also threatened our economic and national security. The pandemic struck down men and women in their most productive years. The economies of emerging trade partners contracted. Socioeconomic conditions deteriorated.

Tens of millions of orphaned children, forced to fend for themselves, became vulnerable to trafficking. They became vulnerable to criminality and recruitment by extremists.

Infections among security forces in southern Africa was disturbingly high.

It was against this backdrop that the United States mounted the most significant effort of any nation to combat a single disease in history. Authorized by Congress in 2004, and reauthorized in 2008, the President's Emergency Plan For AIDS Relief, or PEPFAR, as we call it today, was a game-changer, and has since become among the most successful U.S. foreign aid programs since the Marshall Plan. Like many of my colleagues, I have been to Africa and witnessed the saved lives.

Today, nearly 10 million people receive treatment supported by PEPFAR. Thirteen countries have reached a tipping point in their AIDS epidemic, the point where the number of adults on treatment exceeds the number of new infections. So across Africa, the new infections have declined by 33 percent.

There is now hope that an AIDS-free generation may be within reach. We should be proud of that effort. But the United States cannot and should not do this alone. It is in our interest to ensure that our bilateral programs, our programs like PEPFAR, are complemented by an effective, efficient, and accountable global fund to fight AIDS, malaria, and tuberculosis.

The PEPFAR Stewardship and Oversight Act of 2013 provides a framework for the continuation of PEPFAR's success. Among other things, this legislation locks in important social values provisions mandated in the 2004 and 2008 bills that could be jettisoned if we don't move forward with this legislation.

It improves transparency and reporting in a way that reflects the current direction of the program, and it extends limitations on U.S. participation in the Global Fund, including a 33 percent limitation on U.S. contributions and a 20 percent withholding requirement linked to transparency and management reforms at the Global Fund.

So this bill is time-sensitive. During the week of December 1, the Global Fund will convene a donors' conference. Without the 33 percent cap and 20 percent withholding requirements firmly in place, which is what the bill does, the ability of the United States to leverage both our contributions and our reforms would be diminished.

So I urge my colleagues to support this important, timely measure.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I rise in strong support of S. 1545, the PEPFAR Stewardship and Oversight Act, and I yield myself as much time as I may consume.

I echo the words of my friend, the chairman. This important legislation, which passed the Senate by unanimous consent, reauthorizes key authorities that have helped the President's Emergency Plan For AIDS Relief, called PEPFAR, change the trajectory of the HIV/AIDS epidemic around the world.

Before President Bush announced PEPFAR in his 2003 State of the Union address, and Congress passed authorizing legislation in May of that year, HIV and AIDS were ravaging the continent of Africa. By then, more than 25 million people had died from HIV/AIDS, and 14 million children had been left as orphans.

Another 42 million people were infected and, though lifesaving treatments had been developed, far too many people had no access to the medications necessary to save their lives. Therefore, PEPFAR became and remains the largest commitment by any nation to combat a single disease internationally.

Today, nearly 6 million people are receiving life-sustaining anti-retroviral treatment.

Last year, more than 46 million people received HIV testing and counseling. Of these, more than 11 million were pregnant women, and, as a result of treatment, the one-millionth baby was born HIV-free this year.

HIV/AIDS is no longer threatening to wipe out an entire generation on the continent of Africa. In fact, a sustained commitment by the United States to fighting this epidemic has made it possible for experts and researchers to talk about achieving an AIDS-free generation.

PEPFAR is in the midst of an important transition as countries take on greater ownership of their HIV/AIDS programs. At this critical juncture, the PEPFAR Stewardship and Oversight Act is an important demonstration of our ongoing, bipartisan support for the fight against HIV/AIDS.

This legislation also contains critical provisions that will enable Congress to provide the oversight necessary to ensure PEPFAR continues to save millions of lives, while protecting our taxpayers' hard-earned money.

The bill calls for continued coordination by the inspectors general for the State Department, Department of Health and Human Services, and the U.S. Agency for International Development in conducting audits and oversight of the PEPFAR program.

It also requires a more robust annual report from the Office of the U.S. Global AIDS Coordinator, which will ensure better accountability.

This legislation also extends key funding requirements for the treatment and care portion of the program, as well as funding for orphans and vulnerable children.

Historically, the United States contribution to the Global Fund has been capped at 33 percent of total contributions. This cap has been an effective tool to leverage contributions from other countries, as well as to push for reforms, if necessary, within the Global Fund.

However, when PEPFAR's authorization ended at the end of September, this 33 percent cap lapsed as well. I believe it is crucial that this 33 percent cap be reinstated going into the Global Fund replenishment conference, which will be held the first week of December here in Washington, and this legislation would accomplish this important policy objective.

Mr. Speaker, by all accounts, PEPFAR has been an incredible success and a program we should all be proud to be a part of.

I would like to thank Ambassador Eric Goosby, the recently departed United States Global AIDS Coordinator, for his hard work on behalf of PEPFAR and his lifelong dedication to those living with HIV/AIDS.

I commend Chairman ROYCE, Representative LEE, and Representative ROS-LEHTINEN, as well as Senator MENENDEZ and Senator CORKER, for their hard work on this legislation. It has been a pleasure working with all of them in such a bipartisan and bicameral manner.

I would like to thank the House leadership for allowing this to come to the floor in a timely manner. Again, I think that Chairman ROYCE and I have shown that bipartisanship does exist in this Congress. It certainly exists on our Foreign Affairs Committee, and this is a product of that bipartisan comity.

So I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. ROYCE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, it is my honor to yield 4 minutes to the gentlewoman from California (Ms. LEE), who has been so instrumental in fighting for this legislation and other AIDS legislation for so many years in the Congress.

Ms. LEE of California. Mr. Speaker, first, let me thank our ranking member for yielding, but also, let me just thank you so much for your tremendous leadership on this issue and on the Foreign Affairs Committee, and for your recognition and hard work in achieving and seeking to achieve an AIDS-free generation.

I want to say it is a real pleasure to be with you today and to be back with you today, actually, with the committee that I served on for 8 years. So thank you, again, so much.

Let me also thank the chair of the Foreign Affairs Committee, Chairman ROYCE, for ensuring that PEPFAR continues as a bipartisan effort, and for your commitment to an AIDS-free generation. I just want to thank you for that leadership because, oftentimes, we wonder if there is bipartisanship in this body. Well, I think today, once again, we can cite that when it comes to saving lives, PEPFAR is a clear example of how we work together to do just that.

□ 1645

And, of course, I must thank my cochair on the Congressional HIV/AIDS Caucus, Congresswoman ILEANA ROS-LEHTINEN from Florida. I have to thank her for her work on HIV/AIDS initiatives, both international and domestic.

I am very proud to have played a role in the creation of PEPFAR and am proud of the leadership of the Congressional Black Caucus and our chair at that time, the gentlewoman from Texas, Congresswoman EDDIE BERNICE JOHNSON. Even before the world knew about this program, Congresswoman JOHNSON knew the importance of Presidential leadership and put this on the Congressional Black Caucus' agenda during our very first meeting with President Bush.

To quote from a 2002 letter to President Bush, the CBC called for an ''expanded U.S. initiative'' to respond to the greatest plague in recorded history. And then following that, in President Bush's 2003 State of the Union speech, he laid out what this important initiative should look like and made a serious commitment to this effort.

So over the last decade, we have worked closely with the late Chairman Hyde, Chairman Lantos, as well as Senator Kerry, the late Senator Jesse Helms, Senator Bill Frist, Congressman Jim Leach, Congressman MCDERMOTT, Congresswoman DONNA CHRISTENSEN, Leader PELOSI, and so many others. And I share this because I think it is important that society recognize that the history of this has been bipartisan because we kept our eye on the prize. We knew that we wanted to save lives and we wanted to see an AIDS-free generation, and so many people, so many Members of this body, so many outside organizations, and our staff have worked so hard to get us to this point.

So now, a decade later, I am especially proud, once again, to be a coauthor of the bill before us today. As I said, this is a bipartisan compromise, and in the end, I think we have a very good bill.

We agreed on the need to protect funding for HIV treatment and programs for orphans and vulnerable children. We agreed on the need to preserve support and extend the expired 33 percent cap on United States contributions to the Global Fund. This cap is a proven tool for leveraging donor funding and is especially important as the United States prepares to host the Fourth Replenishment Conference for the Global Fund next month.

Our bill also updates the annual report to better guide PEPFAR's transition toward greater country ownership while enhancing oversight. And I am especially pleased that we included reporting requirements on efforts to engage key stakeholders, including faith-based organizations and United States minority-serving institutions.

I can tell you, as a member of the Appropriations Committee, PEPFAR has transitioned from—and this is very important. And I want to thank Ranking Member ENGEL and Chairman ROYCE for helping us realize the need to transition from an emergency response to a means of supporting country leadership in their work towards an AIDS-free generation. So this bill will fundamentally help continue to move our programs in that direction.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. ENGEL. I yield an additional 30 seconds to the gentlewoman.

Ms. LEE of California. Thank you very much.

I want to thank Ambassador Goosby for his tremendous leadership, who actually lives in my congressional district in northern California, and also Dr. Mark Dybul, who now leads the Global Fund, and so many more.

PEPFAR has supported nearly 6 million people on lifesaving treatment, more than 11 million pregnant women who have received HIV testing and counseling, and 1 million babies born HIV-free this year. So this bill represents the real achievements that we can make when we put aside our differences and work together to achieve an AIDS-free generation.

Mr. ROYCE. I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, it is my great honor now to yield 1 minute to the gentlewoman from California (Ms. PELOSI), our Democratic leader who has, I think, done more than anyone else to fight for these things from almost the time that she came to Congress.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding and for his kind words.

It is just that I have been here such a long time, when I first came to Congress, the mere mention of the word ''AIDS'' on the floor was something I thought was the most natural thing to do but was something that some of my colleagues squirmed at. We have, indeed, come a long way from that time.

So today is a proud day as Democrats and Republicans come together to extend and reauthorize our efforts to fight the global HIV/AIDS and infectious diseases in the poorest countries around the world.

I thank Chairman ROYCE and Ranking Member ENGEL for working together to bring this important legislation to the floor today, and I thank Congresswoman BARBARA LEE for her unwavering leadership on these issues since day one that you came to the Congress. So many of our colleagues deserve recognition, and the gentlewoman has acknowledged some of them.

I will just add that this marks the 10th anniversary of the historic Tom Lantos and Henry Hyde U.S. Global Leadership Against AIDS, Tuberculosis, and Malaria Act. This legislation has been the foundation of the U.S. initiative to provide sustained constructive leadership in the global fight against AIDS.

The original PEPFAR authorizing legislation, followed by the excellent work of the Appropriations Committee over the last decade, has provided lifesaving antiretroviral treatment, care, and prevention for millions of people, especially focused on the most vulnerable infants and children.

I have traveled on this AIDS issue for a very long time in our country and abroad, and I have seen firsthand the difference that PEPFAR has made. I have been to clinics, as have my colleagues Mr. MCDERMOTT, Congresswoman LEE, the head of the Congressional Black Caucus Health Braintrust, Congresswoman CHRISTENSEN, as well as others who are here, and now newer Members, Messrs. HIMES and CICILLINE.

What was wonderful about it was we went to places where people were so poor and so desperate, but they were not so desperate that they were without hope. And PEPFAR gave them hope because, as they said, Originally we wouldn't even want anybody to know that we had AIDS. Why would we even be tested for AIDS? People found out that we had AIDS, but why would we even come to a clinic? What hope did we have?

Well, PEPFAR gave them hope. It gave them a path.

So today we know—and Congresswoman LEE mentioned some of the figures. Some bear repeating and some others I will mention:

Treatment for over 5 million people; antiretroviral drugs for 750,000 pregnant women living with HIV to prevent mother-to-child transmission of HIV averted 230,000 infant HIV infections in 2012 alone; HIV testing and counseling for almost 47 million people; and this

year, the 1 millionth baby will be born HIV-free because of PEPFAR support. That means a child that might have been born HIV-infected.

Congresswoman LEE mentioned that Dr. Goosby lives in her district. His parents and where he was raised is in my district. So we all take great pride in his work.

Over the years, we have made tremendous progress. First, with President Clinton, we increased the bilateral programs to fight HIV/AIDS, and we helped create, authorize, and fund the Global Fund. Then, under the leadership of President Bush—and this has to be a source of great pride for President Bush and an important part of his legacy—we established PEPFAR and provided the necessary funding to ramp up the emergency response to the crisis.

And I might add my thanks to Bono for the role that he played in, again, ramping up the resources and making sure the public understood, as did those of us in elected office and especially in the executive branch, where maybe this was a newer issue to them, that we needed to have the resources to make this happen. So thank you to Bono. Not only did he help us with the loan forgiveness to some of these same countries, but now to the alleviation of poverty, the eradication of disease. That is part of his agenda. And he worked with us to enhance our efforts.

President Obama has provided leadership as well and has strengthened those efforts and has boosted our investments to put us on the brink of an AIDS-free generation. President Obama also is to be commended for lifting the travel ban on those with HIV, enabling the International AIDS Conference to return to the United States in 2012.

I remember, as a brand-new Member attending the conference in 1987 when this ban was in existence, it was an embarrassment that scientists could not come here or people coming here with HIV/AIDS from whom we could learn and there could be scientific collaboration. Well, that was not allowed because of the travel ban. So thank you, President Obama, for lifting it so that we could have a truly scientific, truly comprehensive conference in 2012 in the United States, very proudly.

Today the Congress will pass legislation to extend our global AIDS investment. Even in these difficult fiscal times, we know that cutting back is a false economy that costs us more in the future. HIV/AIDS is still adapting, and so must we. It is a very resourceful virus. It just keeps finding ways, mutating and finding ways, and we have to be more resourceful in our fight against it.

I thank the authors of the legislation, to the chair and ranking minority member, for bringing the bill to the floor and adapting our policies to meet the continued challenges posed by AIDS, TB, malaria, and deadly diseases around the world. I am so pleased that we will probably have a unanimous vote on this important bill, and that is, indeed, an honor to be a part of.

Mr. ROYCE. I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I now yield 2 minutes to the gentleman from Rhode Island (Mr. CICILLINE), a very valued member of the Foreign Affairs Committee.

Mr. CICILLINE. I thank the gentleman for yielding, and I thank Chairman ROYCE, Ranking Member ENGEL, Leader PELOSI, and my colleague Congresswoman LEE for their strong leadership.

Mr. Speaker, as a longtime advocate for a strong government response to the HIV/AIDS public health crisis in my home State of Rhode Island and now as a member of the House Foreign Affairs Committee, I rise today to strongly support the President's Emergency Plan for AIDS Relief reauthorization.

This year, we mark the 10th anniversary of PEPFAR, which has always enjoyed broad bipartisan support. First, in 2003, there was bipartisan support for addressing this public health emergency; then, in 2008, in response to some progress, PEPFAR transitioned into a more sustainable program with greater country ownership.

Over the past decade, PEPFAR has significantly expanded access to antiretroviral therapy for those suffering from HIV and AIDS, which has led to a decrease in deaths from this devastating disease all around the world. We have made real progress because of PEPFAR, and we must remain vigilant and build upon this progress.

The fight is not over. According to the World Health Organization, to date, almost 70 million people have been infected with the HIV virus, and about 35 million have died of AIDS. It is critical that the United States continue to be a leader in an increasingly international effort to eradicate this disease.

Mr. Speaker, the role of the United States remains critical to combating the worldwide HIV/AIDS epidemic, and the PEPFAR Stewardship and Oversight Act is a necessary and commonsense piece of legislation. This bill extends vital authority and strengthens oversight of the PEPFAR program. Most importantly, the bill would also extend the expired 33 percent limitation on U.S. contributions to the Global Fund. This cap has proven to be an effective tool for leveraging funding from other donor countries.

Just 30 years ago, we knew almost nothing about HIV and AIDS, and we were not able to treat those who were suffering from this disease. To have made such progress since then is remarkable, and it is a real testament to what we can achieve when we work together in a bipartisan way.

I urge my colleagues to vote ''yes'' and to continue our efforts toward an AIDS-free generation which, for the first time, may be within our reach.

Mr. ROYCE. I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I now yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT), a classmate of mine.

(Mr. MCDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, I associate myself with all the remarks of my friends.

We have had a remarkable occurrence in my time in the Congress. This was once a death sentence. Today, we are on the verge of being able to produce an AIDS-free generation.

Now, it is great and we are always excited when we do something new and big and exciting, but maintaining and pushing forward to finish the project is really where we are. This bill will pass without a vote against it, I am quite sure. But the real question is: What do we put in the budget? Because if we don't maintain what is going on in the world today, we will lose. We will go backward.

□ 1700

It is like we have built a dike and we are holding back the sea. But the fact is if we don't have the drugs available when mothers deliver children and you do that intervention right at the appropriate time, you will not prevent the children from getting it. You will not be able to give the long-term care to the mothers as they raise these children.

In my view, that is really where we are.

This was the crowning achievement, I think, of the administration of George Bush. His starting this was a statement to the world that the United States cared about an epidemic that affected the entire face of the universe. And we have done a good job.

But I say this because I worry about the sequester. What does sequester mean to this? What will be the reductions? Because I am getting calls from my friends in South Africa, Zambia, Zimbabwe, Uganda, and Kenya, saying, How much money is there going to be next year? Will we be able to expand the program, keep it the same, or are we going to have to retrench?

That is what the world is watching as we face this upcoming vote on the budget.

I hope that we have as many votes for funding the program as we do for reauthorizing it here today in this bill.

Mr. ROYCE. I continue to reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from the Virgin Islands, Dr. DONNA CHRISTENSEN.

Mrs. CHRISTENSEN. I thank my colleague for yielding.

Mr. Speaker, I, too, rise today in strong support of H.R. 3177, the PEPFAR Stewardship and Oversight Act of 2013.

This year marks the 10th anniversary of PEPFAR, a program that has literally saved lives in Africa and other hard-hit nations around the globe. Thanks to PEPFAR, more than 5 million people have received HIV/AIDS

treatments; more than 46 million have received confidential HIV testing and counseling. In 2012 alone, 750,000 pregnant women living with HIV received antiretroviral drugs to prevent transmission to their babies.

This bill builds on the enormous strides that PEPFAR has made in its 10 years and bolsters oversight and reporting requirements. It also includes provisions that will expand international donor support, as well as continue to empower and enhance country ownership in health, thus promoting sustainability.

Mr. Speaker, more than 100 organizations, most of which are on the front lines fighting this pandemic throughout Asia, Africa, Middle East, the Caribbean, and other highly affected countries, strongly support this bill. Our HBCUs, who have an important role to play, have also been advocates for it.

I have visited PEPFAR programs in Africa and the Caribbean and seen their effectiveness firsthand. They save lives.

As a physician who practiced for more than 20 years before coming here, I know what happens when individuals who are at great risk for HIV infection do not get accurate testing, education, and counseling, or when those who are infected do not receive antiretroviral drugs. The outcome is disastrous.

As a Member representing a U.S. territory in the Caribbean—the world's second hardest hit region by HIV/AIDS—I cannot stress more strongly how vitally important our passing the PEPFAR Stewardship and Oversight Act of 2013 is today. The lives of millions of individuals in our global community who are currently battling HIV/AIDS depend upon it. The health and wellness of millions more who are at risk for infection but currently HIV-free depend on it.

We have not agreed on much that is health and health care-related as of late, but this is one bill that we can, and I am sure will, agree on. So I strongly urge all my colleagues to support H.R. 3177.

Mr. ROYCE. I continue to reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, may I ask how much time is remaining.

The SPEAKER pro tempore. The gentleman for New York has 4 minutes remaining.

Mr. ENGEL. I yield 2 minutes to the gentleman from Connecticut (Mr. HIMES).

Mr. HIMES. Mr. Speaker, I thank Mr. ENGEL for yielding.

I would like to thank the chairman and the ranking member of the Foreign Affairs Committee for the bipartisanship with which they led this bill and which I think we will accomplish some very good things tomorrow.

The figures around this program speak for themselves: the millions of lives saved, the orphanages which are no longer full, the many pregnant women who will not transmit a deadly virus to their children. These things speak for themselves.

Without question, PEPFAR and the Global Fund are two of the most effective foreign aid programs ever conceived in this Chamber. But Americans might ask in good faith, Why spend money in places like Africa, Asia, and in the Caribbean when the needs are so intense right here at home? And the answer to that question could not be clearer.

Africa and Asia, where PEPFAR and the Global Fund do the most good, are areas of great instability but of great promise, where countries like China are buying up commodities, are exerting their influence, and are throwing their weight around.

We have the opportunity through the continuation of programs such as PEPFAR and the Global Fund to win for generations the hearts and minds of people who will think back on American assistance as the reason that their family had continuity, as the reason that their country continued to develop.

So the question we are answering when we think about continuing these programs and our involvement and our taxpayer dollars should really be, Are we a country that offered the opportunity to continue to save lives? Will we do that? Do we want to save lives, if we can? Do we want to be known just for our economic and military strengths, or do we want to also be known as an unqualified force for good in this world?

I would say that at this point in our history our ability to say that it is not just about economic and military power, but it is about a quality of mercy that we all cherish. And this is a wonderful opportunity for us to say who we are by supporting this legislation.

Mr. ROYCE. I continue to reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I am very happy to yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, we can celebrate PEPFAR's 10 years of success in saving millions of lives by passing the bipartisan PEPFAR Stewardship and Oversight Act.

Nearly 6 million people are receiving life-sustaining anti-retroviral treatments and providing care and support to more than 4.5 million orphans and vulnerable children. That is PEPFAR.

This bill extends critical authorities and strengthens program oversight to ensure access to essential prevention and treatment services. Most importantly, this bill extends existing funding requirements for treatment of orphans and vulnerable children.

We have brought to the world a tipping point in the fight against AIDS, and I urge all my colleagues to vote ''yes'' on this very important bill. I thank my colleagues, like BARBARA LEE, who have supported and initiated this amazing help for saving millions of lives.

Mr. ROYCE. I continue to reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield myself the balance of my time.

In closing, let me just, again, say what I said at the outset. I want to thank Chairman ROYCE. I am really proud of this legislation. It is truly a bipartisan product.

We are doing something really, really good here today. We are doing something that we can be proud of today. We are saving lives, and we are showing once again that the United States is the most compassionate Nation on Earth. When all is said and done, isn't this really one of the greatest things that we can do?

So I urge my colleagues on both sides of the aisle to support this bill, and I yield back the balance of my time.

Mr. ROYCE. Mr. Speaker, I do think Mr. Eliot Engel of New York should feel proud about this bill. He is the original author of the House-passed version.

I would say that, in the interest of expediting this measure, we on the Foreign Affairs Committee worked, frankly, not only across party lines but across Chambers in order to draft legislation that preserves congressional prerogatives, that advances U.S. interests, and, as Eliot Engel said so succinctly, that saves lives. This bill does that. It achieves these objectives. We worked in tandem with the Senate on Mr. ENGEL's original draft to get this done.

This bill does not affect direct spending. It doesn't affect revenues. It does not create new programs or include major new policy provisions. I want the Members to understand that.

It is a streamlined, bipartisan measure that does extend critical PEPFAR authorities that expired, and it maintains the gains achieved through the 2008 reauthorization process.

Besides the leadership of Mr. ENGEL on this bill, I would like to recognize the work of Representatives Ros-Lehtinen and Lee to shape this measure, as well as efforts by our leadership to ensure that we do not miss this narrow window of opportunity to send this bill to the President's desk without further delay.

I would also share with our Members that it helps get us on a path towards graduating countries from assistance. It conditions and limits assistance to the Global Fund.

I urge my colleagues to support this bill, and I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I rise today in support of S. 1545, the PEPFAR Stewardship and Oversight Act. Since its establishment in 2003, the U.S. President's Emergency Plan for AIDS Relief, known as PEPFAR, has become arguably the most effective global health program that the U.S. government has ever administered. Already, nearly 15 million AIDS victims have been served; let us not stop there.

The HIV/AIDS epidemic threatened to eliminate an entire generation in Africa. Economies were threatened and health care systems were wholly unequipped to handle the magnitude of the epidemic. Through PEPFAR, the

U.S. government and its local partners provided diagnostic testing, administered antiretroviral treatment (ART), and expanded HIV/AIDS programs to lower the rate of transmission. These efforts achieved significant success. This year the millionth HIV-free baby was born due to PEPFAR-supported prevention of mother-to-child transmission. In 13 countries, the rate of infection is below the increasing rate of adults requiring treatment. Now we can finally work toward an AIDS-free generation.

S. 1545 extends our commitment to PEPFAR and the U.N. Global Fund through 2018. It maintains the 10 percent funding requirement for orphans and vulnerable children, and at least 51 percent for treatment programs. This bill does not address the changing priorities in the second phase of PEPFAR, giving PEPFAR the bandwidth to strengthen health systems, explore public-private partnerships, and increase country ownership.

Local partnership and ownership is essential to the sustainability of PEPFAR's programs. This partnership has already begun; the effects can be seen in broader administration of medical services, though the parallel expansion of social services for the HIV community has lagged. The continuation of the 33 percent funding cap for the U.N. Global Fund ensures local partnership to address such problems.

One of the most notable changes to this legislation is its increase in oversight. I look forward to receiving the annual, joint oversight and auditing plans that will be developed by the Inspectors General of the Department of State, USAID, and HHS, thus increasing Congressional oversight as well. It will include perpatient cost studies and analysis of the shift toward greater country ownership. PEPFAR is no longer a start-up program, and the oversight associated with its shift toward long-term sustainability must be adjusted accordingly.

Yesterday, the Senate passed this bill with unanimous consent. It is our turn to do the same.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of S. 1545, The President's Emergency Plan for AIDS Relief Stewardship and Oversight Act (PEPFAR). Eleven years ago, as the Chair of the Congressional Black Caucus, I initiated PEPFAR talks with President George Bush to discuss the necessity of an international response to the HIV/AIDS pandemic. President Bush helped make a $15 billion commitment to worldwide AIDS relief.

Not only has PEPFAR driven down the cost of commodities, it has seen real success targeting each country's specific epidemic by coordinating resources within numerous AIDS responses.

PEPFAR is a vital emergency response and it has been able to transition to long-term sustainability through country ownership. This bill not only strengthens all that PEPFAR has achieved, it extends critical oversight and authority in order to continue its success.

While PEPFAR has been a major accomplishment, we must continue to support its efforts. The U.S. investment in the Global Fund is key to the success of PEPFAR.

Our contributions have not only secured resources but also helped to increase coverage of health services and saved millions of lives. I urge my colleagues to vote in favor of S. 1545 and continue to support this critical program.

The SPEAKER pro tempore (Mr. WENSTRUP). The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the bill, S. 1545.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## REPUBLICAN SOLUTIONS TO HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Indiana (Mr. MESSER) is recognized for 60 minutes as the designee of the majority leader.

Mr. MESSER. Mr. Speaker, I rise today for an important Special Order—this time, to focus on Republican solutions to our national health care crisis.

The President's health care law has hurt more people than it has helped. Taxes are going up, premiums are rising to unaffordable levels, workers' hours are being cut, and people are losing the plans they like. After more than $500 million spent, the Web site doesn't even work. The truth is that, despite all these problems, the American people needed genuine health care reform before President Obama signed his signature law—and we still do.

The American people deserve an alternative to the failures of the President's health care law, and we have one: The Affordable Health Care Reform Act. This important bill replaces the President's health care law with patient-centered reforms that genuinely lower costs while keeping you in charge of your health care.

I have a few colleagues with me here today to join in this conversation. I certainly would like to start by yielding to Congressman BARTON.

Thank you for your leadership on this important issue.

Mr. BARTON. Thank you. I want to recognize your leadership on the Republican Study Committee and the Health Task Force on preparing the legislation that you just referred to.

I am the past chairman of the Energy and Commerce Committee, the past ranking member of that committee; and when the Affordable Care Act came through the Congress, I was the senior Republican on the committee of jurisdiction.

□ 1715

I don't want to tell you and the American people that I told you so, but I told you so. We knew that this wasn't going to work.

For example, we had a hearing today about the Affordable Care Act in the Energy and Commerce Subcommittee on Oversight and Investigations. It was focusing on the security of the Web site and on all of the problems and when the administration knew about those problems and what they did or didn't do. In the course of that hearing, Congressman CORY GARDNER of Colorado was asking the senior civil servant, Mr. Chao from CMS, some questions.

The gentleman from CMS just kind of, off the cuff, said, You know that 60 to 70 percent of the programs haven't been developed yet.

Congressman GARDNER followed up and said, What are you talking about?

He said, All we are working on right now is the Web site to get people registered. We haven't completed that portion of the program about billing, that portion about accounting for treatment, how we interact with the hospitals and the patients and the doctors. Basically, 60 to 70 percent of the system has not been programmed yet.

Mr. MESSER. Unbelievable.

Mr. BARTON. Can you imagine that, if we are having the horrendous problems we are having on just getting people interacted with making choices of which kind of coverage they are going to choose, the problems you are going to have when you actually begin to have to use the system for real health care in January?

So I and, I think, you and the other members of the Republican Study Committee task force on health, who helped prepare the legislation that you are talking about, are going to begin to push to delay the Affordable Care Act.

I have a bill, H.R. 3348, that makes it voluntary the first year in that we are not going to impose the individual mandate on people. The President has already delayed the employer mandate for a year. My bill, H.R. 3348, would delay the individual mandate so that, as we work through all of the problems, people can choose to participate or can choose not to participate.

I think it is becoming more apparent every day that the Affordable Care Act is like that shiny automobile that you see when you go into the showroom or go to the car lot. You see it, and the salesman says, Man, this thing is great. It gets 30 miles a gallon. It doesn't use much oil. Everything is power steering, and it has air-conditioning and a great stereo system. So you put down your down payment, and you take it out on the road. Son of a gun. The thing doesn't go above 50. It burns oil like it is going out of style. The air-conditioning doesn't work. The stereo system barely works. It is just a lemon.

The Affordable Care Act is a lemon, and the American people and the Democrats on the other side of the aisle who voted for it are having buyer's remorse.

So what we need to do is to delay it or to repeal it or to at least make it voluntary. Then let's look at some of these alternatives like the legislation that we put into play in which we give people real choices. It is a patient-centered, client-centered system. We allow insurance to be sold across State lines. We beef up affordable savings accounts, Health Savings Accounts. We do cover preexisting conditions, which I know you will talk about later on, but we do

it with a high-risk pool on a State-by-State basis.

The Democrats have told us time after time in the general debate that you Republicans are against the Affordable Care Act, but you don't have an alternative.

We have an alternative, and I think it is a good alternative. I am a sponsor of the legislation, and I am here to support you in this Special Order. As we go through and outline what is in it, I think the American people and the other Members of the House who are watching these proceedings—more and more of them—will say, We don't like that lemon that we have. Maybe we ought to go back, and maybe we ought to start over. Maybe some of these ideas in the alternative we should take a serious look at.

So I commend you for your work on the legislation, and I also commend you for leading this Special Order this evening.

Mr. MESSER. Thank you. Once again, I appreciate the gentleman's leadership. I appreciate your longstanding leadership on this important issue and your longtime leadership in Texas as well.

As you have said, nobody wants to say, ''I told you so,'' but, unfortunately, what has unfolded in the most recent weeks and months is exactly what was predicted by folks on your committee and elsewhere because you could see from the beginning that the bill was fundamentally flawed and just didn't work.

I want to cite to this Chamber the number 701. According to the Department of Health and Human Services, that is the number of Hoosiers who have successfully signed up for health insurance on the Affordable Care Act exchanges. Indiana isn't alone. States across the country are experiencing dismal enrollment numbers. What is worse is that millions of Americans, including 108,000 Hoosiers, are getting policy cancelation notices from their health insurance companies. These notices are coming at a faster rate than people are able to sign up for the health care plans under the President's health care bill.

The President called a press conference once again last week to announce to the American people that, if you like your health care plan, you can keep it. The problem is, no matter how many times the President makes that promise, the promise still isn't true. Saying the promise over and over again doesn't magically make it true.

One of my constituents, Michael Sturgis of Greensburg, called to let me know that he received a cancelation letter from his insurance company. He was told his monthly premium was going to increase from $397 a month to $831 a month—an almost $500 increase per month. His $5,000 deductible will now go up to $7,300. So he is spending more money for a plan that gives him less.

This is unacceptable, and it is certainly not affordable. That is why we need to pass the American Health Care Reform Act. It is so people like Michael and the millions of Americans like him all across this country can remain in charge of their own health care.

Now I would like to yield to a colleague of mine, another person who has shown great leadership on this important issue and who is a close personal friend of mine as well, the gentleman from North Carolina (Mr. MEADOWS).

Mr. MEADOWS. I thank the gentleman. I thank, more importantly, his heart on representing the people of the great State of Indiana and on the fact that he is concerned on a daily basis. We have had conversations a number of times on not only how this health care law is affecting families but, truly, on how we must find a way to work together in a bipartisan way to stop the harmful effects on those men and women whom we call neighbors, friends, and constituents. So I thank the gentleman for yielding.

Americans across the country are already feeling the impacts of ObamaCare, and many of them are fearful of what lies ahead. I know, in my State alone, we have had over 473,000 people who have lost their health care coverage due to cancelations because of ObamaCare. They keep asking, What is coming next? What is the next thing? Whether it is a Web site that doesn't work, whether it is the cancelation of policies, whether it is security concerns over the Web site that are existing, they are all concerned.

I held a town hall meeting last night, and 85 percent of the callers' questions were related to ObamaCare. I don't think we have ever seen it so overwhelmingly lopsided in terms of one issue. Yet it was all about families, and for me, it was the families of western North Carolina.

I had veterans asking me, Does this mean that I am going to lose my health care coverage? Is TRICARE going to be sucked into ObamaCare? Even though we have had promises to the contrary, we know that there is a real move afoot to minimize and to bring it down. So our commitment to our veterans is one that has to stay strong, and we have to be committed to that. I know that you agree with me on that particular issue.

There was a wife who was worried about how she and her husband were going to be able to afford the premiums because their premiums had tripled. They said, We just don't know how we are going to be able to afford it. Then I had a business owner who employs, he said, between 26 and 28 people. He said, I am not sure how we are going to be able to continue to provide health care coverage as premiums escalate. It is all about trying to make sure that I keep them gainfully employed, and now I am having to try to figure out how we pay for these premiums that have increased.

These are real people. This is not politics. They have faces and names, and we have got to address it.

People across the country have become gravely concerned. A recent poll showed more than 58 percent of the people believe that ObamaCare is not ready for prime time. In spite of this overwhelming stress over ObamaCare, the one question I continue to hear is: What is your solution?

Many of the Democrats have claimed that Republicans only want to repeal the law rather than to try to fix it, but I can tell you that that is not the case because, even in this Congress, Republicans have offered over 102 bills to fix some of the problems with the Affordable Care Act while the Democrats have only offered 17 solutions.

Now, last week, we passed one of those solutions, the Keep Your Health Plan Act, to make sure that if you like your health care plan that you can keep it, but much more needs to be done. The American Health Care Reform Act, which you were talking about, now has over 102 cosponsors. It is a comprehensive solution that was put forth by House Republicans to address the serious problems that we have in our Nation's health care system.

It is a multifaceted piece of legislation that provides an array of reforms and lower costs, which is something that the current bill really doesn't do. We talk about affordable care, but it hasn't really been lowering the costs. This is one that keeps it patient-centered and makes sure that health care is a decision between the doctor and the patient, not between the government and the patient. It provides those tax reforms for families and companies, and it levels the playing field in providing for health care for all Americans. It fully repeals the President's health care law. It eliminates billions in taxes and thousands of pages of unworkable regulations and mandates that we have already seen, and we are only now starting to find out what the implications are. It spurs competition to lower health care costs as we know that competition will do that. Yet it allows for the purchase of health insurance across State lines, enabling small businesses to kind of pool together in order to lower those health care costs, but it is really about reforming what we are seeing.

It reforms medical malpractice laws in a commonsense way that limits trial lawyers' fees, but yet, at the same time, it does not diminish the protection for our patients if something were to go wrong. It expands Health Savings Accounts so that they can use pretax dollars to provide for their health care expenses.

Ultimately, it is a safeguard. It safeguards us against those preexisting conditions. I know you have heard from your constituents, as I have from mine, that one of the good things about the Affordable Care Act is it makes sure those preexisting conditions are

covered. This does the same thing. It makes sure that they are protected. Yet, at the same time, it makes sure that those high-risk pools are extended and guaranteed that availability—a protection that many Americans depend on and need.

I just want to thank you for your leadership on this particular issue. I believe it is time we worked together in a bipartisan way to fix this problem piece of legislation. We have put forth a proposal, and I urge my colleagues across the aisle to join us. I thank you for your leadership in highlighting this this evening.

Mr. MESSER. Thank you. I certainly appreciate the gentleman and his leadership. I am sure you have been asked by many, both privately and publicly, the same thing that I have been asked, which is: Aren't you just really rooting for ObamaCare to fail?

□ 1730

The comment I make every time I am asked that question is, no, I am rooting for the millions of Americans who are now being harmed by this bill. All the moms and dads that are worried about whether they are going to have insurance that had it before. The people who were promised things, that they would suddenly magically have insurance, and now they are not getting it.

In the areas across the country where there were promises that rates would go down and now rates are going up, those folks now are caught at this point. I do think we have a responsibility. You and I both know, anybody that has been following here, we were opposed to ObamaCare and led efforts, along with many others, to try to make sure that we didn't have it.

We also have always recognized that the status quo wasn't acceptable in health care either. That while we had a lot of great things in our system—certainly some of the best health care treatment in the world—we had a program that was unaffordable and rates were going up.

We have free enterprise-based, patient center-based solutions that can make a difference.

I appreciate your leadership and highlighting this.

Mr. MEADOWS. You are absolutely right. I know that I have got physicians in North Carolina that are looking at retiring because of dealing with the bureaucracy of this new law. We have got hospitals who thought it was going to be a great advantage to them in covering those costs that are now looking and saying, well, the implementation of it is really—what we were promised and what we are getting may not be exactly the same.

We need to make sure that we right this ship, that we do what is right.

I am honored to be able to cosponsor this legislation with you and look forward to your leadership, and I thank you.

Mr. MESSER. Thank you very much.

For months, the President has unilaterally enacted modifications, repeals, and delays to his own law, yet none of those so-called ''fixes'' have fixed this flawed law. Health care costs have continued to skyrocket. This is a huge burden on employers, individuals, and families.

The American Health Care Reform Act will drive down the cost of health care through increased competition, individuals will be able to purchase health insurance across State lines and, as my colleague highlighted, businesses can pool together to get the same buying power as large corporations.

Under the American Health Care Reform Act, families will have the flexibility to pick the coverage that best fits their needs. When people are in charge of their own health care, they become better consumers, which will encourage competition in the health care market. Real savings will only happen when people, not Washington bureaucrats, are in charge of their own health care.

Next up, I would like to highlight a real leader on this important issue of providing an alternative to the failed programs of the President's health care law, my friend and colleague from Louisiana, the chairman of the Republican Study Committee, Mr. SCALISE. Great to have you here.

Mr. SCALISE. I want to thank my friend and colleague, Mr. MESSER from Indiana, for yielding and for your leadership in talking about this here on the House floor.

I think a lot of us over the last few years that this law has been on the books, while we have been pointing out all of the many problems that it is creating for families, we predicted, unfortunately, we saw this coming. This ''train wreck,'' as it was called by the lead sponsor in the Senate who rammed the bill through, he called it a train wreck recently because he finally acknowledged how devastating this would be. Of course, the President, we all remember that promise that was repeated time and time again: If you like what you have, you can keep it. Something we all embrace.

Of course, I knew, you knew, so many of us knew, I think even the President knew, unfortunately, when he was making that promise time and time again for the last 3 years, that that promise could not be kept under the President's health care law; just with all the mandates, all the unworkable taxes and mandates and these government bureaucrats that come between patients and doctors and get in the middle of health care, and IRS agents coming with the hammer to enforce this law.

We all knew. We saw that there would be no way people would be able to keep the health care that they liked. While we repeated it many times, it wasn't real until recently when millions—millions—of families started getting cancelation notices, losing the good health care that they have today and enjoy.

I have gotten letters from so many of my constituents. We reached out through social media with Facebook and Twitter and Share with Steve and asked for their stories. I remember Shaun from Covington who said, I am losing the good health care I have.

I posed the question to Secretary Sebelius at a hearing. I said, here is a guy in my district, we are hearing this over and over again, he is losing his health care, what do you tell him? She said, well, just go in the marketplace. Of course this is the Web site that doesn't work that spent over $500 million of taxpayer money. Not one person has been held accountable, by the way, for that failure.

As we point out all these failures, we also said there is a better way. We as conservatives stepped forward and said, we ought to put down on paper the things we stand for: market-driven, consumer-patient oriented health care reforms that actually lower costs, that will actually increase access. We put it together in a bill called the American Health Care Reform Act, H.R. 3121, a bill anybody can go look up and read. In fact, a bill that is less than 200 pages long with all the great reforms in it. Of course, comparing and contrasting that to the President's health care law with over 2,700 pages, all these unworkable mandates.

What the bill does is just basic commonsense reforms that should have been done years ago. We, of course, as you mentioned, allow people to buy across State lines. People in America, probably some of the best consumers in the world, with the Internet with so many options, people go online every day and find good products for their family. They don't care where that product is from. If it is good for their family, they are going to buy it.

With health care you really can't do that. You don't really have that opportunity. The health care law has taken those options away from families. So we say, let's empower people again, let's put patients back in charge of their health care decisions.

I am from Louisiana. If I find a better deal for my family in the State of Maryland, I can go buy that plan. I should be able to buy that plan. Right now I really can't. Yet you do that with car insurance and so many other products. You are able to buy across State lines, and it gives you opportunities.

We do so many other things to make sure people with preexisting conditions can't be discriminated against, allowing small businesses to pull together.

Again, this is a bill that has been put together by conservatives in the House. In fact, a number of medical doctors, actual medical doctors, people with real world experience in health care, helped draft this bill and, ultimately, we brought it forward and we have over 100 cosponsors.

So I think the momentum is building as the President's law just continues to

collapse and, frankly, the President's credibility collapses with it. People I think are looking for that better way, and we have it with the American Health Care Reform Act.

Again, I thank the gentleman from Indiana for his leadership, and I yield back.

Mr. MESSER. I certainly appreciate the gentleman from Louisiana and his leadership. I know you were quoted over the weekend on FOX News by George Will describing the tragic circumstances that most Americans see themselves in, those that have lost their health care plan. I would like you to expand on that just a little bit, if you don't mind.

Mr. SCALISE. Sure. One of the things we have heard so much from this administration about health care as they have referred to people's plans, good plans, they refer to many of them as ''lousy'' plans. I have been in hearings where we have had Obama administration officials, in fact the President himself goes around chastising people and saying, you might be losing your plan, but it probably wasn't that good of a plan anyway.

Who is it for some Washington politician to tell somebody, and in Covington, Louisiana, as a constituent of mine, Shaun, said, who is it for the President to say that Shaun's plan was lousy when Shaun liked his plan? The President's promise was not, ''If Barack Obama likes what you have, you can keep it.'' The promise was, ''If you like what you have, you can keep it.'' No Washington politician or bureaucrat or IRS agent should be able to take that away from you.

Yet, as that was happening and they are berating people saying, your plan wasn't that good, it was a lousy plan, I said it is kind of like a guy who burns down your house and then he shows up with an empty bucket of water and then he sits there and gives you a lecture on how bad and lousy your house was before the fire. All you want is your house back. You didn't want somebody to burn it down in the first place.

People just want their good health care. They sure don't want to be lectured by some bureaucrat or politician in Washington saying, hey, your plan really wasn't that good because I don't think it was that good; when, in fact, the person back home is saying, I thought it was good, it was good for my family, my doctor can go see my kids, and I want to continue that relationship with my doctor, and they are about to lose it. They are losing it with these Washington politicians who helped ram this bill through.

That is why I think, as the President's health care law collapses on all the weight of these unworkable mandates and taxes, we need to put up an alternative, and we have an alternative called a better way—the American Health Care Reform Act.

We want to help bail those people out with a real bucket of water and a real relief sign that there is something that we are doing, not only to point out how bad the law is—they are seeing it play out every day—but also how we can actually fix the problems that are becoming even worse because of this law.

Mr. MESSER. Again, I thank the gentleman. Thank you for your leadership.

As we have talked about before, the American people needed health care reform before the disaster of ObamaCare rolled out. Obviously, we need it now more than ever given the failings of recent days. H.R. 3121, the American Health Care Reform Act, is an answer.

There are several principles upon which we should all be able to agree when it comes to genuine health care reform.

First, patients should not be denied health insurance because of preexisting conditions.

Second, any Federal policy changes must be designed to drive costs down, not up, as we have seen under the so-called Affordable Care Act.

Third, you should be able to keep your health care plan if you like it. I agree with former President Bill Clinton when he has said that, given that very clear promise that was made by President Obama on behalf of the Federal Government to the American people, we need to pass legislation—we have already passed a bill in the House—but we need to pass legislation that makes sure that promise is kept.

Fourth, we need commonsense medical liability reform that puts an end to the expensive system of defensive medicine that we have now.

Health care decisions should be left up to you and your doctor, not Washington bureaucrats.

The American Health Care Reform Act is centered on these five principles.

Frivolous lawsuits are driving up health care costs and forcing good doctors out of the medical field. The American Health Care Reform Act improves medical liability law. Frankly, Indiana has been a leader in this area because of leadership from former Governor ''Doc'' Bowen, a physician back in the 1960s. The Indiana medical malpractice reform approach would be a great Federal model, and its principles from that plan is a part of H.R. 3121, which we are talking about today.

We need improved medical liability law that allows doctors to continue practicing medicine without fear of excessive and unfair penalties.

I also would like to talk to you a little bit about the importance of medical savings accounts. Fellow Hoosier Pat Rooney is known as the ''father of health savings accounts'' from his work as the president and CEO of Golden Rule. They were established in 2003 while Pat Rooney was the chairman of the Golden Rule Insurance Company. Pat believed people should own their own health care.

Health savings accounts have proven to be a useful tool for individuals and families while navigating the health care system. Our plan, H.R. 3121, expands health savings accounts and enhances their performance by increasing the cap on contributions and expanding the allowable uses of health savings account funds. This gives people more control over how they spend their health care dollars and allows them to invest pretax dollars toward their future health care needs.

Mr. Speaker, no one doubts that real reform is needed, but there are two distinct visions for the future of health care in our Nation.

The President's plan expands the Federal Government's role in health care, raises taxes, and imposes unfair and unworkable mandates on the American people. Our plan, H.R. 3121, the American Health Care Reform Act, puts people in charge of their own health care. It encourages competition to lower costs and expand coverage.

American families, businesses, and individuals deserve real solutions to the very serious problems that exist in health care in America today. The American Health Care Reform Act provides a path to true reform.

Mr. Speaker, I yield back the balance of my time.

□ 1745

## DEVASTATING TORNADO HITS ILLINOIS

(Mrs. BUSTOS asked and was given permission to address the House for 1 minute.)

Mrs. BUSTOS. Mr. Speaker, I rise today to talk about the devastating tornado that hit my region of Illinois this past Sunday.

The tornado, which has been classified as an EF–4, hit speeds of up to 190 miles per hour. The city of Pekin in my district was especially hard hit. More than 200 structures in this city of 35,000 people were damaged, and 75 homes were left uninhabitable. Many people lost not only their homes, but all their possessions.

To give just one personal story, Gary and Selena Cleer were in church on Sunday when the tornado hit. They took shelter with the rest of the congregation in the hallway. Finally, when they were able to drive safely back home, they didn't even recognize their house. Much of their roof was gone. Their garage had been torn away, and their battered car lay amid rubble.

Illinoisans are generous and compassionate people, as well as being resilient and hard working. I have no doubt we will recover from the storm, but this type of disaster could happen anywhere.

As we continue to debate the issues of the day, I call on all of us to keep in mind the people who have been hit hard by natural disasters. We owe it to them to be there for them in their time of need.

## BUILDING INFRASTRUCTURE CREATES JOBS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, thank you very much for this opportunity. At least once a week we come before the House to talk about jobs, that little four-letter word that is so important on everybody's mind—can I get a job, will I have a job, what does it take to get a job in America. We still have far too high unemployment, and we still have a great need to ensure that our jobs produce the kinds of wages and opportunities that Americans really want. They want to be able to buy a home, have a car, raise their families, provide the necessities, and see their kids get a great education and opportunity.

We have a long way to go. We have come a long way, but we still have a long way to go. One of the critical ways that America can and must build jobs is build the infrastructure, to make sure that those foundations of the economy will grow, upon which cities will be built, those things that allow us to prosper, the critical investments. In this case, the physical investments are the issue that we are going to talk about today.

We have an opportunity. Beginning tomorrow, a conference committee will be formed here in the Capitol made up of Senators, Republican and Democrat, and Members of the House of Representatives, both Republican and Democrat, sitting down together. Oh, yeah, together, actually at the same table, tomorrow morning, 9:30, to beginning a conference committee on the Water Resources Reform and Development Act, otherwise known as WRRDA. If you are around here long enough, you know what that means, but I guess the rest of the world really needs to know it is the Water Resources Reform and Development Act.

And so 13 million jobs, 13 million jobs in America depend upon how well that conference committee does its work. The House of Representatives a few weeks back put out its version of the bill. The Senate did several months ago. Senator BARBARA BOXER from the State of California, my colleague, will be chairing that committee. We have work to do. We have the task of making sure that 13 million American jobs that depend upon the Water Resources Reform and Development Act will be secure. It is a big one.

So what is involved in the Water Resources Reform and Development Act? Well, how about this: 99 percent of America's international trade travels through our ports and waterways. That is a big number. I suppose there is some 1 percent that travels on airplanes, and those are probably very high-ticket, high-priced items. But if you are talking about the great, almost the entire, majority of America's work, that goes through our ports and waterways. This is what the Water Resources Reform and Development Act is all about. It is about our ports, the great ports of America. It is about the waterways of America. It is about the locks and the dams on the rivers.

Let me put this up for just a second. This is an interesting map. I don't know if many Americans have really considered the map of the United States and the waters of the United States. Obviously, the coastline, we don't have Alaska on this map, but it should be there also. The great coasts, the east coast, the gulf coast, the Pacific coast, and of course on and around Alaska. That is not all. Each of these rivers also is a waterway upon which commerce flows; and tomorrow, with the conference committee for the WRRDA bill, we will be discussing how to make these rivers more attuned to the environment and to commerce.

On the great Mississippi River, the Missouri, the Ohio, and the Illinois Rivers and all the way up into Wisconsin, an enormous amount of America's commerce flows along those rivers. And joining me in just a moment will be Representative BILL ENYART from the State of Illinois, and he will be talking about some of these issues as they relate to that part of the world. But this great river system in the central part of America is a major highway. There are interstate roads, to be sure, and there are local and county roads, but most of them feed into this great system that moves up and down the Mississippi River. The Water Resources Reform and Development Act is all about that. It is all about that commerce on that great river and about whether the locks and the levees that are on that river are adequate to meet the needs of commerce and the needs of public protection.

For those of us on the west coast and the east coast and even into the gulf, it is about the ports. It is about the ports of America and whether those ports are adequate for the commerce that we need to have. So when you happen to go by a port and you see one of these tied up at the dock, you can think about the American economy and about 99 percent of the international trade that goes in and out of our ports. It is a big deal. It is a very, very big deal, and most of America's ports are antiquated. The shoals, that is the mud and sand at the bottom of the ports, have been accreted, that is, built up over the last several years; and it needs constant dredging. And so part of what we will be dealing with at the WRRDA conference committee is the dredging of the ports and quite possibly the shore side, what is going on there.

These are subjects that we will come to in the next few minutes as we talk more about how we can build jobs in America and simultaneously build the American economy by building the great infrastructure.

One more issue I want to put up here before I call on Mr. ENYART is this one. You see all of these rivers here; they are critically important. They are critically important for commerce and trade and obviously water and agriculture and all the rest. But sometimes—virtually every year—they are also a major problem for America.

This happens to be a picture of a levee break on the Sacramento River system. I happen to represent 200 miles of the Sacramento River. This break is all too common across America; and so the Water Resources Reform and Development Act, which will be up tomorrow in the conference committee—it is not going to be finished but at least it will make some progress toward completion—will deal with the levees.

The Army Corps of Engineers is the responsible Federal agency for the maintenance of the rivers, for the waters of America, whether they are in the rivers or along the shore. They are responsible for the ports, that is, for the maintenance of the ports, not the ports themselves. And in my district, the Army Corps of Engineers plays a major role in public safety because it is their responsibility to make sure that these levees are adequate to the challenge of a flood. When those levees are not adequate, great damage is done across America. It is approximately $22.3 billion of annual unspent American treasure that is still in the pockets of America and the governments of America when these levees work. When they fail, it is a huge expense—floods, flood damage, and the like.

I would like now to call on the gentleman from Illinois (Mr. ENYART) to share with us his view of the necessity for the Water Resources Reform and Development Act and the way it protects and helps his district.

Mr. ENYART. I thank the gentleman from California for this time to speak about the importance of the Water Resources Reform and Development Act.

Mr. GARAMENDI was talking about the coast, the east coast and the west coast and the great coastlines of our Nation. I always like to tell folks out here that I represent the west coast of Illinois. I always get a strange look when I say that, and sometimes a chuckle. But I represent the westernmost counties of Illinois, the river counties, reaching from Alton, Illinois, just north of St. Louis, all the way to Cairo, the very southern tip of Illinois. That piece of Illinois encompasses the great maritime highway that is the economic backbone of our inland agriculture industry, indeed, all of our inland industries.

Just north of my district, the Illinois River, which transits from the Mississippi up to the Great Lakes, flows into the Mississippi. Directly across from my district, the Missouri River feeds into the Mississippi; and then as you go downstream, the Mississippi and the Ohio converge at the very southern tip at Cairo, Illinois.

So we understand in southern Illinois the importance of these river systems. We understand the importance of port

authorities. Port authorities aren't just limited to Los Angeles and New York and the east coast and the west coast or the gulf coast, but they are very important to our inland maritime industry also.

Back when I served as the adjunct general or the commanding general of the Illinois National Guard, I had the unfortunate problem of dealing with floods on the Mississippi and on the Ohio. Back when I was a young officer, we had the terrible flood of 1993. We had the flood of 2008 and then the flood of 2011. And then just last winter, we had the terrible drought that wound up dropping the river levels in the Mississippi so low that it nearly stopped navigation on the river. So we need to work on this infrastructure for the three reasons that I ran for Congress. When I ran for Congress, I said I ran for jobs, jobs, and jobs. And that is what this is about.

When the rivers started drying up and when that drought hit and those barges couldn't transit the Mississippi and were having to go up and down the Mississippi with significantly lighter loads, it did several things to impact our economy. First, the barges couldn't transport nearly as much corn or as much soybeans; and at one point, the world's corn supply was down to less than 30 days, 30 days for the entire world. The world needed that corn from Illinois and from Iowa, the Dakotas and Missouri. That corn gets shipped on the Mississippi River and the Missouri River. When that river was drying up, that corn didn't flow.

□ 1800

Coming upstream is the oil that goes into the refineries at Wood River, Illinois, the steel that gets processed at the steel mills in Alton, Illinois, and Granite City, Illinois, and the fertilizer that goes on the fields throughout southern and central Illinois.

There are several provisions in this bill that have passed through the Senate that we think need to be added to the House bill that would help those navigation requirements on the Mississippi River.

Additionally, we have provisions in the bill that, as Mr. GARAMENDI talked about, would improve the levee system. The levee system is critical not only throughout my district, but, indeed, up and down the rivers because of the problems with flood insurance. I have families who have lived for generations in homes located near the Mississippi River and other contributory rivers who, because of the potential rise in flood insurance rates, will be unable to afford to pay the insurance and unable to sell their homes, to relocate as necessary. We need to improve those levees.

By the way, while we are improving those levees, what are we doing? We are putting people to work.

This bill is supported by multiple groups throughout our Nation. It is truly a bipartisan bill. It passed the House 417–3 and the Senate by a vote of 84–14. You can't get much more bipartisan than that.

Let's look at the supporters of this bill. Labor supports the bill because they understand the importance of these jobs, and they understand the importance of maritime industry along that river. The Chamber of Commerce supports this bill. The National Association of Manufacturers, the American Farm Bureau, the Illinois Farm Bureau all support this bill because it is important to all of those industries and to all of those jobs. It is not just the local economy of southern Illinois. It is the regional economy, the national economy, and, indeed, even the world economy.

Remember when I was talking about when the world's corn supply was down to less than 30 days. If we can't ship corn from Illinois and Iowa and the Midwest and out to the world, we will have a very serious food problem.

The bill provides provisions for the Corps of Engineers to maintain navigation on the river, to improve the navigation aids that were virtually useless during the drought. Some of those navigation aids are simply lines painted on bridges. Those are navigation aids that date back to the 19th century, back to Mark Twain. Today I think we can do a little bit better than painting lines on bridge abutments to provide navigation aids for our maritime industry.

Additionally, the Corps, at this point, is restricted to working in the 300-foot congressionally mandated channels. So 300 feet going down the river the barges transit through is the only place the Corps is allowed to work. This bill would give the Corps more authorities to work outside that channel to ensure that we have safe navigation for those barges filled with oil and with fertilizer and other industrial materials.

The bill would also provide for a Greater Mississippi River Basin extreme weather management study. Today, we don't understand how the river system operates, and we don't treat it as a system. When you look at that map that Mr. GARAMENDI showed you of the river system, you see an entire system. You see the Mississippi, the Ohio, the Missouri, the Illinois. Those aren't separate entities. But today, in the law, we treat them as separate entities. The Missouri River is governed under completely different legislation than the Mississippi River is. And the Corps of Engineers, even if everybody agreed, couldn't release water from those Missouri River dams down into the Mississippi River to help the navigation because they didn't have the authorities to do so. That doesn't make a whole lot of sense, and I think we need a commonsense solution to that: we treat the entire system as it is, indeed, a system.

Another issue that we need to consider is the locks and dams. Many of those locks and dams are 70 years old. They are in need of maintenance. They are in need of improvement. Those locks and dams, many of them are only 600 feet, and for efficiencies they need to be 1,200 feet in order to get the barge tows through. That will do several things. It will help the economy by lessening shipping costs, by making the cost of transportation for that corn, for that fertilizer, for that oil that gets refined into gasoline, dropping those transportation costs, making it less expensive to process and to buy.

It would also be good for the environment, because by using bigger tows, you are burning less fuel to ship the same amount of goods. Shipping by barge in the inland waterways is by far the most fuel efficient method of transportation compared to either rail or trucking.

Clearly, for all of those reasons, we need to get this bill passed. We need it for my three issues: jobs, job, and jobs, for southern Illinois, for the region, for the Nation.

Mr. GARAMENDI. Thank you very much. Sometimes I want to call you Congressman, and sometimes I want to call you General. Always we are going to say that you really know the Mississippi. You served there in the National Guard, providing the protection to the people, and to have a very good sense of what is necessary in that part of Illinois and beyond.

As you were talking about the issues of moving goods and services up and down the great Mississippi River system—Ohio, Missouri, and the other rivers—there is about $1.4 trillion of goods that move down that river into the other ports across America and is shipped out across the entire world. That is 30 million jobs. You were talking about that.

You also raised a point that is very important, and that is that it is not just the ongoing jobs of the tugboats and the barges, the granaries and all of that, but it is also the job of building the infrastructure itself. The men and women that are going to get out there and put together the new docks, the new levee systems—all of those things require manpower. And we know that there is an enormous benefit. Every dollar that is invested in infrastructure returns well over $3 back into the economy immediately, to say nothing of the long-term benefit that comes of having that new lock system in place, more efficient, longer locks so, as you said, more of those barges than just one towline can work their way through the lock and not have to be broken up into smaller towlines.

So there are a lot of issues in this piece of legislation. It is going to be an extremely important moment in moving the economy forward. This is the first time in 6 years. It has been 6 years since the Congress and the Senate got together to do a water resource reform and development program. Why? I guess we just couldn't quite figure it out, but we have to do it this time.

There is a need for very serious reform in this system. We know that many of the projects that are undertaken, that the Corps of Engineers is working on, are forever trying to get in line and get in place.

We know that many projects simply are derelict; they never should be built. So the bill removes $12 billion of derelict projects that should never be built and replaces them with new projects that are critically important. Some of those are the locks along the Mississippi and the Ohio system and some of the other dams that are out there.

For me in California, we know that these projects are critically important. The city of Sacramento, Mr. ENYART, is one of the most flood-risk cities—in fact, it is No. 2 in flood risk; probably No. 1, now that New Orleans has had an opportunity to have its flood walls rebuilt following the devastation of Katrina. Now it is Sacramento. It is a huge population in a very risky area, a population that I represent part of and share with Congresswoman MATSUI, the city of Sacramento.

It is a little different than New Orleans. When Katrina came through, it was flooded, to be sure, and terribly damaged. Many lives were lost. But the water was warm. In Sacramento, if the levees were to break on the American River or the Sacramento River system and flood that system, we are talking about very cold water, water that people would not survive in for more than a few minutes because of the temperature and hypothermia. So we really need to build those levees.

As I go into this task of being on the conference committee where I will serve as one of the representatives of the House of Representatives, I will be looking at those kinds of projects that are really about human life, the safety of my constituents and the safety of constituents all around this Nation where these levees need to be built to a high standard. Many of them need to be repaired in my district, the delta of California. Many of the levees are over 100 years old and were never built to standards that would be applicable today.

So we have work to do. We have levees to build. We have ports to build. We have channels to dredge. We have jobs that will be created when we pass this bill and adequately fund it.

One other thing that is possible here is not only will we create jobs directly in building the ports, dredging the rivers and channels, building the levees and repairing them—those are direct jobs. Not only will we do that. We will also have the long-term foundation, the investment necessary for future economic growth. We will also, if we do one more thing—and I hope to get this into the legislation. That is to make sure that there is a strong buy America provision.

This is going to be American taxpayer money that is going to be used for the steel in the locks, for the cement, for the pilings in the piers and probably the dredges that will be used for the channel. This is all American taxpayer money that will be used to buy and maintain that equipment. If it is American taxpayer money, then, by golly, you ought to be buying American goods. So buy American. Use our taxpayer money to build the rest of the manufacturing sector of America. Build our steel industry by buying American steel for the locks and for the piers and for the cement and for the other work that needs to be done. Make it in America. It is very simple. Use American taxpayer money to make it in America and to buy American goods.

So I am going to be working very diligently on that conference committee to make sure that this buy America provision is strongly embedded in the legislation. I know that if we are able to do that, we will not only improve our levees, dredge the channels, build the ports, but we will also have the opportunity to make American jobs in the manufacturing sector.

Mr. ENYART, you may have some additional thoughts that you would like to bring to our attention. If so, please have at it.

Mr. ENYART. Thank you, Mr. GARAMENDI. Actually, I do.

I would like to point out that the Democratic motion to instruct conferees—as you pointed out, you serve on that conference committee—passed on November 14 with bipartisan support. That motion encouraged the conferees to reauthorize an effective dam security program.

The goal here is to reduce risks to people, to life and property from dam failure. With the age of some of these dams and the aging infrastructure in place, the potential loss of life and limb and property is astronomical. By putting money into maintenance now, we are saving not only lives and property, but saving money downstream because we know that sooner or later, with the age of that infrastructure, that it is going to fail. That is one of the important things that the Democratic motion to instruct conferees did.

Additionally, Mr. GARAMENDI, I signed the bipartisan letter to the House leadership of both parties requesting a speedy conference report. We need to move this conference report. As you pointed out earlier, Mr. GARAMENDI, this has been waiting for 6 years. We can't afford to wait another 6 years. So we need a speedy conference report between the Senate and between the House so that we can merge that legislation, add the items that we believe are on the House bill that need to be part of that Senate bill and vice versa so that we can begin bringing these jobs back to America and bringing the use of these American products to our districts.

That letter emphasized the importance of WRRDA, not only to the district, but also the difficulties which it imposes on business and on labor and on the trades if this bill is not moved in a prompt manner.

One of the other important aspects of the bill for my particular district—you were talking about the Sacramento River. But one of the particular parts of bill that we want to see added that has passed the Senate establishes the Metro East Flood Risk Management Program. What we are talking about there is the urban industrial area in southwestern Illinois across from St. Louis, running all the way from Alton, down through east St. Louis, south to Columbia, Illinois.

□ 1815

It encompasses three counties, with a population of about 600,000 folks. So it is very significant. It includes oil refineries, steel mills, chemical plants, residential areas, and many of the bridges, both rail and passenger car, that transit the Mississippi there. So it is critical that we get this taken care of.

Mr. GARAMENDI. Well, we also, Mr. ENYART, in California we have those same issues. Let me swap places with you. I want to put up one of the maps here of California.

Mr. ENYART, you were talking about the central part of America. You certainly can see it here, as you were discussing the Mississippi River system and your area, up here in the Illinois area.

In California, we think we are a real big State and we have got a lot of people, and this legislation is extremely important for California. I am going to just point out some of the—San Francisco Bay, one of the great maritime bays in the world. We would argue there is none more beautiful nor more important than the San Francisco Bay.

In and out of this Bay flows a vast amount of commerce to the Port of Oakland, and also up to the rivers, into the central part of California, through the delta on the Sacramento and the San Joaquin River, where trade now goes, international trade, to the Port of Sacramento and the Port of Stockton.

Very, very important because, like Illinois and the great Midwest, we have a vast agricultural economy here in the central valley of California, and a lot of that, particularly rice from my district, goes out of the Port of Stockton and Sacramento.

Both of those ports now have channels that are of insufficient depth to bring in the large ships, and so it becomes much more expensive. The issue you raised, Mr. ENYART, about the cost of shipping, if you have small ships that can't carry a full cargo because of the depth of channel, it gets more expensive.

So in this area, channel maintenance at the Port of Oakland, channel maintenance for the Ports of Sacramento and the like and, of course, up along the Contra Costa County area, where the refineries and the oil tankers come and go.

As you move further south, we have got the ports, mostly fishing down here along the coast and, of course, Monterey, which is famous, Pebble Beach and the Monterey Bay area.

Then you get down to Los Angeles, and the two great, great harbors of America, side by side, together form the largest harbor system in this Nation, and you can argue whether it is the largest in the world, but it is surely big, the Port of Los Angeles, represented by Congresswoman HAHN, and the Port of Long Beach, side by side there in the Los Angeles area, Long Beach represented by Mr. LOWENTHAL.

Those ports are really one of the major engines of international trade and economic growth, and of course, from those ports, those great cargos move in and out, all across America on the railways and highways. So we have that.

Then of course you can get down here to San Diego, some other harbors along the way in Orange County, and then the harbor of San Diego, which is extremely important for the military. Any time you happen to get to San Diego, you will see the aircraft carriers there from the U.S. Navy and other critical equipment and ships of the U.S. Navy. All of that is important.

Here in my district—I am going to put up another map, and this is where I really get involved. This is a map of, obviously, San Francisco Bay here, with the harbor of San Francisco, the Port of San Francisco, the Port of Oakland, Alameda in here and up along the Contra Costa coast.

As you get into the delta, this is the largest inland delta, or the largest delta on the west coast of the Western Hemisphere, and one of the great inland deltas of the world. There are more than 1,000 miles of waterways here in this delta area.

I represent about half of that area, the Sacramento River going up here and the San Joaquin River coming here, and then down into the great San Joaquin Valley. These areas are all protected by levees, and so the rivers are confined within those levees, and many of those levees, as I said a while ago, are more than 100 years old, and they need protection.

The water system of California, water flowing from the north, across these, through these waterways that are channeled by the levees to the great pumps down here, delivering water to southern California and the San Joaquin Valley, depends upon these levees.

This is part of the WRRDA bill, and so these levees and protecting the water system of California and the great agricultural enterprises of the delta are critically important, and the Water Resource Reform and Development Act provides money for the maintenance and the continuing studies of these levees, as well as for many of the critical environmental habitats in the area.

As you move up the Sacramento River, you will come to the great metropolis of Sacramento, which I talked about, and here, the American River coming in with the Sacramento River. Right in this area is, arguably, the highest flood danger area in America, and there is a project right here in the Natomas area that is absolutely crucial, crucial to life and limb.

Then as you move on up in the rest of my district, going up 200 miles from here to here, you have Yuba City and Marysville, again, communities that have flooded in the past, with the loss of life, and those too are dependent upon the success of the WRRDA bill.

Now, what we are going to do tomorrow, and in the days ahead as we move through this conference committee—and my task, is to get the policy set. But the other side of it is the money. Where's the money coming from?

Well, the austerity budgets that have been such the prize of our Republican colleagues really have stripped money away from the projects that we have been talking about, stripped money away from the maintenance of the ports, the dredging of the channels, and the protection and enhancement of the levees. That money has been stripped away.

So, with the first sequestration that took place about 8 months ago, $250 million of money that the Corps of Engineers would have for the ports, for the channels, and for the levees, disappeared. That was Sequestration 1.

On January 15, Sequestration 2 hits, with another $90 billion hit, and we are not sure exactly how much the Corps of Engineers will lose, but they are going to lose a vast amount of money.

So all of the talk, all of the energy that we are putting into writing the appropriate policies to reform, to improve, to put programs in place for the American economy, aren't going to happen. Well, many of them are not going to happen because of the austerity budgets and the two sequestrations.

This is a critical problem, a critical problem, and I would reach out to my colleagues, both Democrat and Republican, and say, but there is money. There is money available, but we are not spending it in the right place.

In the budget bill that passed the House of Representatives a few months ago, there was an increase in the authorization well above what the President wanted to build and rebuild nuclear bombs, over $12 billion over the next decade, for just one life-extension program on a nuclear weapon, the B–61—$12 billion.

Now, it can be argued, and I would argue this, that that was an extraordinarily inappropriate place to spend money. We don't need that bomb for deterrence, I don't believe. The military may argue that we do, but then they can never get enough of these things.

My argument is, we need to spend the money where real danger exists, and that real danger exists on America's rivers when these levees are not up to standard. When the levees protecting New Orleans were not up to standard, people died, billions upon billions were lost.

When the levees in Sacramento are not up to standard, billions will be lost and people will die, and that is an immediate threat.

We have got plenty of other nuclear weapons for deterrence, but to spend $12 billion in a way that I believe would be better spent on things that protect real people in real-life situations—so we are making judgments here. First of all, we are making a judgment—well, I wouldn't say either you or I, Mr. ENYART, are making this judgment, but our colleagues, particularly on the Republican side, are making a judgment that they believe you can build the American economy with austerity; that is, to cut the Federal expenditures. I disagree.

There are critical investments that the Federal Government should and must make. This is not new. Often we hear the talk around here, the Founding Fathers.

Mr. ENYART, have you heard people talk about, well, the Founding Fathers would do thus and so? We hear it all the time.

The Founding Fathers, let's take Washington and Hamilton, shortly after he was inaugurated—

Oh, by the way, Washington refused to be inaugurated in a suit made in England. He was inaugurated in a suit made in America. There was only one tailor at the time that would do that, but he did it.

Then he told Hamilton, I want a policy to build the American manufacturing sector. Hamilton came back some days later, probably 2 or 3 months, with a program, not 2,000 pages, but probably a couple of hundred pages at the most, and he said: We need, in America, to do the following things: to build the American economy and the American manufacturing base.

He said, one, we need to build ports. We need to build canals, and we need to protect American industry by using American taxpayer dollars to buy American-made goods. He said, beware of trade policies.

Hamilton and Washington wanted trade policies that protected the American manufacturing sector and American agriculture.

Interestingly, in the next few days, or in the next few weeks, we are going to have the question of trade policy before us here in the House of Representatives, and it is likely to be the Trans-Pacific Trade Program.

What is it?

Well, they want to fast-track it, where not one person on this floor will be able to say, wait a minute; we ought to change this, or we ought to change that. So we ought to be paying attention to the Founding Fathers who said, watch trade policy. Protect American jobs.

So as we go through all of this, in my district, we are going to have to have the money, American taxpayer money, plus a lot of local taxpayer money to protect the citizens in my district and the ports.

About $1.8 billion is collected at the ports to rebuild, to dredge, and to maintain the ports. About half that money is siphoned off for other projects.

Beware of austerity budgets. No more sequestration. This Nation cannot afford that terrible policy of sequestration because it will rip the heart out of the critical investments that America has to make.

I have rambled on here for a little while and went off to some other things. Mr. ENYART, would you like to pick it up for a while?

Mr. ENYART. Thank you, Mr. GARAMENDI. I appreciate that.

You know, what we are really talking about here, Mr. GARAMENDI, it seems to me is, are we spending money, or are we investing in America?

I like to tell folks at home that when that roof starts getting old on your house, and you know those shingles need to be replaced, do you want to replace those shingles?

Do you want to put a new roof on that house before it starts to leak?

Yes, you want to do that because you are going to save the money then of the damage that is going to be caused when this roof does start to leak.

We are really talking about the same thing. We are talking about investing in America. We are talking about investing in our house, investing in our home, protecting that infrastructure, protecting that roof before it does begin to leak.

It is interesting you were talking about how money gets siphoned off, and this bill does change that. This bill would increase—you know, we have a special fund that is supposed to go to the maintenance of harbors and of ports, and this bill would increase the investments in improving our Nation's ports by increasing the percentage of the money that is collected each year through the Harbor Maintenance Trust Fund.

□ 1830

As you pointed out, it is unfortunate, but half of the money that is collected to maintain harbors gets siphoned off and spent on other things.

Now, I believe and you believe, we believe, and the folks who voted for this bill believe that we should spend that money for the purpose for which it is collected, and that is to maintain and improve our harbors and our ports.

Now, you know, some of the Democrats on the committee have said that the bill is a compromise. Some of the folks don't like the fewer environmental reviews. But, you know, we voted for it. We pushed it forward even though it was a compromise. And sometimes in this business, you have to give a little to get a little. And it is like I talk about at home. When you go buy that new pickup truck, the dealer wants one price, and you want another price, you have got to meet somewhere in the middle to get there.

Mr. GARAMENDI. But ''compromise'' is not a dirty word in my lexicon. Compromise is absolutely necessary. There are things in the bill that I would have written differently. In the conference committee, there are going to be differences between the House and the Senate in how we do.

You have mentioned some of the issues. The environmental issues, some of them are controversial. But there is a major part of this bill to speed these projects forward and to hold the Corps of Engineers responsible for getting things done. Part of it is they have got 3 years to do the initial study, and they have got $3 million to get that study done, and their feet are going to be held to that commitment to get these projects moving forward. So there is a lot of reform in here, in the bureaucracy of the way this system has worked. There is also a lot of reform in this on allowing the local partnerships.

All of these programs are partnerships. They are partners with the local governments, ports, as you described earlier, local levee districts, and the like. Those partnerships, under present law, have a very difficult time to start a program early, to get it going without the Corps' permission. So what we have, we call it ''crediting.'' And that allows these local governments, local ports to begin a project. Eventually, there is a whole new process in here for selecting which projects will be done.

By the way, we are not going to do earmarks. There are no earmarks in this legislation. No earmarks are allowed in the future. But there is a process to prioritize projects across the Nation, and ultimately, Congress is taking back some of its power to set the priorities for the Nation.

But that crediting that allows the local governments to get started, we are going to want to move that a little bit forward because in my district, because of the austerity budgets and the sequestration, many necessary projects are not allowed to move forward. But with a little tweaking of this language, which I will be working to get done, it will allow some of these projects to go forward. And the local share would then be counted if and when—if and when the Federal Government, the Corps of Engineers, actually decides to make that a national project.

So this is going to be very important. It is probably important in your area, for some of the levees in your area that are maintained now by the local levee districts and flood protection districts.

We spent a lot of time in the House and also in the Senate. We are going to have to work out some of the differences, some of the compromises. Not so much Democratic and Republican, but some regional differences and some differences about how the system should work, so we will work on that.

We have got about another 5, 7 minutes, so if you would like to wrap, and then I will wrap. And then I am going to do something that is not too common here. I am going to take this ball of some of this international trade and I am going to toss it to my Republican colleague, and we will let him bat it around for a while.

Mr. ENYART. Wonderful.

Well, you know, Mr. GARAMENDI, while you are working on that conference committee, I would really appreciate it if you could see fit to—and this goes back to the environmental piece a little bit.

The Senate bill includes the Middle Mississippi River Environmental Pilot Program, which gives the Army Corps of Engineers authority to restore and protect fish and wildlife habitat along the Middle Mississippi River while they are undertaking navigation projects.

Right now, they are just constrained working on navigation. Well, doesn't it make a lot of sense, by the way, while you are working on navigation to also, when you can, improve the fish and the wildlife habitat.

In southern Illinois, fishing is a big sport. We have a lot of tourists come in. Hunting, goose hunting is a big sport and deer hunting. And if you can improve that wildlife habitat, it is going to help the environment as well as help our tourist economy in southern Illinois.

Now, that was part of the bill that I introduced, but it got stripped out before it passed the House. But it did pass the Senate. So as part of your conference, if you could help me out with that, I would really appreciate it.

Mr. GARAMENDI. Well, this is part of what we ought to be doing, and that is looking at these issues and maximizing the potential and the benefit that comes from a project. Let me give you another example of the same thing, and it is along the environmental line.

Right now the Corps of Engineers, while dredging in the San Francisco Bay area—let's just say the Port of Oakland over here. When they dredge there, they have to use the cheapest way of disposing of the dredging materials, called spoils, mostly sand and clay. They take it out here to Alcatraz, and they dump it in Alcatraz, and the tide takes it out past the San Francisco Golden Gate.

Well, we are saying, wait a minute. That is extremely valuable material to build habitat in areas that have been despoiled over the years. For example, down here in the southern part of the bay, these were great salt flats where the salt industry used the bay and evaporated the bay water to get salt. Well, those need to be restored. And it is quite possible that the material from the dredging could be used in that way or another habitat program, even up here into the delta. But it is not the cheapest.

So we are looking at a little tweak here that would allow the Port of Oakland or the other ports in the San Francisco Bay area and, really, around the Nation to do an environmental project along with the dredging project very similar to what you are talking about on the Mississippi River.

So I see common cause here. I see common cause where we can maximize

the total benefit for the Nation. It could be an additional cost that the port will have to pick up. Okay. But we get a twofer. We get environmental benefits as well as the economic benefits to the port.

Have you got any other things on your list?

Mr. ENYART. I will just close out with saying, Mr. GARAMENDI, thank you for the time this evening. I think this has been a true team effort from manufacturers and business groups, labor unions, port authorities, and the Agriculture Committee.

You know, I sit on the Agriculture Committee, and the ag community knows how critical this legislation is for Illinois. And Congress needs to get things done for the American people, and no job is more important than keeping our economy strong right here at home.

Mr. GARAMENDI. General Enyart, Congressman ENYART, or Bill, thank you so very, very much. I really appreciate working with you tonight on this critical issue, the fundamental investment.

Let's remember, this is not new. The Army Corps of Engineers has been around since the very earliest days of our democracy. The Army Corps has been responsible for the waterways of America, and the Water Resources Reform and Development Act is going to be an opportunity for America to really move its infrastructure, particularly the trade.

Remember, just to review, we are talking 13 million jobs immediately depend upon the Water Resources Reform and Development Act. We are talking about 99 percent of our trade travels through our ports and waterways, whether it is on the Mississippi, the Sacramento, the San Joaquin Rivers, or the great ports and the coastal part of America. It is critically important.

And as we do these things, we have the opportunity to reach back into the history of America and remember what the Founding Fathers talked about way back in George Washington's very early days: that these fundamental investments in what they called canals and ports and roads were critical to the growth of the United States at the very, very outset. George Washington and Alexander Hamilton also recognized the importance of international trade and that we get those trade policies correct.

So as we get ready to do the Water Resources Reform and Development Act, which is critical—and the conference committee starts tomorrow, and I have the honor of being on that conference committee—we also think about the way in which the trade of America is dependent upon our work in getting sound policies in place.

And it is also critically important in dealing with the issue of international trade agreements, whether it is the transpacific trade program or the new one that is being worked on with Europe, we have to protect our own jobs. We have to protect the American economy. And in doing so, we must carry out our constitutional responsibility given to us by the United States House of Representatives and the Senators. The Constitution says that it is the legislature, Congress and the Senate, that shall set trade policy, and that requires that we have the opportunity to look at the details of every trade policy and not fast-track trash through the House.

Joining me and taking up, as I wrap up my hour, is my colleague on the Republican side. Why don't you take my last couple of minutes, and then you can have your own half hour.

Mr. FORTENBERRY. Well, first of all, let me thank the gentleman for yielding to me. I know it is a bit unusual when Democrats and Republicans come down and share portions of the time. I think it is actually what the American people want a little more of. We should do this more often.

I am giving a talk in a few moments on health care. You and I will probably disagree to some fundamental philosophical approaches to that, and that is fine. You are in one party; I am in another. You have your own inclinations; I have my own inclinations and approaches. But to try to work constructively toward problem solving, I think it would behoove us all if we could figure out a better pathway to do that.

And that is why I am grateful to you for just leaving me a few moments because as I was listening to your speech, you talked about something I didn't know, that George Washington refused to wear a suit made in England and went back and said, Give me a manufacturing policy for this country. It was a very curious but good story to demonstrate a particular dynamic that, as you rightly pointed out, is part of our modern-day debate about how we do trade agreements in this fast-track authority. I think we have to be very, very cautious about this.

Trade can have the potential benefit to raise all boats. It has to be fair. It has an element of free, but it also has to be enforceable. And there are other dynamics to trade other than just the economic benefit that should be measured, such as the human cost of production in various societies. And we have glossed over those things in the past.

So I just wanted to commend you and thank you for raising this issue of giving, basically, over our authority by saying, we will vote to deny our authority to review the fullness of a trade agreement should one come through to us. I think that is a serious concern. So I want to commend the gentleman for raising the issue.

Mr. GARAMENDI. Well, thank you so very much. And I look forward to working with you on that issue. I know it is going to be coming.

Well, we don't know exactly when. But they are trying to wrap up. Our trade rep, our ambassador is trying to wrap this up and present it to us. And they are talking fast-track. And I am going, time-out, guys. Time-out. We need to review. We need to make sure that it is fair trade. Not just free trade, but fair trade—fair to the American worker, fair to the American manufacturer, farmer, and the like.

Mr. FORTENBERRY. If I could add something, I think we ought to call it ''smart'' trade.

Mr. GARAMENDI. I like that word, too. Can we compromise on that?

Mr. FORTENBERRY. Yes, sounds good.

Mr. GARAMENDI. I yield back the balance of my time.

## HEALTH CARE

The SPEAKER pro tempore (Mr. DESANTIS). Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentleman from Nebraska (Mr. FORTENBERRY) for 30 minutes.

Mr. FORTENBERRY. Mr. Speaker, thank you for the time.

I don't have to tell you all that there is a debate raging in our country about the future of health care. I want to share, first of all, a story that I received by email from Yvonne who lives in the town of Firth, Nebraska, right near me. She says this:

> We are a farming family of five in southeast Nebraska and recently received notification from Blue Cross/Blue Shield of Nebraska—an insurance company—that our insurance premiums are increasing from $578 per month to $1,092 per month. That is $514 more, resulting from the misnamed ''Affordable Care Act.''

Yvonne goes on and says:

> Even if I play with the numbers and drop our family income to be eligible for subsidies, my family has never needed government assistance in the past to pay for health insurance. Why should we need it now, other than Washington's interference? Would you please tell me how I am supposed to find an extra $500 in my monthly budget to afford this new improved policy.

Mark, who lives in Lincoln, says he is 49. He said he had his insurance canceled, and he had a very good policy. And this is what he had to say:

> I had a $5,000 deductible policy; and after that, everything was covered. My policy was not a junk insurance policy. And it was canceled.

□ 1845

Mr. Speaker, many Americans are awakening to sticker shock and are feeling, frankly, very betrayed by the earlier comments that if you like your health care plan, you can keep it. Clearly, there is a significant problem here. And what has happened?

Well, Mr. Speaker, we need the right type of health care reform—health care that is actually going to reduce costs and improve outcomes while also protecting vulnerable persons. But what we have gotten instead through the new law is a shift of cost to more unsustainable spending by government, a shift of cost from one American to

another; and we also have a serious erosion of health care liberties.

This is another email that I received from Joan. She talked about her son. She has maintained her son's policy—a young man—in case of a catastrophic event so it would not be a burden to the hospital.

She said:

He does not make enough money to file taxes, but his premium goes from $85 to $220. So my son will no longer have insurance of any kind. My son's new policy is required by law to include things he can never, ever use—maternity for a male and pediatric services for an adult. Please at least allow the insurance carriers to call this what it is—an insurance subsidy from my son to others.

This young man is 30 years old. I don't know the circumstances of the family as to why they are providing a policy for their 30-year-old son, but clearly the family is trying to do the right thing and help one another; but they are being forced by escalating costs to reconsider the very idea of carrying health insurance themselves and doing the right thing.

Mr. Speaker, when I was a much younger man in my twenties, I had an individual insurance policy that I bought. I thought it was the right thing to do. I didn't want to impose the risk of my own health care needs—in case something went wrong—on the rest of society. And I bought this policy. It was a pretty big burden to carry for someone in their twenties. It was fairly expensive. So I decided to raise the deductible to $1,000 to basically help better manage the costs.

Well, one day I had a very severe headache, and it just didn't seem to go away; and as this went on, I decided it was necessary for me to seek medical attention.

So thinking about it, I decided to simply bypass the family doctor, assuming that they would probably refer me to the ear, nose, and throat specialist. And so I made an appointment with the ENT doctor, probably saving myself about $50 by simply going to the specialist.

When I got there, she examined me and they took an x-ray. Afterward, the doctor said, I really can't tell from the x-ray what the problem is. I'm going to need to do a CAT scan. I interrupted her at that moment and injected in the conversation and said, Doctor, I understand if you might be worried about liability and there might be this test that is normal protocol for you to run. She interrupted me and said, Why are you saying this to me? I said, Because I need to know if you really need this test. I'm actually paying for it.

Again, I had the $1,000 deductible.

She said, Oh, let's think about this. I'm only looking at your sinuses. So that means that we could probably ask one of the two entities in town with a CT scan machine if they will widen the cross-section and let's see if they'll give you a discount for doing that.

So she asked her assistant to help. They called both places in town, found out the price, found out if they would lower the price based upon a wider cross-section for this test, and one of them did. And I don't remember the exact amount, but I think it was $75.

Mr. Speaker, I saved $75 by simply asking a simple question. The doctor got the test that she needed and the community resource was more properly allocated, all because I had the incentive to watch the cost.

This is one of the problems here that we have in the whole health care debate. Because, again, the Affordable Care Act, sometimes called ObamaCare—and there are a lot of people who want to move away from that expression ''ObamaCare,'' and I respect that, because it has always seemed to me to be a bit disrespectful toward the President, so let's call it the Affordable Care Act. The Affordable Care Act shifts costs to more government spending and actually is moving costs from one individual to another.

Now, how did we get here?

Well, you remember in the Bush administration the number that was being talked about was that there were 50 million Americans who were uninsured. It has been a while now since I looked at that statistic. From memory, as I recall, that was actually an aggregate statistic that reflected the number of people within a year who had some trouble accessing affordable, quality health insurance. It was not necessarily a snapshot in time.

So the number might have been bigger than what was suggested, but it laid the ground work for where we are now. Of course, President Obama and the administration used that number as well; but when you parse the number down and look at Americans who were having problems accessing affordable, quality health insurance, whether because of preexisting condition or some other issue, that number may have come down to perhaps 10 million to 15 million persons.

Now that is a real problem. That is a lot of people who need help. And the right response is to engage in policy debate that will actually help them access affordable, quality health insurance; but we have done so by turning the entire health care system inside out. And it is creating havoc, sticker shock; and many Americans are feeling betrayed, particularly those who are buying their insurance in the open market, the individual market.

Soon, many more will be receiving the price shock who have employer-based insurance because of a couple of factors. And what are those factors?

First of all, in the new law what has happened is there is a shrinkage of the age ratio. It used to be six categories, as I recall—now it is three—by which you can price the product. That means younger people are actually subsidizing older people. You can have a debate about the merits of that, but that is one of the cost drivers.

Secondly, there are all types of new mandated benefits. You heard it in the emails that I received. First of all, a very young man is having his insurance rates skyrocket simply because he is a young male. In Nebraska, we have one of the highest rate increases for single males. It is second only to Arkansas. It is 220-plus percent, as I recall.

Why is that? We were somewhat a less regulated State, if you will. But what that created were market conditions whereby a young person who was relatively healthy could get an affordable, quality health insurance policy that protected them from catastrophic incidents. If they were in an accident or an unfortunate disease happened to strike them, they were covered; but now it is pushing those policies to a level where people are questioning as to whether or not they can afford it. A policy designed to help people is hindering those who have been doing the right thing from purchasing insurance.

The mandated benefits issue: as the older gentleman writing me pointed out, I don't need maternity services. Again, those were incorporated into the law. An inability to customize an insurance policy based upon one's particular needs after us deciding what is a reasonable set of basic coverages that are necessary, which used to occur State by State.

The third is no denials. Now, this one is a little bit more sensitive because, again, we do have Americans who are being held by this law and who had previously been either denied because of preexisting conditions or, for one reason or another, were having problems accessing affordable, quality health insurance.

So as we move forward into a debate as to how we are going to reform the system and perhaps get this right, it is necessary that we carry forward either this way or another way. It used to be the government's subsidy of high-risk pools in which we allowed people to have access to more affordable insurance. Either that way or the way whereby we all absorb the cost across insurance policies and that we take care of people who rightfully need access.

And so there are a few embedded policies in this Affordable Care Act that do make some sense. The first one was allowing young people to stay on their parents' policies a little bit longer—until the age of 26. I supported that before the Affordable Care Act made sense. It replenishes your insurance pool, helps enculturate the concept of buying insurance at a young age, and hopefully that carries forward into creating a more robust, dynamic marketplace.

Second is, again, dealing appropriately with people who have preexisting conditions. There are a lot of ways to do that—either, again, by subsidizing the market directly, since it was somewhat broken, or absorbing the cost across all insurance products.

The third issue was removing insurance caps for those who actually

bumped up to their total maximum benefit.

I know of cases where families were struggling with a severe disease condition that would meet their insurance cap. The response was they simply had to leave their job and go find another job and get employer-based insurance to basically start the clock over. That doesn't save the system any money. It just burdens the family.

So those are three aspects of the current health care bill that makes some sense, but we did not have to do so by turning the entire system inside out and harming disproportionately large numbers of Americans who have been doing the right thing: protecting themselves and not relying on society for the imputed costs of their own health care risk; who were trying in a marketplace to find the right product for themselves, but now who have lost access to basic products like good catastrophic coverage, which will lower costs for younger people. That is a very strong disincentive for young people to actually enter the insurance market, and that needs to be corrected.

I think it is also part of our responsibility, for those of us who have said ''no'' to the Affordable Care Act and who have said there are better ways to reform the health care system to start laying out some specifics.

Well, one of the specifics should be that we all ought to try to agree that the health savings account idea is a way in which we form a hybrid model that actually benefits the marketplace, benefits individuals, and retains the robustness of what private market competition can give you.

Let's take, for instance, the case of the surgical procedure called LASIK. Now, I am not aware of insurance policies that regularly carry that procedure whereby the eye is operated on to correct vision. Large numbers of Americans have been helped by this extraordinary technological invention. And it appears to me from a cursory look at that market that prices have fallen, outcomes have improved, and the doctors who do this surgery seem to do pretty well with basically no insurance involved.

So let's look at the health savings account model as a hybrid model whereby we retain the government subsidy in a certain sense by allowing people to set aside an account on a tax-free basis and they accumulate monies that go toward their first dollar of health care costs, taking better control over those first dollars that are expended.

Now, Mr. Speaker, I recently had a medical issue. I had a sore spot on my ear. I didn't think much about it, but after about 3 weeks of it being there, I thought at my age maybe it is good to get that checked.

So I went to the dermatologist, and he looked at it and he said, JEFF, I think this is 50–50 it may be a cancerous-type condition. I said, All right. He said, I'm going to put you on a medicine that we can go ahead and get started now while we wait for the biopsy to come back.

So I went to the pharmacist to get the medicine. My co-pay was $5. I am very grateful for that. It was very easy for me, and I am thankful I had the insurance to be able to do this. It was $5.

I asked the pharmacist, How much does this medicine cost? He said, I don't know. Let me check. He came back and said, It's $500. I said, Well, this is Friday. I'm not sure on Monday if I'm going to need this medicine or not. It's 50–50. Maybe we just ought to wait, And I chose to wait.

So on Monday the doctor called back and said it was benign—not cancerous—nothing to worry about, and I didn't have to take the medicine.

Well, I had no incentive not to take the medicine. The doctor didn't necessarily think through the question with me. He didn't have to because my co-pay was $5. Again, I am grateful for that. But the point being that $495 of waste would have occurred in the system had I not simply asked a question, and I didn't have an incentive to ask a question. I was simply trying to make sure that we weren't imprudently using that much medicine when it may go to waste; and I am glad I turned it down.

Again, that is the point. If you have your own health savings account, which is coupled with a catastrophic policy, two things are occurring at once: first of all, you are controlling your first dollar costs. You have a normal conversation with your doctor about ordinary health care. Is this the pathway we need to go? What are our alternatives? Who can provide those in town—maybe at a cheaper rate, with the same quality?

For that, we need price transparency in medicine. It is an important part of market reform that needs to occur. But if something really goes wrong and you are on the hospital gurney getting rolled into an operating room, you shouldn't have to pull off your mask and say, Can somebody give me the price of the anesthesia around here? That is not the point. That is different. That is a catastrophic condition. With catastrophic insurance, you should be protected from having to worry about those market dynamics.

So I think this is a good hybrid model whereby, again, the government incents you to put a little bit of money aside in a tax-free account which, by the way, can accumulate over time. Most people don't get sick in their life, and a lot of this money could grow to a substantial amount over time and actually be a supplement in retirement or a supplement to Medicare. We have got long-term cost problems in the Medicare program.

□ 1900

So, again, it is thinking dynamically, creatively as to how we restructure health care and give improved opportunities for a robust marketplace for health insurance that doesn't just consolidate the marketplace into fewer and fewer companies. It has been suggested that what is happening now is this is becoming like a utility system whereby there are going to be a few insurance carriers that work with hospitals, and that is it. The government will have a role in setting certain rates, and that is it. So you lose the dynamic of the competitive model for the insurance market. We should protect people's access. We should allow people to have access to affordable, quality insurance and not simply be denied for preexisting conditions. There are a lot of ways to do that. If we do that, we can keep the market dynamic basis for controlling health care costs.

We do this in all other areas of our lives, and it is normal to us. There is no reason that we have to put on blinders when we are dealing with ordinary health care costs and simply submit to the system whatever they tell us to do. There is no reason for that. What we could see—again, if we inject this sort of competitive marketplace for ordinary costs—is competition in the marketplace for ordinary processes and procedures in medicine, for drugs. Then you could see, like in the LASIK surgery example, prices falling, innovation occurring, and a health care system making reasonable returns for its efforts. Right now, we have a health care system that is very, very frightened. Doctors are very frightened of the next steps in terms of the evolving dynamic of the Affordable Care Act. You have many doctors who are saying they are not going to be able to afford to take on any more Medicare patients. You already have this problem in Medicaid. So you want a robust, dynamic market in which people are innovating, in which costs are falling, and in which health care outcomes are improving.

Health Savings Accounts give people the opportunity to control that first-dollar cost, but if they are really sick or have an accident, they are protected and don't have to worry about those costs. That makes a lot of sense to me, Mr. Speaker. In the Affordable Care Act, unfortunately, though, what we have is a dampening of the marketplace for the Health Savings Account idea. It ought to be exactly the opposite. Now, there is a reasonable argument that some have made that this is not appropriate for people who are older, who have increasing health care costs, and who don't have the time to set enough money aside to meet their normal, ordinary expenses—fair enough—but it is an important model that we should be eagerly embracing for the young generation so that they can have affordable, quality catastrophic insurance, so that they have incentive to move into the market, and so that the market responds to their questions as to:

Why does this cost this much? Who is providing the best service? Does this really make sense?

With our simply trying with the diminished marketplace and with a lack

of incentive to actually watch those first-dollar costs that the Health Savings Account gives us, then there are not really those incentives to, again, force transparency and to ask simple questions as to how you best manage the resources that you have in partnership with the medical community, like I did when I was trying to reduce my own costs for that CAT scan. The doctor very willingly accommodated my request, and that community resource was better allocated.

To me, that is a commonsense solution that we all ought to be embracing. Instead, what we have now is a huge shift of cost to more unsustainable government spending and to many Americans being disproportionately hurt because of skyrocketing premiums or because they are losing the health care that they were promised they could keep. Now, that is simply not fair. There is a better way to fix this system.

In the last few weeks, because of the problematic rollout of the marketplace Web site—the ''exchange'' as it is called—it has brought more and more attention to this issue. It is my hope, Mr. Speaker, that we just don't get into finger-pointing and ''we told you so,'' for those of us who are against this, but that we actually sit down and try to construct something that is much more reasonable and fruitful for the entire system.

Mr. Speaker, the formal definition of a ''law'' is: an ordinance of reason given by those in authority for the common good. You have a real question here as to the reasonableness of this law, because it is so unfairly and disproportionately hurting a lot of people, and whether that meets the definition of its being for the common good.

As I suggested, there are aspects of the current law that we can retain—keeping young people on insurance longer, removing the caps on insurance, and protecting people who have preexisting conditions. Those should be retained, I feel; but as we move forward with a robust debate, we ought to keep in mind: let's do everything—let's do all we can—to give America a better path forward, the path that they deserve, so that any health care reform meets the true definition of a truly just law in that it promotes the common good, which means society's well-being.

What does that common good look like?

It is a vibrant marketplace for affordable, quality insurance. Persons who have had a condition shouldn't be denied. There should be a dynamic by which the person controls his first-dollar cost because he owns those dollars, and he is protected, if something really goes wrong, through catastrophic policies.

That shift to the health care paradigm could lend itself to the right type of reform for the next generation for Medicare, for instance. If you have had a huge savings account accumulate over time because you are not one of the unfortunate—you are one of the majority of people who, fortunately, does not get stricken by something serious over your lifetime—then you will be able to potentially use that money for your own well-being and retirement or as a further supplement to the Medicare program.

This is what is called ''thinking outside the box.'' Let's think dynamically as to how these programs can mutually reinforce one another—the current health care reform and our important health safety nets in retirement. That is what we ought to be thinking about.

So, Mr. Speaker, I just submit these comments this evening because I think it is important to try to unpack what has gone wrong and why and to frame the debate in a manner that is actually constructive so that America gets the type of health care reform that we deserve—a robust health care system that leads the world, that improves health care outcomes while reducing costs, and that also protects vulnerable persons.

Mr. Speaker, I yield back the balance of my time.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. THOMPSON of Pennsylvania (at the request of Mr. CANTOR) for after 1:30 p.m. today on account of official business.

## ADJOURNMENT

Mr. FORTENBERRY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, November 20, 2013, at 10 a.m. for morning-hour debate.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3727. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's ''Major'' final rule — Enhancing Protections Afforded Customers and Customer Funds Held by Futures Commission Merchants and Derivatives Clearing Organizations (RIN: 3038-AD88) received November 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3728. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Farm Loan Programs; Clarification and Improvement (RIN: 0560-AI14) received November 12, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3729. A letter from the Associate Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Washington; Decreased Assessment Rate [Doc. No.: AMS-FV-13-0010; FV13-946-1 FIR] received November 14, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3730. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — Federal Agricultural Mortgage Corporation Funding and Fiscal Affairs; Farmer Mac Capital Planning (RIN: 3052-AC80) received November 12, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3731. A letter from the Under Secretary, Department of Defense, transmitting account balance in the Defense Cooperation Account as of September 30, 2013; to the Committee on Armed Services.

3732. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Public Housing Capital Fund Program [Docket No.: FR-5236-F-02] (RIN: 2577-AC50) received October 30, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3733. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to China Southern Airlines Co. Ltd. (China Southern) of Guangzhou, China; to the Committee on Financial Services.

3734. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Korean Air Lines Co., Ltd. (KAL) of Seoul, South Korea; to the Committee on Financial Services.

3735. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Bulgaria pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

3736. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Minsheng Financial Leasing Co., Ltd. of Tianjin, China; to the Committee on Financial Services.

3737. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Australia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

3738. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Removal of References to Credit Ratings in Certain Regulations Governing the Federal Home Loan Banks (RIN: 2590-AA40) received November 7, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3739. A letter from the Acting Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule — Final Priority. Rehabilitation Training: Rehabilitation Long-Term Training Program—Vocational Rehabilitation Counseling [CFDA Number: 84.129B] received November 12, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3740. A letter from the General Counsel, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits received November 7, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3741. A letter from the Secretary, Department of Health and Human Services, transmitting the second biennial report concerning the Food Emergency Response Network mandated by the FDA Food Safety

Modernization Act (FSMA); to the Committee on Energy and Commerce.

3742. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Addition of ortho-Nitrotoluene; Community Right-to-Know Toxic Chemical Release Reporting [EPA-HQ-TRI-2012-0111; FRL-9902-12-OEI] (RIN: 2025-AA35) received November 1, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3743. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio: Bellefontaine; Determination of Attainment for the 2008 Lead Standard [EPA-R05-OAR-2012-0779; FRL-9902-33-Region 5] received November 1, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3744. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Deadline for Action on the Section 126 Petition from Eliot, Maine [EPA-HQ-OAR-2013-0671; FRL-9902-55-OAR] received November 1, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3745. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Use Rules on Certain Chemical Substances; Removal of Significant New Use Rules [EPA-HQ-OPPT-2013-0399; FRL-9902-16] (RIN: 2070-AB27) received November 1, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3746. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Spirotetramat; Pesticide Tolerances [EPA-HQ-OPP-2012-0107; FRL-9399-4] received November 1, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3747. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Creation of a Low Power Radio Service; Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations [MM Docket No.: 99-25] [MB Docket No.: 07-172] [RM 11338] received November 12, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3748. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Amendments to Material Control and Accounting Regulations [NRC-2009-0096] (RIN: 3150-AI61) received November 12, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3749. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Revisions to Radiation Protection [NRC-2012-0268] received November 7, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3750. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Qualification Tests for Safety-Related Actuators in Nuclear Power Plants; Regulatory Guide 1.73, Revision 1 received November 7, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3751. A letter from the Assistant Secretary, Department of Defense, transmitting a report that the Department intends to utilize a contribution to the Cooperative Threat Reduction (CTR) Program from the Foreign Office of the Federal Republic of Germany; to the Committee on Foreign Affairs.

3752. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

3753. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Foreign Affairs.

3754. A letter from the Chief, Administrative Law Division, Central Intelligence Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3755. A letter from the Archivist, National Archives, transmitting a draft bill entitled, ''Federal Register Modernization Act''; to the Committee on Oversight and Government Reform.

3756. A letter from the Chairman, National Credit Union Administration, transmitting the Administration's semi-annual report on the activities of the Inspector General for April 1, 2013 through September 30, 2013, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

3757. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Trip Limit Adjustments for the Common Pool Fishery [Docket No.: 120109034-2171-01] (RIN: 0648-XC823) received November 14, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3758. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 48, Framework Adjustment 50; 2013 Sector Operations Plans, Contracts, and Allocation Annual Catch Entitlements [Docket No.: 120814336-3739-04] (RINs: 0648-BC27, 0648-BC97, and 0648-XC240) received September 26, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3759. A letter from the Register of Copyrights and Director, Copyright Office, transmitting a schedule of proposed new copyright fees and the accompanying analysis; to the Committee on the Judiciary.

3760. A letter from the Attorney General, Department of Justice, transmitting the Department's decision not to appeal the decision of the district court in the case of Free Speech Coalition v. Holder, No. 09-4607 (E.D. Pa.); to the Committee on the Judiciary.

3761. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Civil Monetary Penalty Inflation Adjustment Rule [FRL-9901-98-OECA] (RIN: 2020-AA49) received November 1, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3762. A letter from the General Counsel, National Tropical Botanical Garden, transmitting a letter notifying of a delay in the submission of the annual audit report; to the Committee on the Judiciary.

3763. A letter from the Secretary, Department of Veterans Affairs, transmitting a letter regarding the Department's decision to no longer defend section 3 of the Defense of Marriage Act; to the Committee on Veterans' Affairs.

3764. A letter from the Director, Legislative Affairs, Office of the Director of National Intelligence, transmitting the 2013 Annual Report of Advisory Intelligence Committees; to the Committee on Intelligence (Permanent Select).

3765. A letter from the Chief Privacy Officer, Department of Homeland Security, transmitting a report entitled, ''DHS Privacy Office 2013 Annual Report to Congress''; to the Committee on Homeland Security.

3766. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting third periodic Report to Congress: Summary of Significant Safety-Related Issues at Operating Defense Nuclear Facilities; jointly to the Committees on Energy and Commerce and Armed Services.

3767. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the annual reports that appear on pages 119-146 of the June 2013 ''Treasury Bulletin'', pursuant to 26 U.S.C. 9602(a); jointly to the Committees on Ways and Means, Transportation and Infrastructure, Natural Resources, Agriculture, Education and the Workforce, and Energy and Commerce.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BURGESS: Committee on Rules. House Resolution 420. Resolution providing for consideration of the bill (H.R. 1900) to provide for the timely consideration of all licenses, permits, and approvals required under Federal law with respect to the siting, construction, expansion, or operation of any natural gas pipeline projects, and for other purposes (Rept. 113–272). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MEADOWS (for himself, Mrs. CAPITO, Mr. MURPHY of Florida, and Mr. BUTTERFIELD):

H.R. 3529. A bill to provide exemptions from certain mortgage, servicing, and appraisal requirements for non-profit low-income housing providers, and for other purposes; to the Committee on Financial Services.

By Mr. POE of Texas (for himself, Mrs. CAROLYN B. MALONEY of New York, Mr. NOLAN, Mrs. MILLER of Michigan, and Ms. GRANGER):

H.R. 3530. A bill to provide justice for the victims of trafficking; to the Committee on the Judiciary.

By Mr. RENACCI (for himself, Mr. PRICE of Georgia, Mr. WEBSTER of Florida, Mr. KELLY of Pennsylvania, Mr. STIVERS, Mr. CARNEY, Mr. BARBER, Ms. FUDGE, Mr. BUCSHON, and Mr. KILMER):

H.R. 3531. A bill to amend title XVIII of the Social Security Act to eliminate the 3-day

prior hospitalization requirement for Medicare coverage of skilled nursing facility services in qualified skilled nursing facilities, and for other purposes; to the Committee on Ways and Means.

By Mr. BISHOP of New York (for himself and Mr. GEORGE MILLER of California):

H.R. 3532. A bill to promote State requirements for local educational agencies and public elementary and secondary schools relating to the prevention and treatment of concussions suffered by students; to the Committee on Education and the Workforce.

By Mr. AMODEI:

H.R. 3533. A bill to amend the Endangered Species Act of 1973 to permit Governors of States to regulate intrastate endangered species and intrastate threatened species, and for other purposes; to the Committee on Natural Resources.

By Mr. WALBERG (for himself, Mr. CONYERS, Mr. HUIZENGA of Michigan, Mr. DINGELL, Mrs. MILLER of Michigan, Mr. BENISHEK, Mr. PETERS of Michigan, Mr. BENTIVOLIO, Mr. UPTON, Mr. CAMP, Mr. ROGERS of Michigan, Mr. LEVIN, and Mr. KILDEE):

H.R. 3534. A bill to designate the facility of the United States Postal Service located at 113 West Michigan Avenue in Jackson, Michigan, as the ''Officer James Bonneau Memorial Post Office''; to the Committee on Oversight and Government Reform.

By Mr. MCNERNEY (for himself and Mr. GARY G. MILLER of California):

H.R. 3535. A bill to amend the Internal Revenue Code of 1986 to authorize a new empowerment zone designations for urban areas with high unemployment and high foreclosure rates, and for other purposes; to the Committee on Ways and Means.

By Mrs. BEATTY (for herself, Ms. NORTON, Ms. SEWELL of Alabama, Mr. LOEBSACK, and Mr. CARTWRIGHT):

H.R. 3536. A bill to amend the Elementary and Secondary Education Act of 1965 to support teacher and school professional training on awareness of student mental health conditions and suicide prevention efforts; to the Committee on Education and the Workforce.

By Ms. EDWARDS (for herself, Ms. NORTON, Mr. CUMMINGS, Ms. TSONGAS, Mr. CICILLINE, Mr. WELCH, and Mr. HOLT):

H.R. 3537. A bill to amend the Internal Revenue Code of 1986 to make permanent the credit for increasing research activities, to increase such credit for amounts paid or incurred for qualified research occurring in the United States, and to increase the domestic production activities deduction for the manufacture of property substantially all of the research and development of which occurred in the United States; to the Committee on Ways and Means.

By Mr. HINOJOSA (for himself and Mr. GEORGE MILLER of California):

H.R. 3538. A bill to expand the use of open textbooks in order to achieve savings for students; to the Committee on Education and the Workforce.

By Mr. LONG:

H.R. 3539. A bill to amend title X of the Public Health Service Act with respect to adoption and other pregnancy options counseling; to the Committee on Energy and Commerce.

By Mr. POLIS (for himself, Mr. MARINO, and Mr. DEUTCH):

H.R. 3540. A bill to amend chapter 26 of title 35, United States Code, to require the disclosure of information related to patent ownership, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIFFIN of Arkansas (for himself and Mr. GARDNER):

H.R. 3541. A bill to prevent a taxpayer bailout of health insurance issuers; to the Committee on Energy and Commerce.

By Mr. JOHNSON of Ohio:

H.R. 3542. A bill to amend the Safe Drinking Water Act to exempt fire hydrants from the prohibition on the use of lead pipes, fittings, fixtures, solder, and flux; to the Committee on Energy and Commerce.

By Mr. HASTINGS of Florida:

H. Res. 421. A resolution recognizing people of African Descent and Black Europeans; to the Committee on Foreign Affairs.

By Mr. VAN HOLLEN (for himself and Mrs. BLACKBURN):

H. Res. 422. A resolution recognizing the campaign of genocide against the Kurdish people in Iraq; to the Committee on Foreign Affairs.

By Ms. WILSON of Florida (for herself, Ms. SPEIER, Ms. CHU, Mr. HONDA, Mr. FARR, Ms. ESHOO, Ms. LEE of California, Mr. WAXMAN, Mrs. CAPPS, Ms. JACKSON LEE, Mr. MCGOVERN, Mr. SWALWELL of California, Mrs. NAPOLITANO, Mr. LOWENTHAL, Mr. GEORGE MILLER of California, Mr. CROWLEY, Mr. MORAN, Mr. BARROW of Georgia, Mr. HASTINGS of Florida, Mr. DELANEY, and Mrs. LOWEY):

H. Res. 423. A resolution honoring the life, legacy, and example of Congressman Leo J. Ryan 35 years after his tragic death; to the Committee on House Administration, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. MEADOWS:

H.R. 3529.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1:

Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. POE of Texas:

H.R. 3530.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. RENACCI:

H.R. 3531.

Congress has the power to enact this legislation pursuant to the following:

Congress created a health care program called Medicare that is operated by the federal government. This bill would improve the efficiency and fairness of that program, especially access to care, while affecting interstate commerce, which Congress has the power to regulate under Article I, Section 8, Clause 3.

By Mr. BISHOP of New York:

H.R. 3532.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1, 3, and 18.

By Mr. AMODEI:

H.R. 3533.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution, specifically clause 1 (relating to providing for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. WALBERG:

H.R. 3534.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7.

By Mr. MCNERNEY:

H.R. 3535.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution.

By Mrs. BEATTY:

H.R. 3536.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1

By Ms. EDWARDS:

H.R. 3537.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. HINOJOSA:

H.R. 3538.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. LONG:

H.R. 3539.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1—The Congress shall have Power to . . . '' provide for the common Defense and general Welfare of the United States . . .''

Article 1, Section 8, Clause 18—''To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.''

By Mr. POLIS:

H.R. 3540.

Congress has the power to enact this legislation pursuant to the following:

Clause 8 of Section 8 of Article I of the U.S. Constitution.

By Mr. GRIFFIN of Arkansas:

H.R. 3541.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. JOHNSON of Ohio:

H.R. 3542.

Congress has the power to enact this legislation pursuant to the following:

According to Article I, Section 8, Clause 3 of the Constitution: The Congress shall have power to enact this legislation to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 120: Ms. EDWARDS.
H.R. 259: Mr. KINGSTON.
H.R. 270: Mr. ELLISON and Mr. HONDA.
H.R. 274: Mr. KEATING.
H.R. 351: Mr. MCKEON.
H.R. 543: Mr. BISHOP of New York.
H.R. 647: Mr. MULVANEY, Mr. AUSTIN SCOTT of Georgia, Mr. COLLINS of Georgia, and Ms. JACKSON LEE.
H.R. 669: Mrs. CHRISTENSEN.
H.R. 676: Ms. MCCOLLUM.
H.R. 685: Mr. VELA, Mr. MESSER, Mr. DUNCAN of Tennessee, and Mrs. MCMORRIS RODGERS.
H.R. 713: Mr. GIBBS, Mrs. WAGNER, Mr. LAMALFA, and Mr. HONDA.
H.R. 715: Mr. MCNERNEY and Mr. PERLMUTTER.
H.R. 809: Mr. FINCHER.
H.R. 919: Mr. RYAN of Ohio.
H.R. 997: Mr. LATHAM and Mrs. MILLER of Michigan.
H.R. 1020: Ms. FOXX.
H.R. 1024: Mr. BARROW of Georgia.
H.R. 1124: Mrs. BEATTY.
H.R. 1179: Mr. COHEN and Mrs. CHRISTENSEN.
H.R. 1199: Mr. GARCIA.
H.R. 1209: Mr. GIBBS, Mr. GRAVES of Georgia, Mr. PITTENGER, Mr. BEN RAY LUJÁN of New Mexico, Mr. KING of New York, and Ms. FUDGE.
H.R. 1248: Mr. BACHUS.
H.R. 1310: Mr. LAMBORN.
H.R. 1339: Mr. LIPINSKI and Mrs. CAPITO.
H.R. 1428: Mr. PRICE of North Carolina.
H.R. 1429: Mr. BISHOP of New York.
H.R. 1449: Mr. ROSS, Mr. DIAZ-BALART, Mrs. LUMMIS, and Mr. SOUTHERLAND.
H.R. 1461: Mr. HUNTER and Mr. NUGENT.
H.R. 1518: Mr. RODNEY DAVIS of Illinois, Mr. CRENSHAW, and Mr. BILIRAKIS.
H.R. 1563: Ms. FRANKEL of Florida, Ms. WASSERMAN SCHULTZ, and Mr. GRAVES of Missouri.
H.R. 1601: Mr. CARTWRIGHT.
H.R. 1616: Mr. GIBSON.
H.R. 1666: Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. LIPINSKI, and Ms. ESHOO.
H.R. 1717: Mr. DAVID SCOTT of Georgia and Ms. KUSTER.
H.R. 1726: Ms. FRANKEL of Florida.
H.R. 1761: Mr. ROE of Tennessee.
H.R. 1779: Mr. PETERSON.
H.R. 1830: Ms. ESTY.
H.R. 1851: Ms. KUSTER and Mr. HORSFORD.
H.R. 1852: Mr. ROSS, Mr. DIAZ-BALART, Mrs. LUMMIS, Mr. LABRADOR, and Ms. BROWNLEY of California.
H.R. 1869: Mr. WITTMAN.
H.R. 1878: Ms. FRANKEL of Florida.
H.R. 1920: Mr. RIGELL.
H.R. 1985: Mr. GOODLATTE.
H.R. 1992: Mr. KINZINGER of Illinois and Mr. SIRES.
H.R. 2027: Mr. CASSIDY.
H.R. 2028: Mr. TIERNEY.
H.R. 2144: Mr. DUNCAN of South Carolina.
H.R. 2305: Mr. THOMPSON of Pennsylvania.
H.R. 2385: Mrs. WAGNER.
H.R. 2446: Mrs. WAGNER.
H.R. 2553: Ms. MOORE, Ms. SCHWARTZ, Ms. TITUS, and Mr. GEORGE MILLER of California.
H.R. 2560: Mr. RANGEL.
H.R. 2607: Mrs. CAROLYN B. MALONEY of New York, Mr. ISRAEL, and Mr. POCAN.
H.R. 2619: Mr. LOWENTHAL.
H.R. 2663: Mr. ROSS.
H.R. 2697: Mr. BISHOP of New York, Ms. KUSTER, and Mr. JOHNSON of Georgia.
H.R. 2703: Mr. DOYLE.
H.R. 2725: Mr. TIBERI, Mr. STUTZMAN, and Ms. WASSERMAN SCHULTZ.
H.R. 2785: Mr. RENACCI.
H.R. 2791: Mr. GIBSON and Mr. HUIZENGA of Michigan.
H.R. 2818: Mr. GRIJALVA.
H.R. 2945: Mr. ROSKAM.
H.R. 3040: Mr. GENE GREEN of Texas.
H.R. 3105: Mr. GOODLATTE and Mr. COTTON.
H.R. 3111: Mr. JOHNSON of Ohio.
H.R. 3121: Mr. RENACCI.
H.R. 3125: Mr. BUTTERFIELD, Mr. BRALEY of Iowa, Mr. DANNY K. DAVIS of Illinois, Mr. CLAY, Mr. COHEN, Mr. RODNEY DAVIS of Illinois, and Mr. LOEBSACK.
H.R. 3135: Ms. MCCOLLUM.
H.R. 3143: Mr. ISRAEL.
H.R. 3163: Mr. MORAN.
H.R. 3169: Mr. BURGESS.
H.R. 3189: Mr. POE of Texas.
H.R. 3206: Ms. FRANKEL of Florida.
H.R. 3211: Mr. FITZPATRICK.
H.R. 3240: Mr. FOSTER.
H.R. 3297: Ms. SCHAKOWSKY.
H.R. 3299: Mr. RIBBLE, Mr. HARRIS, Mr. BENTIVOLIO, Mr. BOUSTANY, and Mr. ROSKAM.
H.R. 3303: Mr. BILIRAKIS.
H.R. 3308: Mr. PITTENGER.
H.R. 3309: Mr. JOHNSON of Ohio and Mr. LARSEN of Washington.
H.R. 3322: Mr. RANGEL.
H.R. 3327: Mrs. BUSTOS.
H.R. 3333: Mr. PETERS of California.
H.R. 3335: Mr. POE of Texas, Mr. JOHNSON of Ohio, Mr. BOUSTANY, and Mr. COLLINS of New York.
H.R. 3349: Ms. LOFGREN, Mr. DEFAZIO, and Mr. WELCH.
H.R. 3360: Ms. SLAUGHTER.
H.R. 3362: Mr. LONG.
H.R. 3392: Mr. ROGERS of Kentucky.
H.R. 3395: Mr. ISRAEL.
H.R. 3407: Mr. COURTNEY.
H.R. 3416: Mr. HUNTER and Mr. PITTENGER.
H.R. 3429: Mr. MEEHAN.
H.R. 3430: Mr. LOWENTHAL.
H.R. 3435: Mr. LYNCH.
H.R. 3436: Mr. WOLF and Mr. PERRY.
H.R. 3464: Ms. HERRERA BEUTLER and Mr. JONES.
H.R. 3469: Mr. VELA, Ms. CASTOR of Florida, Mr. VEASEY, Mrs. ELLMERS, Mr. VAN HOLLEN, Mr. POCAN, and Mr. BISHOP of New York.
H.R. 3470: Mr. STOCKMAN.
H.R. 3480: Mr. MCGOVERN.
H.R. 3482: Mr. PITTENGER.
H.R. 3484: Ms. SPEIER.
H.R. 3485: Mr. BROUN of Georgia, Mr. WOODALL, and Mr. THORNBERRY.
H.R. 3486: Mrs. BACHMANN and Mr. PITTENGER.
H.R. 3488: Mr. YOUNG of Alaska, Mr. VEASEY, Mr. TURNER, Mr. CALVERT, Mr. OLSON, and Mr. LARSON of Connecticut.
H.R. 3490: Mr. MCGOVERN, Ms. NORTON, and Mr. HANNA.
H.R. 3509: Mr. CRENSHAW and Mr. SHERMAN.
H.R. 3516: Mr. THOMPSON of Pennsylvania.
H.R. 3526: Mr. WEBER of Texas, Mr. FORTENBERRY, and Mr. MCGOVERN.
H.R. 3527: Mrs. CHRISTENSEN and Mr. FORTENBERRY.
H. Con. Res. 16: Mr. GIBBS and Mr. CHABOT.
H. Con. Res. 64: Mr. JOHNSON of Ohio.
H. Res. 72: Mr. CÁRDENAS.
H. Res. 147: Mr. PEARCE.
H. Res. 188: Mr. HOLDING and Mr. HIGGINS.
H. Res. 227: Mr. GEORGE MILLER of California.
H. Res. 231: Mr. THOMPSON of Pennsylvania and Ms. PINGREE of Maine.
H. Res. 238: Mr. CARSON of Indiana.
H. Res. 250: Mr. KINGSTON.
H. Res. 284: Mr. COBLE.
H. Res. 345: Mr. PRICE of North Carolina.
H. Res. 401: Ms. SINEMA, Ms. LOFGREN, and Mr. QUIGLEY.
H. Res. 402: Mr. GERLACH, Ms. KAPTUR, Mr. LEVIN, Mr. PITTS, Mr. PRICE of North Carolina, Mr. SHIMKUS, Mr. SHUSTER, Mr. SIRES, Mr. FALEOMAVAEGA, Mr. RANGEL, Ms. SCHWARTZ, and Ms. FRANKEL of Florida.
H. Res. 404: Mr. MCCAUL.
H. Res. 405: Mr. THOMPSON of Pennsylvania.
H. Res. 407: Mr. LEWIS, Mr. MICHAUD, and Ms. BASS.
H. Res. 410: Mr. HANNA, Mr. HUELSKAMP, Mr. BUCHANAN, and Mr. CHABOT.
H. Res. 417: Mr. SMITH of New Jersey.

## CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 8 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendments to be offered by Representative HASTINGS of Washington, or a designee, to H.R. 1965, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

The amendment to be offered by Representative TONKO, or a designee to H.R. 3301, the North American Energy Infrastructure Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 or rule XXI.

The amendment to be offered by Representative TONKO, or a designee to H.R. 1900, the Natural Gas Pipeline Permitting Reform Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

United States
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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, FIRST SESSION

*Vol. 159* WASHINGTON, TUESDAY, NOVEMBER 19, 2013 *No. 165*

# *Senate*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

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

Let us pray.

Holy God, You make the clouds Your chariot and walk upon the wind. We see Your works in the rising of the sun and in its setting. For the beauty of the Earth and the glory of the skies, we give You praise.

Today, make our lawmakers heirs of peace, demonstrating that they are Your children as they strive to find common ground. May they take pleasure in doing Your will, knowing that by so doing they are fulfilling Your purposes in our world.

Lord, You are never far from us but often we are far from You, so show us Your ways and teach us Your paths. Thank You that Your mercy is from everlasting to everlasting upon those who come to You with reverence. May Your glory endure forever. We pray in Your great Name. Amen.

## PLEDGE OF ALLEGIANCE

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

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

## RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. REID. Mr. President, following my remarks and those of Senator MCCONNELL, the Senate will be in a period of morning business for 1 hour. The time will be equally divided and controlled between the two leaders or their designees.

Following morning business the Senate will resume consideration of the National Defense Authorization Act.

The Senate will recess today from 12:30 until 2:15 to allow for our weekly caucus meetings.

We will work on amendments to the Defense bill today. Everyone will be notified when votes are scheduled.

## NATIONAL DEFENSE AUTHORIZATION ACT

Mr. REID. Mr. President, today we are going to continue work on the Defense bill. It is really an important measure, and that is an understatement. It safeguards this Nation. It ensures our troops have the resources and training they need. It provides for military families who support our fighting men and women. This is a serious bill, and it deserves serious debate—not to be bogged down by unrelated political issues.

For example, this legislation encompasses a lot of issues, including a pay raise for members of our Armed Forces. It authorizes dozens of special pay rates and bonuses, such as bonus payments for servicemembers who see combat or who are stationed overseas.

This important legislation also includes robust and far-reaching provisions to combat the scourge of sexual assault in the military, including changes that would ensure perpetrators are punished and victims are protected. Senators LEVIN, GILLIBRAND, MCCASKILL, and others have done exceptionally good work to confront this problem. As we build on their work, there are additional amendments concerning military sexual assault the Senate needs to consider.

The Senate must also consider amendments relating to the Guantanamo Bay detention center. Everyone is aware that we cannot complete this bill until we vote on the sexual assault and Guantanamo provisions.

I know this bill has a lot of provisions people would like to change. Frankly, we won't be able to change a lot of it. The committee did really good work in coming up with the bill. The two issues I have just talked about, though, must have votes. I would accept the language in the Defense bill as it relates to Guantanamo; I think it is a significant improvement. But my Republican colleagues want to have an opportunity to change that, and I understand that. That is why I said that should be the first measure we vote on. I have said that more than once, and I say it again.

The matter dealing with sexual assault is a controversial matter, and we have to have a vote on that. We have to do that. That is why I said that is the second most important issue we deal with in this bill.

Why couldn't we get these two important issues out of the way? I am speaking only for myself. If we have votes on those two measures, I think the bill would be ready to go to conference. I know people don't like to hear that, but I think that is, in fact, the case.

The time, effort, and wisdom led by Senator LEVIN to come up with a bill, working with the new ranking member Senator INHOFE has been a labor of love for both of them. But these two issues need to be resolved on the Senate floor. I ask that it be done.

I asked last night by unanimous consent to get these things done, but there was objection from my Republican colleagues. So if we can't vote even on these amendments to these two crucial issues—and I know there are other issues, but no one can in any way disparage what I have just said, that these are two very important issues. Everyone, I think, agrees they have to be considered before we can complete the work on this underlying legislation. So if we can't get these two votes done, how are we going to address any of the other issues we need to work on?

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

Maybe I shouldn't be optimistic, but I can be hopeful that we will be able to schedule votes on these amendments soon. In the meantime, Senators should not wait to debate these issues. Let's take just these two issues until we schedule votes on these amendments. Senators should come to the floor to speak on the issues now. There is a limited time to complete this bill before the Thanksgiving holiday, and Senators should use that time wisely to engage in meaningful debate.

I am totally aware of the number of Senators who wish to offer amendments on other issues as well, both defense-related and otherwise. So Senators should file their amendments, and I hope we can figure out a way to have a robust amendment process. However, we cannot allow this important legislation to be sidetracked by debates on amendments unrelated to our Nation's defense.

Our Nation's defense is a relative term and some people have different ideas as to what that should mean. But the United States has passed this bill for more than half a century. This is a sign of respect for this institution and for the people this legislation represents—our Nation's Armed Forces. So let's give this bill the respect it deserves.

## NOMINATIONS

Mr. REID. Mr. President, it is hard for me to find the words to express my disappointment for our country in yesterday's vote on another person to go to the DC Circuit Court of Appeals.

The last three people have been filibustered, and they are good people. They are qualified. Their records are outstanding for their work in the courts—scholastically brilliant, every one of them. But Republican obstruction has become endemic in the Senate over the last five years, grinding the work of this institution to a halt, threatening the integrity of this institution and damaging our country. No President should have to put up with what President Obama has had to put up with.

## RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. BOOKER). The Republican leader is recognized.

## HEALTH CARE

Mr. MCCONNELL. Mr. President, over the past few weeks, we have seen vivid, painful confirmation of the predictions that many of us made about ObamaCare. Most notable among them, perhaps, was the President's often repeated promise: ''If you like your plan, you can keep it.'' ''If you like your plan, you can keep it,'' he said. But we were always doubtful that could possibly be true.

This was always what Democrats thought they had to tell the American people in order to muscle ObamaCare into law. They knew it wouldn't work otherwise. They knew the truth would not sell and, of course, that is all coming out now.

But we are also learning a lot of other very unsettling things about this law, such as the fact that a lot of things that were working well in our health care system are now being thrown out for no good reason by the same people who brought us the ObamaCare Web site.

High-risk pools are a good example. About three dozen States set up these kinds of pools to ensure Americans with serious medical conditions, such as those suffering from diabetes and heart disease, would have a place to turn. High-risk pools have often proved successful and popular among the communities they serve. They currently provide insurance to hundreds of thousands of Americans, including thousands of Kentuckians, nearly all of them with preexisting conditions—the very people the law was supposed to help. These folks benefit from this coverage and many want to keep it. Unfortunately, that would no longer be possible under ObamaCare. Nearly all of them will lose their coverage at the end of the year.

Just as millions of other Americans across the country, folks who like the coverage they have in these high-risk pools—and remember, I am talking about some of the most vulnerable people in our society—are now discovering they won't be able to keep it, either, despite what the President told us again and again. As it turns out, the folks who ran this law through Congress think people in these high-risk pools belong in ObamaCare instead. They don't think it matters whether my constituents want to get dumped into ObamaCare or not; they made that decision for them.

A lot of folks in Kentucky don't think this is right and they are upset, and not just because they are losing their plan and all the hassle and complication that involves. For many of these folks, the plans they are being forced into have more limited hospital and doctor networks than the plans they currently have. As one State official recently put it, ''If you're in the middle of chemotherapy, the last thing you want to do is switch oncologists.''

We seem to see these kinds of stories just about every day now. There is the North Carolina woman with a severe heart condition who said she didn't know if her cardiologist and her procedures would be covered under ObamaCare. Here is what she said: ''It's . . . the uncertainty that gets to me.''

There is the breast cancer survivor and her husband who have been paying about $800 a month for premiums in a high-risk pool. After that policy was canceled, they expected lower rates under ObamaCare. Instead, they found their premium and deductibles could actually be going up.

This is scary stuff. But these are the real-life consequences of ObamaCare. This is no longer some theoretical policy discussion. I would suggest that as we contemplate the future of this law, our Democratic friends should start paying closer attention to stories such as these because it is not enough to have a messaging strategy and to play the old Washington game by trying to weather the PR storm until folks move on.

These stories we are hearing from our constituents are literally heartbreaking. This is not some hassle to move past. It is a problem to solve. It is what we were sent here for, and it is what health care reform should be about—about helping folks, not hurting them.

We do not need to get past this news cycle, as some of the White House spinners seem to think. What we need to get past is a White House mentality that told us last week that passing a bill to codify the very promise the President made to sell the bill would gut ObamaCare. We need to get past a mentality that caused the President to issue a veto threat on a law that would let him keep his promise to the American people about keeping the health care plans they have and like.

It is almost comical watching the contortions the administration is making trying to explain this fiasco away. Over the weekend we learned through a White House leak to the Washington Post that the President's new definition of success for the ObamaCare Web site is four out of five users making it through the checkout line—four out of five users making it through the checkout line. Who thinks that is acceptable? I certainly do not, and I cannot think of anybody outside the White House compound who will think that is acceptable either.

Frankly, if this is the President's way of restoring credibility on this law, by leaking that the Web site will not even work for one out of five users just a few days after vowing it would soon be up and running like a top, well, he has some work to do. The bar for clarity, honesty, and success under ObamaCare has sunk to new lows.

Look, if you are being treated for cancer and about to be dumped into ObamaCare, the last thing you want to hear is that leaving one out of five people behind is now considered an ObamaCare win. We are talking about people's lives here. This kind of mindset—whether we are talking about a Web site or anything else—is deeply worrying.

But then again this has always been the problem with blind faith in massive government programs. It is the old idea that we should not let the evidence get in the way of a good theory. That is the mindset the supporters of this law are stuck in right now—just blindly adhering to the hope that this program will work against all the evidence. It is pretty distressing. It is going to have to change if we are going to get anywhere.

The real question right now should be obvious: What is the administration's plan to turn all this around? We know they have a press plan. What is the policy plan? What is the policy plan? Does the administration have anything of substance to tell folks who are losing their plans? Does it have anything to tell folks in these high-risk pools who could be losing their doctors? Does anyone over there know—anyone?

I have said this before and I will say it again: These are people's lives we are talking about. So it is time for a reality check. The defenders of ObamaCare have a choice: Stand up for your constituents or defend a law that is falling apart before our very eyes, a law that threatens to drag down the quality and affordability of care for millions—literally millions—of Americans who need it, including those most in need.

I yield the floor.

## RESERVATION OF LEADER TIME

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

## MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business for debate only for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

The Senator from Michigan.

## ORDER OF PROCEDURE

Mr. LEVIN. Mr. President, I have a very brief statement I will now make, and I thank the Senators from Maryland and Maine for allowing me to do this. I ask unanimous consent that the very brief statement I am going to make not count against morning business.

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

## NATIONAL DEFENSE AUTHORIZATION ACT

Mr. LEVIN. Mr. President, later this morning the Senate is going to resume consideration of S. 1197, the National Defense Authorization Act for Fiscal Year 2014. I will have a full statement to make on this legislation later today. However, I would like to take just a moment to talk to my colleagues about where we are on the bill and how we would like to proceed.

Last night, the majority leader asked for unanimous consent to bring up side-by-side amendments on subjects that we know we need to debate and vote on—military detention at Guantanamo and sexual assault and misconduct in the military. Each amendment and side-by-side was to be subject to a 60-vote threshold. Unfortunately, there was an objection to this request. As a result of that objection, the majority leader filled the amendment tree on our bill.

Now we are in a position where we are going to need the cooperation of all Senators to get this important bill passed, as we must, in the limited time available to us before Thanksgiving week in order that we will have time to go to conference, get a conference report, and bring that conference report back to the House and Senate.

It remains our intention to bring up and vote on as many relevant amendments to the bill as possible, and I know the Republican manager, ranking member Senator INHOFE, shares this objective. Toward this end I expect there will be further attempts later in the day to reach a unanimous consent agreement on the first amendments to be brought up, and that will be a repeated unanimous consent request that was offered last night for those first two amendments.

It is also our intention to clear amendments, as we have always done on this bill. I urge our colleagues, if you have amendments, to file them, bring them to us, so we can try to clear them. The majority and minority staffs of the Armed Services Committee are working hard. We hope to have a first package of cleared amendments ready for consideration later today, and we will continue to go through that process during the week.

Finishing this bill is going to be a very difficult task. We have managed to do it for the last 51 years, and I am confident, with the cooperation of all Senators, we will be able to do it again this year. We must for the sake of our troops, their families, and our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

## SEXUAL ASSAULT IN THE MILITARY

Ms. MIKULSKI. Mr. President, today we, of course, are beginning the debate on the National Defense Authorization Act. Throughout the next hour, and throughout the rest of the day, you will see the women of the Senate take the floor, one, in support of our military but also to express their concern and their ideas on how to deal with sexual violence in the military. You will see in the next hour our ideas—the fact that we have excellent ideas in the bill—and then we will have a robust debate on how to even further enhance this process.

This is a compelling national problem. When you join the military and you face the enemy, you should not have to fear the enemy within. No woman should be a victim of rape by a fellow soldier or seaman or corpsman. No man should face the same sexual attack and call it hazing. There is no place in the U.S. military for violence against one member of the military by another.

I am pretty fed up. I am fed up with lip service and empty promises and zero tolerance policies and task force after task force after task force. I am an old-timer in this institution. I have been here for 25 years, and I have worked on this issue every year. Ever since I first came here there has been some repugnant occurrence—from when I was a brandnew Senator and I had to deal with a situation at the Naval Academy where a female midshipman was chained to a urinal at the Naval Academy and taunted for 3 hours by fellow midshipmen, until she was freed by a visiting Air Force cadet, getting her out of handcuffs at her own Naval Academy. Then there was Tailhook. Then there were other kinds of incidents.

Statistics after statistics. There are 26,000 reasons why we are on the floor today. Mr. President, 26,000 sexual assaults have occurred in our U.S. military this past year.

Then we look at the service academies training the future leaders—15 attacks at the Naval Academy, 15 attacks at West Point, and over 50 attacks at the U.S. Air Force Academy.

Now is the time to do something, to do something bold, to do something strong and something unequivocal, something victims can have confidence in, where the accused can feel the process will be fair and we restore the confidence in the U.S. military to stop this and to deal with their own.

I am proud of the leadership taken by the women in the Senate and the women on the Armed Services Committee. There are now seven women on the Armed Services Committee—five Democrats and two Republicans. Wow, do they work on a bipartisan basis with the leadership of the committee. We appreciate the work of the fine men who have supported us in dealing with this issue. We particularly thank Chairman LEVIN for his leadership, and we acknowledge the role of Senator INHOFE. By the way, all of the women of the Senate wish to express our sincere condolences to Senator INHOFE on the loss of his beloved son, Dr. Perry Inhofe.

This is not just a women-only fight. This is a fight to make sure our military continues to be the best in the world and that when you serve, there is an enemy outside that we will always face, but there is an enemy within that we need to now end.

We, the women of the Senate—all of us—agree on the goals. We want to be able to provide prosecutorial tools for punishment, we want to ensure fairness in the process, and we want to make sure we get help to the victims.

The National Defense Authorization Act has more than 30 reforms in it to accomplish that. Thirteen relate to prosecutorial reforms, 10 are reforms to improve victims' services, 2 reforms

are to improve training of first responders, and 5 also deal with various kinds of reporting.

I am so pleased that the bill works to prevent retaliation against someone who reports a crime. So if you feel you have been a victim of sexual assault you are not retaliated against by stepping forward, where you are then doubly victimized, both by the attack and then by those who want to squelch the fact that you want to bring the attack to the surface and to follow some kind of redress and to also get help.

It also eliminates the statute of limitations on courts-martial for sexual crimes. It requires a review of decisions by commanders not to prosecute and requires dishonorable discharge for anyone convicted of a sexual assault.

The bill ensures that every victim gets access to legal counsel and support. This is very important. It is important not only to me and the other women, but it is important to the person who would be injured. First responders must have training in sexual assault. There are others that could be elaborated on.

Sexual assault in the military continues to rise. It is a problem, as I said. I am worried about the men and women every day, to be sure that they are well trained and well protected.

Unfortunately, many of these acts of violence are unreported, unprosecuted, and unpunished. DOD's own annual report gives us a picture of why victims do not report these crimes. Fifty percent do not think anything will be done, 43 percent believe they will not be believed, and 47 percent are afraid of retaliation.

The reforms in this bill deal with those fears and their concerns. We are ready to reform, revise, and standardize how the military deals with these problems. These reforms will change the way the military thinks and how they act.

During the course of this whole process, we have met with victims and heard their stories, we have met with experts and advocates, we have met with the military themselves. Now we are ready to give all concerned in this a voice by using the Defense bill for a vehicle for serious and significant reform. We have been able to do this because we have worked together on both sides of the aisle, working with the leadership of the committee—30 reforms that people can count on for fairness in the process for the accused but also help to those who feel they have been victimized but to be sure they are not victimized by the very system they count on.

I eagerly look forward to hearing from my senior Republican colleague Senator COLLINS.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. First, I wish to commend the senior Senator from Maryland, the dean of the women Senators, for organizing this debate today on an issue that concerns each of us; that is, the growing crisis of sexual assault in the military.

I first raised my concern over the military's inadequate response to the growing crisis of sexual assault nearly 10 years ago. I remember it well. It was a hearing before the Senate Armed Services Committee in 2004, at which I expressed my growing alarm about the number of sexual assaults in the military and the inadequate response by the leaders of the military to provide adequate care for the survivors and to ensure appropriate punishment for the perpetrators of these reprehensible crimes.

In an exchange I had with GEN George Casey, I stated the military needs to be much more responsive to reports of sexual assault, particularly in the field, and to separate these women and, in some cases, the male victims, from their alleged attackers. The Department must also vigorously prosecute offenders and hold commanders accountable for establishing zero tolerance policies.

To say that General Casey's response was disappointing would be an understatement. I am convinced that if the military had heeded the concerns that I and others such as Senator MIKULSKI raised a decade ago, this terrible problem would have been addressed much sooner, saving many individuals from the trauma, the pain, and the injustice they endured.

Back then, sadly, the attitude of the high-ranking officials who were testifying at that 2004 hearing was dismissive, even though these crimes never should have occurred in the first place, traumatized the survivors, and eroded the trust and discipline that are fundamental to every military unit. Thankfully, the attitude I perceive amongst senior military officers today is markedly different from the one I encountered 9 years ago. The work of translating the military's stated policy of zero tolerance into reality, however, remains unfinished business. Fostering a culture of zero tolerance so that the number of assaults is greatly diminished remains a goal, not reality. Ensuring that survivors do not think twice about reporting an assault for fear of retaliation or damage to their careers is still not part of the military culture.

In 2011, I joined our former colleague John Kerry in coauthoring the Defense STRONG Act as an initial step to address this crisis. Provisions of that bill were signed into law as part of the fiscal year 2012 National Defense Authorization Act. They provide survivors of sexual assault the assistance of advocates with genuine confidentiality. They provide guaranteed access to an attorney and expedited consideration to be transferred far away from their assailant.

Earlier this year I introduced the Coast Guard STRONG Act to extend these protections to Coast Guard members. I thank Chairman LEVIN, Ranking Member INHOFE, and Senator MCCASKILL for their work to include these provisions in this year's NDAA.

More than anything, survivors need to have the confidence that the legal system in which they report a crime will produce a just and fair result. Based upon data from the Department of Defense's most recent sexual assault prevention and response survey, that view is not held by enough servicemembers or survivors.

As a result, I have supported and introduced legislation with Senators Gillibrand and McCaskill aimed at reducing the barriers to justice that many survivors of sexual assault currently face in the military.

I commend both Senator GILLIBRAND and Senator MCCASKILL for their extraordinary leadership and dedication to resolving this unacceptable problem.

Let me also thank Chairman LEVIN and Ranking Member INHOFE for incorporating significant provisions from both bills into the NDAA.

In fact, there are more than 26 provisions specifically targeting sexual assault in the military in the bill that we are debating today. For example—and there are many, but I wish to highlight one because it was part of a bill Senator MCCASKILL and I introduced—the legislation mandates a dishonorable discharge or dismissal for any servicemember convicted of sexual assault. This came from a bipartisan, bicameral bill, the BE SAFE Act, that I introduced with Senator MCCASKILL, Congresswoman NIKI TSONGAS, and Congressman MIKE TURNER earlier this year.

In addition, the NDAA eliminates the ability of a convening authority to overturn a conviction by a jury post-trial for major offenses.

It permits a commander to relocate an alleged perpetrator of a sexual assault crime rather than relocating the survivor following an attack.

It eliminates certain factors, such as the alleged character of the accused, that a commander can consider in deciding how to dispose of an offense so that these decisions are based on evidence and the law.

Finally, the bill includes a provision I support that requires the military to provide an attorney dedicated to the interests of survivors of sexual assaults who can provide legal advice and assistance when survivors need such assistance the most.

There are many other important provisions that are included in this bill. Our work will not be complete until the Pentagon has demonstrated that it is fully enforcing its stated policy of zero tolerance for sexual assault.

There are strong views in the Pentagon and in Congress on how best to address this issue beyond the 26 provisions in the bill before us. There is much debate on what it means for the military's unique legal system.

One of the criticisms I have heard is that we should wait a few more months for the results of still more studies or

perhaps even wait a few more years to see if recently enacted provisions have made a difference. I strongly disagree. How many more victims are required to suffer before we take additional action? How many more lives must be ruined before we act? Rather than waiting for the results of yet more studies, we must debate proposals to increase the confidence of survivors and increase prevention efforts now until we have proved that the military has, indeed, fostered a culture of zero tolerance in which survivors are no longer concerned about retaliation from their peers or even their commanders.

This is why I have decided to support Senator GILLIBRAND's amendment to this bill. This was not an easy decision, as there are valid arguments on both sides. Senator GILLIBRAND's amendment takes aim squarely at the problem of victims failing to report sexual assault. In my judgment, her amendment will encourage more victims to report sexual assaults, and that is absolutely critical.

There can be no question about the Senate's commitment to reducing the instances of sexual assault in the military and to providing appropriate care for survivors. As we debate various proposals, we are united by the need for the serious reforms that are included already in this bill and that will enhance the military's response to sexual assault.

I wish to thank all of those on the Armed Services Committee, particularly the two leaders, Senator MCCASKILL and Senator GILLIBRAND, for their excellent work.

I am certain our work on the NDAA will make a real difference in reducing unnecessary suffering, injury, and injustice.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. I thank my colleagues Senator COLLINS and Senator MIKULSKI for their leadership on this issue and for bringing this important discussion to the floor today.

I also thank Senator MURKOWSKI, who I see in the Chamber as well, who has been a leader. Also, I thank Senator MCCASKILL, who has been a leader in the Armed Services Committee with me.

This has been an issue that has brought people together. It has brought people together for the right reasons. This is an issue that the women of the Senate have really driven, but it is important to understand that this is not a woman's issue. The issue of ending sexual assaults in our military is an issue for everyone. This is an issue about justice. This is an issue about fairness. This is about making sure that victims of crimes, both men and women, get the justice they deserve, the support they deserve in our military, and that they understand and appreciate that we want them to have a climate in the military where if they are a victim, they can come forward and receive the support they need and that they deserve.

Finally, this is also about the character of our military. We are blessed to have the very best military in the world, but when there is a plague of sexual assaults such as we have seen in our military, it undermines the very fabric of our military in terms of our readiness, in terms of our preparedness, and in terms of the cohesiveness of our units.

This is why it is not only important that we address and support the victims of these crimes, that we end sexual assault in our military, but that we have a climate in our military that says: If you are a commander and you do not stop sexual assaults, prevent sexual assaults, have a climate in your unit that says zero tolerance, this is not going to happen; if a victim comes forward in your unit and you don't handle this the right way, do the right thing, support victims, and ensure that perpetrators are held accountable, you will be relieved from command.

That is the climate in which all of the reforms in this Defense authorization are brought forward, where we work together across the aisle with very strong provisions to support victims.

One of those provisions is a special victims counsel. Senator PATTY MURRAY and I introduced a bill, standalone, to ensure, based upon a pilot program in the Air Force, that victims of sexual assault will actually now have their own lawyer, someone to represent them and their interests, to know that if they come forward there is someone looking out for them. That is one of the provisions contained in this Defense authorization bill, to ensure that every victim will have someone who stands for them.

In addition to that is retaliation. We have now made retaliation against victims a crime under the Uniform Code of Military Justice. This is to say to victims that if they come forward and for some reason are retaliated against, then whoever does that will be guilty of a crime. This is sending the message to please come forward, we want to support you, and we want to be sure the perpetrators are held accountable.

In addition, I believe that if we want to solve this problem, the provisions in this bill that people have worked together on are very strong. I thank the chairman of the Armed Services Committee and the ranking member for their work together.

We are going to pass in this Chamber unprecedented reforms that ensure that the military understands this is not an issue anymore that can be left in the closet. This is not an issue that can be quietly spoken of where victims feel they can't come forward. The reforms in this bill are very tough. They support victims. They hold commanders accountable, and they make sure we do not see what we have seen in the past, things such as commanders overturning the verdicts. That will be done under this bill. That is not allowed anymore if this bill passes on the floor.

So I simply come to the floor today to say there is so much we have agreed upon that is going to address this issue in the military, and I thank all my colleagues on the floor today for their leadership. We will not let this rest. The one thing I do know, for those of us who serve on the Armed Services Committee and those who are here in the Chamber who do not serve on the Armed Services Committee but serve on other important committees, including the Appropriations Committee, despite the unprecedented reforms I believe we are going to pass on a bipartisan basis to end sexual assault in the military and to ensure victims are supported, we are not going to let this go. This is not going to be something where we pass these reforms and that is the end of the story. Every few months we are going to be asking: What have you done to implement these reforms? Every few months we are going to be expecting a report back to the Senate to ensure that what we all have intended to occur here—that is the right thing for victims of crime, that is the right thing for our military—is getting done.

So while I am very proud of everything we have done and we will do when we pass the Defense authorization bill on a bipartisan basis to stand against sexual assault in our military, this is not the end of the story. We will continue to pursue this to make sure that our military understands they are accountable, that victims of crime understand that while in the military they will be supported, that we will not let this go.

I thank the Chair and my colleagues for their leadership and everything they have done to support victims of crime and to end sexual assault in our military.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I rise to join my colleagues in highlighting the epidemic of sexual assault in our Nation's armed services, and I am glad to join many of my colleagues here—the Senators from Maine and New Hampshire and our leader, the Senator from Maryland—in making sure the voices of women are heard in this debate.

We know that in May 2013 the Defense Department released a report that showed 26,000 incidents of unwanted sexual contact among servicemembers. That is an increase of 35 percent over 2 years.

In my State, Washingtonians are very proud of the incredible men and women who keep our country safe and defend us, and we are proud of the 10 military installations across our State. There are more than 65,000 men and women serving in military installations in the State of Washington—places such as Joint Base Lewis-McChord, the Puget Sound Naval Shipyard, Naval Station Everett, Naval Base Kitsap, Whidbey Island Naval Air Station, Bangor Naval Submarine

Base, and Fairchild Air Force Base. So we took it seriously when there were 116 reports of sexual assault across all of these installations in the State of Washington in 2010. That number is too high, and that is only the amount that is being reported. We know there may be many assaults that go unreported.

As my colleagues are saying, we need to do everything we can to address this problem. I am pleased that Joint Base Lewis-McChord is developing a sexual assault prevention program, and I urge my colleagues in the Senate to act to address this epidemic problem. The men and women of our Armed Forces are basically defending our country, so why are we leaving them unprotected while they serve?

I have cosponsored legislation authored by my colleague the senior Senator from Washington to provide special victims' counsel to victims of sexual assault. This will ensure that professionals trained in dealing with sexual assault are there to support the victims.

There may be differing opinions on how best to achieve the overall goals of reducing sexual assault in the military, but I believe all my colleagues can agree on one common goal: protecting the victims from further abuse. We need to put an end to an environment that allows sexual assault to occur and that lets the perpetrators go unpunished and discourages victims of sexual assault through fear and intimidation. Again, we may differ on how to best achieve that goal, but we are all here to say the same thing: Enough is enough. We will not tolerate sexual assault in the military and Armed Forces, and we owe it to our servicemembers to come together and act toward a solution today. That is why my colleagues are here—to emphasize this point in a way that speaks volumes about how this tragedy is affecting men and women in the armed services and the fact that this institution needs to come together to address it.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I thank my friends, the good Senator from Maryland, the dean of the women in the Senate, and the Senator from Maine, who have organized this portion of the debate this morning. I acknowledge and thank the other women of the Senate who are here this morning to speak on an issue we would all agree is something that must be addressed and that for far too long has not seen the redress it commands. So we stand together unified in an effort to truly make a difference.

I acknowledge the good work particularly of Senators MCCASKILL and GILLIBRAND, who have worked to raise the awareness of sexual assault in the military. They have truly advanced the discussion to the point where for the first time in far too long we will make substantive, meaningful headway when it comes to addressing sexual assault, sexual harassment, and what has been called or referred to as military sexual trauma. Working together I think we do have that momentum, that push to truly address these areas in a meaningful way.

When the Senate passes the National Defense Authorization Act for 2014, it will be evident to all that we have sent a very strong message on these issues—a very united message, clearly bipartisan.

It should be clear to all who have been following the debates—first in the Armed Services Committee and now here on the floor—there are differences of opinion within this body about how we address the crisis. But there is no difference of opinion that we must address the crisis. That means how to create a culture that prevents the kinds of incidents we are talking about from ever occurring; how we work to protect the rights of victims; how to ensure that justice and accountability are achieved in an open and transparent fashion so that victims know there is a system that works for them and so that our constituents know and we here in Congress have that confidence again. Right now that confidence does not exist.

We recognize that there remain differences across the body in how to achieve the elimination of sexual assault, sexual harassment, and military sexual trauma. I believe the amendment offered by our colleague from New York Senator GILLIBRAND is the best medicine for a difficult situation that has been allowed to languish for far too long.

This afternoon I intend to spend a little more time explaining why the amendment of Senator GILLIBRAND, although it is strong medicine and it is disruptive of the status quo, is the right way to go. But my purpose this morning in joining with my female colleagues here in the Senate is not to argue for or against one amendment or another; it is to point out that the NDAA, as reported by the Armed Services Committee, includes many provisions—so many provisions—that truly have a positive impact going forward.

I would also point out that during the course of our debate on the NDAA, the Senate may consider other amendments that enjoy broad support. My colleague, the Senator from California Mrs. BOXER spoke eloquently last night about her amendment that will protect victims' rights in article 32 proceedings. This amendment has drawn good, strong support from those who support the approach of Senator GILLIBRAND as well as those who oppose it. I am proud to cosponsor the amendment of Senator BOXER. It is good legislation, and I hope we can come together to adopt it.

I have submitted amendment No. 2141. This ensures that cadets and midshipmen at our Nation's service academies have access to special victims' counsel and sexual assault nurse examiners. Another of my amendments, No. 2143, requires reports from the heads of our service academies on the services available to victims of military sexual trauma. I would certainly hope these noncontroversial amendments can be offered and accepted at the appropriate time.

I think all of these ideas—those mentioned by my colleague from New Hampshire, those addressed by my colleague from Maine and others—will all help to make a difference, but I think we recognize that this is just the beginning of solving the problem. The Congress of the United States can encourage good behavior and can sanction bad behavior, but what we cannot do is legislate good culture.

Over the next few days we are going to hear a good many words about the importance of the chain of command in maintaining good culture. Some will argue that our efforts to ensure bad behavior is sanctioned will cause the chain of command to abandon this responsibility. I don't accept this proposition. Regardless of how we dispose of the amendment of Senator GILLIBRAND or the amendment of Senator MCCASKILL, it is the responsibility of the chain of command to provide for good order and discipline and sound military culture always. This is a nondelegable duty of those who accept positions of leadership and responsibility within our Armed Forces.

Those who wear the uniform reflect the values of this country, and every action they take must uphold those values. Sometimes, though, one has to wonder, does the chain of command get it? To illustrate a point, I want to share a sad story. This is a story Senator GILLIBRAND and I share.

The soldier's name was Danny Chen. He grew up in New York City's Chinatown. He joined the Army, and he was assigned to Fort Wainwright in Fairbanks, AK. From there he was deployed to Afghanistan. He was found dead in Afghanistan of what the Army described as ''an apparent self-inflicted gunshot wound.''

New York Magazine describes his experience in Afghanistan this way: A group of his superiors allegedly tormented Chen on an almost daily basis over the course of about 6 weeks in Afghanistan. They singled him out. He was their only Chinese-American soldier. They spit racial slurs at him. They forced him to do sprints while carrying a sandbag. They ordered him to crawl along gravel-covered ground while they flung rocks at him. One day, when his unit was assembling a tent, he was forced to wear a hard hat and shout out instructions to his fellow soldiers in Chinese.

Danny Chen's story is not about sexual assault or sexual harassment, but it is about harassment. It is about the kind of extreme behavior that has no place—absolutely no place—in the Armed Forces of this world's greatest democracy, just as sexual harassment and military sexual trauma have no place in our Armed Forces.

This week we have the opportunity to send a strong statement to the chain of command that they need to clean up the culture. Never again should we have to speak of a culture that allows harassment, assault, and trauma generated from within to fester within our military.

So I join with my colleagues this morning in unity for the victims and for a change—a change that will realign the reality that our servicemembers seem to face in the Armed Forces with the values of the greatest democracy on Earth.

I thank the Chair and my colleagues, and I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I rise today to speak on the National Defense Authorization Act and how the Senate, and particularly the women of the Senate, are working to address the crisis of military sexual assault.

I thank Senators MIKULSKI and COLLINS for organizing and bringing us together this morning. I thank Senators LEVIN and INHOFE for their leadership, and I thank Senators MCCASKILL and GILLIBRAND for working on this critical legislation over the course of the past year. Of course, I thank all of the women of the Senate. We have heard from many of them this morning and will hear from more because this is an incredible year—a year that I hope will be remembered as a decisive one in the effort to eradicate military sexual assault once and for all.

We are all too well aware that sexual assault continues to plague our Armed Forces. We have all seen the horrifying numbers. In 2012, the Department of Defense received 3,374 reports of sexual assault in the military. But by the DOD's own estimates, 26,000 incidents of unwanted sexual contact actually took place during that period. That means that only 12.9 percent—a small fraction—of all incidents were actually reported. Of the 3,374 reported offenses in 2012, only 880 faced command action for sex crimes. Of those 880, 594 faced court-martial, and 302 of those courts-martial resulted in convictions.

So all in all, we have a situation in which 880 people faced any kind of discipline for a sex crime out of the universe of 26,000 potential incidents. That is only 3.4 percent of total of incidents in which someone was held accountable, and only 302 or 1.1 percent were actually convicted of a crime. That is not a good set of numbers, and it sums up why this problem has been festering and why we need action this year.

But I think we also know that we are not all here because of the statistics. We are here because of real people and because each and every one of the numbers is a personal story of grief, and we know them all too well. Whether it was the sexual assault scandal last year at Lackland Air Force Base in Texas where a dozen or more basic training instructors were accused of sexually assaulting female trainees or the more recent case at the air base in Italy, where an Air Force general decided to reinstate a pilot, without explanation, despite the fact that this pilot had been convicted of sexual assault charges in a court-martial by a jury of his peers.

I think of Kimberley Wellnitz from Mora, MN. She served with the Marines in Iraq. In 2005, she was handcuffed to a bed and assaulted by a fellow Marine—her supervisor. She reported him. The end result? He was demoted in rank.

It is clear we have so much more to do in addressing this problem. It doesn't just hurt our men and women in uniform. It undermines the integrity of our Armed Forces and the integrity of our country, and that is why we can't let it continue.

I know everyone in the Senate—and none more than the women of the Senate—wants action to change this intolerable situation. And action is what we are going to get. This year's National Defense Authorization Act contains more than two dozen unprecedented reforms which will increase reporting of these crimes, provide support to victims, and help rebuild trust in the military's handling of sexual assaults.

As a former prosecutor who ran an office of 400 people, I learned over time that the outcomes are incredibly important. But just as important is how people feel about how they are treated in the system. Every year we did a survey of our victims of domestic abuse and of sexual assault, and one of the aspects that became clear over time: Just as important as how many months someone got in prison was whether or not the crime was explained to them, whether or not the process was explained to the victims, and whether or not the outcome was explained. We actually had people come back and say: I know this case had to be dropped; or I know you couldn't bring charges in this case, but I felt that you treated me with respect, and I understood that my case would still remain so that if another case came forward my record would be there, my report would be there. If the facts were better or if there was more evidence, you could go forward with it. That led me to get involved way before this past year in the issues of record retention in the military on sexual assault reports.

When I first got involved, we learned the shocking fact that many branches of the military were destroying the records sometimes in 1 year, sometimes in 5 years. That is why Senator Olympia Snowe and I got together and proposed changes to that system. We actually changed it so records would be kept for decades. But the problem is that still in the law, despite two changes we have made over the years on this exact authorization act, the victim actually has to sign something and say they want the records retained. That would not happen in a civil court.

Current law only requires retention of restricted reports—and that is when a servicemember chooses not to take legal action—at the request of the affected servicemember. This might seem innocuous, but it is not. It is a loophole allowing for the continued destruction of records, making it harder for service men and women who have been sexually assaulted to get VA benefits for the assault or to seek justice in the future.

I did an event with a former marine whose case couldn't be brought. Because she was a marine, the records at the time were kept for 5 years. So when the perpetrator got out and raped two kids in California, that prosecutor in California was at least able to look at the records. Whether he could use them or not is somewhat immaterial. It simply helps to look at the records to know what happened and if there was a similar modus operandi.

A servicemember who has been through an assault should not be forced to reach a far-reaching decision whether his or her report on such a crime will be retained or not, as is what is happening right now. This bill gets rid of the double standard between restricted and unrestricted reports, ensuring all reports are stored in a secure and private manner for at least 50 years. It also contains a provision from my bill requiring the disposition of substantiated sexual-related offenses be noted in personnel records. This will help ensure that commanders are aware of potential repeat offenders. And it contains the language from my Military Sexual Assault Prevention Act—and I thank Senator MURKOWSKI for her support—which expresses the sense of the Senate that charges of rape, sexual assault or attempts to commit these offenses should be disposed of by court-martial rather than by nonjudicial punishment or administrative action. We want offenders to be convicted and punished, not just given a slap on the wrist by commanders or allowed to slink away without a discharge.

This year's NDAA also includes legislation which I introduced with Senator MCCASKILL to add sexual assault and related charges to the list of protected communications that can be investigated by the DOD inspector general. This is expanded whistleblower protection which will help ensure that servicemembers are able to report sexual assault crimes without facing retaliation.

These are just a few of the provisions addressing sexual assault in this bill. We also know this bill does so much focused on victims' rights and treating our victims with the respect that they deserve.

Our country is fortunate that we have so many selfless service men and women who volunteer to serve their country. When they raise their hands to serve, we take on the responsibility to provide them the means to accomplish their mission and to ensure they don't have to worry about what is going on behind the front line. Sexual

assault in the military betrays that responsibility. If in the course of their service our service men and women experience an assault that our military failed to prevent, then we owe them the basic decency of justice.

I look forward to working on and passing this bill with my colleagues so that we can protect our servicemembers once and for all.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, we are seeing something pretty historic, with over half of the women of the Senate speaking on this issue. I know the press isn't covering this, but I hope with C–SPAN they are.

This is a bipartisan effort, with 30 reforms we have agreed to, and it is very impressive that we are all here, speaking up with one voice, and an occasional difference in goals. I hope America is watching because this has never happened before.

I now turn to the Senator from Wisconsin for her remarks, then to the Senator from Missouri, and then to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Mr. President, I rise this morning to speak about this year's national defense authorization legislation and the important reforms that are a part of the underlying bill to improve our military's response to sexual assault within its ranks.

The men and women in our Armed Services serve with courage in defense of our freedom every single day. In my eyes their service needs to be respected by taking decisive action to address the ongoing crisis—in fact, you can call it an epidemic—of sexual assault in the military. We know the system is broken, and it is long past time we fix it.

I wish to share just one story from a remarkable and brave woman named Rachel who lives in LaCrosse, WI.

Rachel joined the Army in 2004. She was sexually assaulted that same year while she was stationed at Fort Meade in Maryland for advanced individual training. After reporting her assault to her commanding officer, Rachel was interrogated for hours over numerous days and ultimately forced to drop the charge. She was written up for fraternization, and her assailant was not charged with any crime.

As you can imagine, Rachel was deeply affected by the trauma of this crime and continues to face struggles with post-traumatic stress disorder. But Rachel is a survivor and a true inspiration. She has turned her pain and courage into a platform for advocacy and service to her community, working through her organization Survivors Empowered Through Art to raise awareness about military sexual assault through the power of art and storytelling.

Rachel's story is a reminder that she is not alone and that we must do everything that we can to make sure that all victims of sexual assault have the support they deserve. That is why I am heartened by the many important reforms included in the 2014 National Defense Authorization Act and very grateful to the bipartisan coalition, in particular of women Senators who have worked so diligently to make this change happen. In particular, Senators GILLIBRAND and MCCASKILL have led the fight to make these improvements. Their efforts will make a real difference in the lives of countless Americans by preventing sexual assault in the military and greatly improving our support to victims.

However, I believe more must be done to help victims of sexual assault. That is why I am a proud cosponsor of Senator GILLIBRAND's amendment, which would improve on these important reforms by removing the prosecution of major crimes from the military chain of command. Instead, military prosecutors would determine whether to move a case forward, which would eliminate inherent bias and conflicts of interest which currently deter victims from reporting sexual assault crimes in the first place.

I am also filing an amendment to ensure we are including ROTC programs in our conversations about military sexual assault. Just like we must ensure our new officers from service academies meet our highest standards, we must do the same of those commissioned in ROTC programs across America.

I think the important improvements in this year's Defense authorization show the great promise of what can be achieved if we work together in a bipartisan way to get work done for the American people.

It is a tremendous privilege to be a public servant. It is a special privilege to be the first woman elected from my State to the U.S. Senate. One of the best parts for me is that I get to be a woman in the Senate at a time when there are so many incredible other women in the Senate to work with, to learn from, and to look up to. I expressly thank my Senate colleagues who serve on the Armed Services Committee—Senators MCCASKILL, HAGAN, SHAHEEN, GILLIBRAND, HIRONO, AYOTTE, and FISCHER. I thank them for their work in guiding this process through their committee in such an effective and bipartisan way. And my thanks of course goes as well to Senators LEVIN and INHOFE for their stewardship of these important provisions.

I thank Senators MIKULSKI and COLLINS for organizing today's floor speeches. The cumulative total of those changes represents true progress in eliminating the tragedy and scourge of sexual assault in our military. I once again thank my colleagues for their bipartisan work.

I yield the floor.

The PRESIDING OFFICER (Mr. KAINE). The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, I too thank my colleagues Senator MIKULSKI and Senator COLLINS for making an effort today to highlight the work that has been done on this important issue. I would be less than candid if I did not say it has been frustrating to have one policy difference dominate the discussion of this issue over the previous few weeks, without anyone even realizing the historic reforms that are contained in this bill. So I welcome the opportunity to come with my colleagues who may disagree on one policy issue but do not disagree on the goal and are taking a moment to recognize the work that has been put into this bill by not just the women of the Armed Services Committee but also the men of the Armed Services Committee.

After the hearings—and some of us have spent literally hundreds of hours pouring over trial transcripts, spending time visiting with prosecutors—I think we have fashioned historic and amazing changes that are going to forever change the successful prosecution of rapists in our military and go further to protect victims.

I come to this issue with a great deal of experience. I think it is not hyperbole or overstating it that I have stood in the courtroom prosecuting sexual predators more than any Member of the Senate. I have handled hundreds and hundreds of cases and dozens and dozens of jury trials. No one in this Chamber has intersected with victims of sexual assault more than I have. I do not think anyone has more of an understanding of the particularly complicated problems that these cases present, especially when there is a ''consent'' defense.

Keep in mind that the vast majority of these cases in the military are consent offenses. You have two options in a sexual assault case. One is ''it wasn't me,'' and the other is ''it was consensual activity.'' It does not take someone much to understand the principle that in this instance most of these cases are going to be consent defenses.

Why do I emphasize that? I emphasize it because it is relevant. It is particularly relevant to the reforms that we embrace in the underlying bill. The time period in which a victim decides she is going to come forward out of the shadows and hold her perpetrator accountable is invariably very close in time to the time of report. It is how she is treated at that juncture more than anything else, more than whether she has been victimized in the military or whether she has been victimized on the streets of your hometown—she is coming forward with the most personally painful moment of her life. Keep in mind if you are coming forward with the most personally painful moment of your life how complicated that gets if you know the defense is going to be that you wanted it, that it is consensual, and then it is even more difficult.

That is why the vast majority of these crimes in our country are never reported, ever. It doesn't matter whether we are talking military or civilian. So how can we, at that critical

moment, make sure that victim gets the help and support she or he needs to do the unthinkable, and that is to lay herself or himself bare to the public about what has happened. The way you do that is through the reforms my colleague Senator MURRAY stressed and that we have incorporated in this bill, and that is that every single victim gets their own lawyer.

I don't think many Members understand how extraordinary that is. That reform alone will make our military the most victim-friendly criminal justice system in the world. In no other criminal justice system anywhere—civilian, military, United States, our allies—does a victim get that kind of support. That is what is underlying in these reforms. We already know it works because it has been a pilot program in the Air Force. Unlike those who say reporting will never go up unless we make another policy change, reporting is spiking in our military, up 50 percent just this year. That is because the victims are getting the word, not only do you not have to report to the chain of command, you are going to begin to get the resources and help and knowledge you need to navigate the choppiest waters, emotionally and personally, you will ever encounter.

Not only have we done that in the underlying bill, we also have done other work such as stripping commanders of their ability to abuse this system by changing the outcome of a trial—very important.

Making the crime of retaliation a reality in the military—it should be actionable in a criminal court within the military if you retaliate against a victim who reports. Now not only will the victim know that retaliation is a crime, not only will the unit know retaliation is a crime, the victim has her own lawyer who can help press those charges if that occurs.

Think of the practical consequences of this reform. You go back into your unit, you are retaliated against, you call your lawyer: You will not believe what they did to me today. Your lawyer helps you bring charges against those who might retaliate.

It requires automatic discharge from the military for rape or assault convictions.

There will be other opportunities to debate the policy difference we have about how these cases are handled in the military, but I cannot say how grateful I am to the dean and to Senator COLLINS for doing this today. It is very important that we not lose sight that this is not about a bumper sticker. It is not about one side versus the other. This is about doing the very best job we can on the policy so we can protect victims, prosecute offenders, and get them the hell out of our military. That is what this is about, and with every fiber of my being I believe we are going to accomplish that with the reforms we are embracing.

I will come back to the floor to talk more about the amendment I will be offering on the floor to go even further with some of these reforms that we think are necessary.

I am so grateful that my colleagues have taken a moment to recognize the obvious; that what we have done is historic; that what we have done we do in agreement; and what we have done is going to make a difference.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, how much time do we have under this morning business agreement?

The PRESIDING OFFICER. All time in morning business has currently expired.

## EXTENSION OF MORNING BUSINESS

Ms. MIKULSKI. We have two more speakers, Senators from Massachusetts and Washington State. I ask unanimous consent morning business be extended for these two for approximately 10 minutes.

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

Ms. MIKULSKI. I yield to the Senator from Washington State and the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank the Senator from Maryland and the Senator from Maine for helping to bring so many of us to the floor today to talk about an issue that cuts across partisan lines and has plagued our Nation's military and has gone unaddressed for far too long. Military sexual assault is an epidemic and it has rightly been identified as such by the Pentagon. It is absolutely unconscionable that a fellow servicemember, the person you rely on to have your back and to be there for you, would commit such a terrible crime. It is simply appalling that they could commit such a personal violation of their brother or sister in uniform, but what is worse and what has made change an absolute necessity is the prevalence of these crimes. Recent estimates tell us that 26,000 servicemembers are sexually assaulted each year and just over 3,000 of those assaults are reported. According to the Department of Veterans Affairs, about one in five female veterans treated by VA has suffered from military sexual assault; one in five. That is certainly not the act of a comrade. It is not in keeping with the ethos of any of the services, and it can no longer be tolerated. That is why the women of the Senate have been united in calling for action.

There has been made much of the fact that there are now 20 women in the Senate, a historic number that I think we all agree can still grow. But it is important to remember that the number alone should not be what is historic. Instead, it is what we do with our newfound strength to address the issues that are impacting women across the country.

With this bill, the first Defense authorization of this Congress, we are doing exactly that. We are taking historic action to help servicemembers access the resources they need to seek justice without fear. One way this bill will do just that, help protect our servicemembers and assist victims and punish criminals, is through the inclusion of a bill I introduced across party lines with Senator AYOTTE. Our bill, which is included in the base bill, creates a new category of legal advocates called special victims' counsels. They would be responsible for advocating on behalf of the interests of the victim. These special victims' counsels would advise the victim on the range of legal issues they may face.

For example, when a young private first class is intimidated into not reporting a sexual assault by threatening her with unrelated legal charges such as underage drinking, this new legal advocate would be there to protect her and tell her the truth. Since January, the Air Force has provided these advocates to over 500 victims through an innovative new pilot program. Ten months later, the results are speaking for themselves. Ninety-two percent of victims are extremely satisfied with the advice and support their SVC lent them through the military judicial process, 98 percent would recommend other victims request these advocates, and 93 percent believed these advocates effectively fought on their behalf.

In describing their experience with an advocate, one victim shared that:

> Going through this was the hardest thing I ever had to do in my life. Having a Special Victim Counsel helped tremendously. . . . No words could describe how much I appreciate having one of these advocates.

Through our bipartisan effort, the Defense authorization bill will also enhance the responsibility and authority of DOD's sexual assault prevention and response office, known as the SAPRO. This improvement will help provide better oversight of efforts to combat military sexual assault across the Armed Forces. SAPRO would also be required to regularly track and report on a range of MSA statistics, including assault rates and the number of cases brought to trial, and compliance within each of the individual services.

Some of the stat collection is already being done so this requirement is not going to be too burdensome, but it will give the office authority to track and report to us on the extent of the problem.

I believe the great strength of our military is in the character and dedication of our men and women who wear that uniform. It is the courage of these Americans who volunteer to serve our country that are the Pentagon's greatest asset. I know it is said a lot but take a moment to think about that. Our servicemembers volunteered to face danger, put their lives on the line, and protect our country and all its people. When we think of those dangers, we think of IEDs and battles with insurgents.

We should not have to focus on the threats they encounter from their own fellow servicemembers, and we should never allow for a culture in which the fear of reporting a crime allows a problem such as this to fester year after year. These are dangers that can never be accepted and none of our courageous servicemembers should ever have to face them.

Earlier this year I asked Navy Secretary Ray Mabus about the sexual assault epidemic, and I was glad he told me that ''concern'' was not a strong enough word to describe how he feels about this problem. He said he is angry about it. I know many of us in the Senate are angry as well, particularly our female colleagues who have dedicated so much time to this issue and share this feeling and want to put an end to this epidemic.

I am hopeful we can work quickly to do right by our Nation's heroes. When our best and brightest put on a uniform and join the U.S. Armed Forces, they do so with the understanding that they will sacrifice much in the name of defending our country and its people. But that sacrifice should never have to come in the form of abuse from their fellow servicemembers.

I am proud the women in this Senate have taken this issue head on, and what should never be lost in the effort to enact the many changes that have been proposed is that for too long this was an issue that was simply swept under the rug. That is no longer the case thanks to bipartisan cooperation, the work of thousands of dedicated advocates, and the voices of countless victims who have bravely spoken.

We are poised to make a difference on an issue that women everywhere have brought out of the shadows, and I am proud of the women who have worked so hard on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, I rise to express my strong support for efforts to stamp out sexual assault in our military, and I wish to begin by thanking the Senator from Maryland and the Senator from Maine for their extraordinary leadership in bringing us here to speak on this issue.

For over 20 years our military has said it has a zero tolerance policy toward sexual violence. Government agencies have put out 20 reports examining the problem and suggesting potential solutions. Yet, shamefully, incidents of sexual assault involving our military personnel continue at staggering rates.

Data from the Department of Defense indicates that thousands of men and women serving in the military are subject to these horrific experiences every year. More than 20 percent of women serving in the military have reported unwanted sexual contact at some point during the course of their military service.

Perhaps most shameful, about half of all female victims in a 2012 DOD survey indicated they did not report these crimes because they believed such reports would simply be ignored.

This is an outrageous situation. We have called on the military over and over to solve this problem, and they have failed. Simply once again calling on the military to reform will be an exercise in futility. Worse, it will be a breach of trust with the men and women who are future victims of sexual predators lurking in the military.

These are important steps forward that we take today. There are a number of extremely strong provisions to address sexual assault included in this year's National Defense Authorization Act which will move us in the right direction. These provisions are designed to crack down on sexual assaults, to better protect and advocate for victims, and to change the climate within our military to one that ends this despicable conduct.

The bill includes provisions to promote the prosecution of these cases by eliminating the statute of limitations on certain sexual offense cases and by limiting the ability of commanding officers to modify court-martial findings in sexual offense cases.

The bill requires the provision of a special victims' counsel to provide legal support for servicemembers who are victims of sexual violence at the hands of other members of the military and take steps to limit the potential for victims to be mistreated by defense counsel.

There are other important steps forward in this bill. As the Senate debates the Defense bill, we will consider additional provisions to prosecute and eliminate sexual assault. I support those efforts as well.

The issue of sexual violence within our Armed Forces is very personal to me. All three of my brothers served in the military. My oldest brother was career military and flew 288 combat missions in Vietnam. I know the unbelievable sacrifices our military men and women make for this country and the sacrifices their families make to support them.

Yet, in spite of those sacrifices, we as a nation have consistently refused to take sufficient steps to ensure that our military men and women are protected from sexual violence on the job. Tolerance for sexual assaults demeans the sacrifices that millions of brave men and women have stepped forward to make on our behalf. We owe it to our servicemembers, and to their families, to change the culture in our military that remains far too tolerant of this abuse. We owe it to our servicemembers, and to their families, to do everything in our power to stamp out these incidents.

No matter the outcome of this week's amendment votes, this year's Defense Authorization Act will make significant strides toward finally making the military's zero tolerance policy a reality.

I am proud to support these efforts, and I promise that so long as these crimes continue to occur, so long as victims are fearful to come forward, so long as justice is denied to victims, we will be right back here next year and the year after that and the year after that, doing everything we can to end sexual assault in the military.

The brave men and women serving in our Armed Forces have no intention of giving up on us, and we have no intention of giving up on them.

I yield my time.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, with the outgoing statement by the Senator from Massachusetts, we have now concluded the time that the women of the Senate have taken, on a bipartisan basis, to speak out against sexual assault in the military and to speak for the 30 reforms we have all agreed upon, on a bipartisan basis, that will enable prosecutorial reform, help to the victims, guarantee that there is fairness with the process, and make sure that if a victim comes forward, that victim will not be retaliated against or ignored, and for anyone who is accused, that person will get a fair process.

I am very proud of the way the seven women on the Armed Services Committee took the lead on this issue and were then joined not only by the rest of us but also social workers, advocates, former Attorneys General. We could not have done it without the very good men on the committee, particularly the chairmanship of Senator LEVIN and the help of Senator INHOFE.

I note the Senator from Rhode Island Mr. REED is on the floor. We want to thank Senator REED for his strong advocacy and advancement for women in the military and also these important reforms.

I would also like to add, as the dean of the women, that what we did this morning was pretty historical. We have 10 women from the Senate across the aisle speaking out on 30 reforms that were agreed to in the underlying bill. This is what the American people wanted—Members of the Senate working together with the chairman of the committee, listening to victims, listening to experts, and listening to the military.

Do you know what was disappointing. There was only one person in the press gallery. If we had been in conflict—and there will be disagreements later on where there are differences in some policies, and that is OK with me. But we don't make press when we have actually worked together, and worked with such incredible diligence and expertise among ourselves, to solve these egregious and historically intransigent problems.

I say to the press, you know you like conflict, you know you like controversy, and you particularly want to see it among the women. We have a precedent where we have disagreed before on goals. When I led the fight with Lilly Ledbetter, Senator Kay Bailey Hutchison took me on with nine

amendments. We had a good debate and a good bill at the end of it.

Senator MURKOWSKI, from the State of Alaska, has also disagreed with me on what should be the best approach on preventive health. We had debates without personal conflict, and we then came up with some good ideas.

I say today, when I listen to our colleagues on the other side of the aisle—who again have great backgrounds—this is pretty historic.

If you are watching on C–SPAN, you saw history being made. There were 10 of us—and there will be more later today—who actually agreed. We are trying to govern the way we were elected to govern. I am proud with what we are going to do with the reforms that are involved. I am proud of the way we have gone about it, and if we disagree on some matters here and there, that is what debate, intellectual rigor, and civility will be all about.

I will conclude this debate for now. Other women will be coming throughout the day to speak, and we know we will be debating some other important policies as well.

I yield the floor.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. MURPHY). Morning business is closed.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1197.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

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

Pending:

Reid (for Levin-Inhofe) amendment No. 2123, to increase to $5,000,000,000 the ceiling on the general transfer authority of the Department of Defense.

Reid (for Levin-Inhofe) amendment No. 2124 (to Amendment No. 2123), of a perfecting nature.

Reid motion to recommit the bill to the Committee on Armed Services, with instructions, Reid amendment No. 2125, to change the enactment date.

Reid amendment No. 2126 (to (the instructions) amendment No. 2125), of a perfecting nature.

Reid amendment No. 2127 (to amendment No. 2126), of a perfecting nature.

The PRESIDING OFFICER. Under the previous order, the time until 12:30 p.m. will be for debate only.

The Senator from Rhode Island.

Mr. REED. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. INHOFE. Mr. President, I think everyone is aware that we have a lot of differences on both sides of the aisle. Quite frankly, I just had a meeting with some of the House people. There are some problems right now. I am anxious for Chairman LEVIN to come back, perhaps after our conferences, and I will do the same thing, and hopefully we will be able to do it. I understand there has already been a statement made about the Ayotte amendment on Guantanamo. She is ready to debate, and I think Senator LEVIN has a side-by-side amendment he is ready to debate as well. So that, in my opinion, is about as far as we have come as far as progress. I will withhold any other comments I will make until the chair has made his comments, which will probably be after lunch.

By the way, I ask our Members to continue to file all amendments they have in anticipation that we will, as we have in the past, ultimately come to that conclusion, that we will have amendments.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. I thank the Chair.

(The remarks of Senator THUNE pertaining to the introduction of S. 1724 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. THUNE. I yield the floor.

The PRESIDING OFFICER (Ms. HEITKAMP). The Senator from Alabama.

Mr. SESSIONS. Madam President, we need to be moving forward with the Defense bill. It is very important. I am a member of Armed Services Committee, and we had a good bipartisan vote out of committee to bring the bill to the floor. Chairman LEVIN has been fair to us in committee, so we got a good committee process. But there are some disagreements over a number of issues that the full Senate needs to discuss and vote on. They just should be able to do that.

We are drifting into a process that is absolutely contrary to the history of the Senate—the real concept of the U.S. Senate—where we bring matters up and vote on them. Just because it cleared our committee does not mean the full Senate does not get to vote on some of these differing opinions.

I voted in the committee on a number of amendments that did not pass. We had amendments up in committee that we decided not to vote on, and the phrase was: Well, we will carry that to the floor. In other words, it will be brought up and the whole Senate will vote on it, not just the committee. Maybe in the interim something could be worked out. But if not, it would go to the full Senate, and the full Senate would work its will, would have its debate and vote.

We are going days now with nothing happening, no amendments being voted on. They could have already been voted on. So Senator REID has filled the tree, and that means he has complete control over the process. He has the ability to say we will not have a single amendment. In fact, except for, I think, two, all he has agreed to in this process is to have maybe two amendments up, and that is unacceptable. Senator REID ought to know that. You cannot move the Defense bill of the United States of America, spending $500 billion, and not have amendments and Senators actually offering suggestions on how to spend that money better and do better for America. What are we here for?

So I am really worried about this. I am afraid that this whole thing could collapse over the failure of amendments to be offered. I look here at a chart. Back, basically, when Republicans were in charge, we had 27 amendments, 25 amendments, 13 amendments actually voted on. The average number was 11.5 amendments voted on.

We already have well over 100 amendments filed. Over half of them, two-thirds of them, will eventually be withdrawn or the managers of the bill will agree to some form of that suggestion with different language and we would move on. But we should have already started on amendments, and we should recognize that a good Defense bill is going to require an open process where we can actually discuss how to fix it and make it better.

In addition, we are facing, under the Budget Control Act and the sequester, some real financial challenges for the Department of Defense that are historic. It is significant. We need to be able to talk about that and work on that and try to figure out a way to strengthen the ability of the Defense Department to function in a rational way and not do unnecessary damage to them while they work to contain spending. That is a critical thing.

So I would say to Senator REID, who has a tough job—there is no doubt about that—Senator REID, you should not attempt this dramatic reduction in the ability of the Senate to actually have amendments to a bill as large and as important as the Defense bill. You are overreaching, Senator REID.

We cannot agree to that. The loyal opposition, the Republican opposition—I say, the bill that came out of committee was bipartisan, overwhelmingly bipartisan, with a big vote in the committee. But there are things that need to be voted on here, and we are not going to agree to a handful of amendments. So if you try to move forward with this bill without allowing at least a legitimate amendment process, you are not going to go forward because we are not going to agree to go forward when you fill the tree and block amendments and have the power to deny amendments of any significant degree on the floor of the Senate.

I am worried about that. I hope my friend, Senator LEVIN, and Senator

REED, who is here, and others, can talk with the majority leader and reason with him, and let's get on with the business of proceeding with these amendments and some actual debate about the future of America's defense posture because we do have challenges in the years to come—a lot different than we have had—and we need to reconfigure defense, and we need to be asking ourselves honestly and in a bipartisan way, what will we need to do in 15 years, what will we need to be doing in 2025.

I had the honor to be at the Reagan Library this weekend for a national security conference dealing with what our defense structure should be in 2025. Senator LEVIN, along with former Secretary of Defense Gates, was given the first award they give for patriotic service. So our Armed Services chairman, let me note, was honored—our Democratic chairman—was honored at the Ronald Reagan Library for his commitment to national defense.

But I am just saying, ladies and gentlemen, in a bipartisan way we need to be thinking about what our future defense policy should be. We need to be thinking about how to move this bill. But it will not move, and I will not support going to a bill that does not allow this Senate to have a reasonable opportunity to have amendments.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I have come to the floor today to moderate a colloquy between my colleagues for the next 20 minutes or so regarding a very important amendment that has been filed to the Defense authorization bill we are considering. The colloquy will be between myself, Senator WICKER, Senator WARREN, Senator COCHRAN, Senator HOEVEN, Senator NELSON, and Senator MERKLEY. I ask unanimous consent that we have the next 20 minutes to conduct the colloquy.

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

FLOOD INSURANCE

Ms. LANDRIEU. Madam President, I really appreciate the courtesies of the manager of the bill on the floor, Senator REED. I really appreciate his courtesies because those of us who have come to the floor today to speak about this issue are extremely concerned about this problem that has presented itself based on a bill that was passed 2 years ago called Biggert-Waters. With all the best intentions, a bill was passed 2 years ago to try to fix and reform and reauthorize the Nation's Flood Insurance Program, which is a very important program that allows millions of people who live not just along the coast but along our rivers and bayous and streams—from coast to coast, inland and coastal communities—to live safely and to live affordably and to have flood insurance they can count on. That was the intention of the bill, but something went awry through the passage of the bill, and the consequences are devastating.

Now, as we look back 2 years, and we see how FEMA and some of these Federal agencies are implementing the law we passed, we have some very serious concerns not only about how they are implementing it, but about the law itself.

So a group of us have come together to change that law so we can provide opportunities for our families, for our individuals and our businesses, to be able to buy and keep the kind of flood insurance they need to stay in business and to keep their communities intact.

In the last couple of weeks all we have heard about is health care insurance, and that is important, and we have some things to fix and move forward on, providing the country with a health care system they can depend on, but we also have a real challenge in flood insurance and affordability to our communities.

In Louisiana alone we have 400,000 flood insurance policies. Florida—I see my good friend, Senator NELSON from Florida, on the floor. His State has the largest number of policies; followed by Texas, with the second largest number; and, of course, Mississippi has quite a few as well. Senator WICKER joins me on the floor.

I want to start by showing this map I have in the Chamber so everyone who is following this debate—and there are literally millions of people following this debate; not only homeowners, business owners, but bankers, realtors, developers, et cetera—because if we do not get this right, these communities where you see these dots on the map, which are shown in the Mardi Gras colors—purple, gold, and green—these dots represent communities that are being affected by this program that needs to be changed and reformed.

These are flood maps that are being issued. Look how many there are in Oregon, Washington, California, Texas. What really surprised me—because I know the gulf coast well; that is the area, of course, that I represent, Louisiana; and I know Texas and Mississippi and Florida very well—but the area that surprised me was Pennsylvania and Illinois and, of course, New York, New Jersey, and the east coast because of Superstorm Sandy. But this is a national issue. It is not a Louisiana issue. It is not a gulf coast issue. It is a national issue.

You will notice that these flood maps are not just along the coast. Some people say to us who are working on this: Well, I am not concerned because I do not represent a coastal State. Well, heads up, everyone. Even if you do not represent a coastal State, you are having flood maps issued from North Dakota, South Dakota, interior States, Kansas, Arkansas, et cetera, because you have rivers and flood zones.

If we do not change this bill in a significant way—what we are asking for in the Menendez-Isakson bill, which we are here offering as an amendment to the defense authorization bill—many of these communities will be devastated. That is because the Biggert-Waters bill has mandated fairly steep and unsustainable and unaffordable—to the middle class—rate increases that will simply prevent people from being able to stay in their homes.

My friend Senator WICKER is following me in this colloquy. He wants to speak specifically about the hardships that some of our people are experiencing as they are getting these notices about the rate increases. I ask Senator WICKER, what is he hearing in Mississippi? Could the Senator elaborate a minute about the unintended consequences of Biggert-Waters and the increases that some of our people are seeing in their primary homes as well as their businesses.

Mr. WICKER. Madam President, I thank my colleague from Louisiana for asking that question.

What I am hearing from Mississippi, and what I think we are going to be hearing from all across the United States of America, is that this is about to be a disaster for property owners in the United States of America. So I join my colleagues today—and perhaps there will be others besides the three of us on the floor—in saying we need to address the very real problem of increases in flood insurance premiums, which will unfairly hurt homeowners and businesses in my home State of Mississippi and across the United States of America.

I appreciate my colleague presenting the map to show that this is indeed a national problem and not just a regional or coastal problem. The severe onset of unaffordable rates—unaffordable rates—could have a devastating impact on the livelihood of homeowners and communities throughout the Nation and on our economy. Moreover, they could jeopardize the long-term solvency of the National Flood Insurance Program, which covers some 5.6 million Americans.

There is no doubt that NFIP faces enormous challenges. The damages wrought by storms such as Katrina, Rita, and Sandy have left the NFIP in the red for nearly a decade, amounting to nearly $24 billion at the last count.

In the early years of the NFIP, when bad storm years were roughly offset by light storm years, taxpayers effectively carried policyholders through years because of the NFIP's authority to borrow from the Treasury. However, the catastrophic 2004–2005 hurricane seasons put the program more than $20 billion in debt and disproved the notion that the finances would balance out over time.

The principles for NFIP reform are worthy goals. Premiums need to reflect risks more accurately, flood risks must be projected and mapped more accurately, and the purchase of flood insurance needs to be encouraged and enforced in order to enlarge the risk pool.

We cannot expect the NFIP to continue as a viable program without addressing the huge imbalance between premium revenue and payments for losses. At the same time, Congress cannot sit by in the face of these dramatic unaffordable rate increases facing many Americans.

The manner in which these reforms are being implemented is alienating the very people the program is intended to help. The new rates penalize people who have followed the rules, while placing the heaviest burden on those who are only now recovering from recent disasters.

In communities still recovering from recent Mississippi River flooding and in communities along the gulf coast, where the aftermath of Katrina still lingers, a financial burden of this magnitude could force homeowners either to leave their property unprotected or to move away altogether.

Ensuring the long-term success of the NFIP means taking an honest look at how the reforms Congress enacted last year are being implemented and whether they are unfairly hurting citizens—and I contend they are. Allowing rates to go from a few hundred dollars to tens of thousands of dollars is hardly a reasonable approach to reform.

Reform should not be unnecessarily painful, unfair, or counterproductive to the goal of solvency. Premium increases that make the coverage literally unaffordable could lead to a net loss in program revenue. Nobody benefits from that. Nobody benefits, neither the homeowner nor the taxpayer, when NFIP premium increases result in foreclosure.

I am concerned that NFIP may well have overestimated net revenue increases. They may have underestimated the burden of the program going forward. That alone would be a good reason to delay the increases, if a longer phase-in would result in a net increase in revenue to the program, as I suspect it would.

A delay would also allow time to study the effects of premium increases and it would allow us, as policymakers, to look for less harmful approaches to reform. The Federal Emergency Management Agency should be able to complete an affordability study and ensure that its technologies and methodologies accurately assess risk.

I thank my colleague from Louisiana and I thank my colleague from Florida for joining us. I urge all of my colleagues to support action that provides immediate relief to Americans facing these steep rate hikes.

Ms. LANDRIEU. I thank the Senator from Mississippi for his comments and engaging in this exchange on the floor this morning.

The Senator from Florida has been particularly concerned because Florida has a very robust population as one of our largest States. I think the Senator has over 2 million policies in Florida.

Through the Chair, I wish to ask what the Senator is hearing in Florida about this situation.

Mr. NELSON. I thank the Senator from Louisiana for inquiring.

I can say that Federal flood insurance that is not affordable is not Federal flood insurance. To go from a position that one is paying rates at one level and all of a sudden go to a higher position, people are completely priced out of the market and all of the ancillary things that go with it because people can't sell their homes. When one puts that ripple effect through the entire economy, especially in a State such as mine that has more coastline than any State save for Alaska and where we have 40 percent of all the flood insurance policies.

I dealt with this, I would say to the Senator from Louisiana, because in my former life I was the elected insurance commissioner of Florida. Fortunately, I had no jurisdiction over the Federal Flood Insurance Program, but other insurance companies that offered it privately or supplemented the Federal flood insurance we did have jurisdiction to regulate.

People cannot build a house—if they are going to a bank to get a mortgage—unless they have flood insurance. Now that the maps, as the Senator has pointed out, have been expanded showing there are a lot more areas that are inundated by water, by flood, at times of the year, then this becomes, for the engine of commerce, a critical component. One can't be charging one price and suddenly say we are going to be charging people four times as much.

Let us have a little common sense. A little common sense says we want FEMA to do an affordability study and, in the meantime, until we receive that study, we want this put on hold. It does not say it is not going to go up in the future, but availability of insurance is directly proportional to the ability of people to pay for that insurance and to continue the American dream, which home ownership is.

I would ask if the Senator from Louisiana remembers how long we have been trying to get this going. To the great credit of the Senator from Louisiana, who has taken the lead, she saw the problem early before people started complaining in my State and other States. They were complaining in the State of Louisiana. Senator LANDRIEU was on top of it. We have only been doing this for about 8 months. We have a vehicle on the floor that is a must-pass vehicle. It is the Defense authorization bill. We need to get this legislation amended onto it and have it signed into law.

I thank the Senator from Louisiana.

Ms. LANDRIEU. I thank the Senator from Florida.

The Senator is correct about urgency. As the Presiding Officer knows, in her own home State, we are hearing from people who are stuck literally between a rock and a hard place because they can't get their insurance renewed. They can't afford the premium increases.

If they were thinking about selling their home, their home basically has become literally worthless, losing what equity they have—temporarily we hope because we intend to fix this—because no one can purchase a home if the flood insurance went from $300 a year to $13,000 or $15,000 a year. It is affecting home ownership.

This is why I am proud to say—I see the Senator from Mississippi on the floor.

I wish to say how grateful I am to the great coalition of Senators who have come together, 24 Senators and 128 House Members. In addition, we have the National Association of Realtors, the National Association of Home Builders, and the Independent Community Bankers of America.

I wish to ask the Senator from Mississippi, through the Chair, does the Senator think we have a better chance of getting attention for our bill with the national strong support of the realtors, the homebuilders, and the bankers?

What is the Senator hearing from them in his State of Mississippi?

Mr. COCHRAN. If the distinguished Senator would yield, I would be pleased to respond.

It is a fact that the Homeowner Flood Insurance Affordability Act, which we are discussing, seeks to protect homeowners from increases in the cost of flood insurance premiums until the administration reviews and reports to the Congress on the flood mapping technologies, methodologies, and insurance affordability that are being issued under the authority of existing laws.

One problem we are concerned about is that the program was supposed to protect taxpayer investments, communicate perceived flood risks to homeowners, and encourage communities to protect themselves against flood risks.

The reform legislation enacted in 2012 made some positive changes in the program. Today some of those changes are now working in opposition to the broader goals of reform; hence, the importance of this legislation. These shortcomings existed in the law and they actually threaten to weaken the National Flood Insurance Program.

The success of flood insurance is so important to many inland and coastal States, such as mine and Louisiana, the State of the distinguished Senator. Communities there continue to work to overcome damages caused by the greatest natural disaster in our Nation's history, the effects of the Deepwater Horizon spill in 2010 and now skyrocketing flood insurance premiums.

Under the Homeowner Flood Insurance Affordability Act, the administration would be required to provide assurances to Congress that it is using sound mapping methods to make flood insurance rate determinations. A study by the National Academy of Science produced in March of this year has called into question some of the engineering practices the government uses to determine rates.

Before allowing unaffordable flood insurance rates to devalue private property and harm local communities and economies, we should be absolutely sure the government's engineering practices and procedures are as sound as possible. It will be very difficult to rebuild communities or restore home equity once they are lost, so we had better get it right.

Our bill does not create new programs to address rising premiums. It simply leaves in place some current practices so we can make sure the reproductive reforms we enacted last year will actually improve the credibility of the program among communities and homeowners.

Our bill would not affect positive reforms related to expanding program participation or the phaseout of subsidized flood insurance premiums for vacation homes and homes that have a history of repeated flooding.

My principal purpose of coming to the floor was to thank the distinguished Senator from Louisiana for her leadership as she continues to be our outfront person in dealing with some of the very challenging facts and decisions that are coming from those who are trying to improve the program at the Federal level but also at the State and local level, which is where the action is. I am pleased to join her in this plea to the Senate.

Ms. LANDRIEU. I thank the distinguished Senator from Mississippi. I appreciate his hard work as well as the staff. It has been a real team effort and without him we wouldn't be where we are today.

The Senator from Massachusetts is scheduled next in this colloquy. She has brought a particularly spectacular view, a different view, and a much needed view from the east coast, not only in light of the devastation from Hurricane Sandy but the ongoing challenges to that region.

I wish to ask unanimous consent, as it is 12:30 p.m., when we were supposed to end, if each of us takes 4 minutes in the order of Senator WARREN, Senator HOEVEN, and Senator MERKLEY, we could then recess for lunch as was required earlier.

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

Ms. LANDRIEU. What is the Senator hearing at home from the people of Massachusetts about this, and how important does she think it is for us to have the support of the realtors and the homebuilders and other national organizations that understand the dire consequences if we are not able to get some of these fixes in place?

Ms. WARREN. I thank the Senator from Louisiana for the question, but most of all I thank her for her energetic leadership on this issue; she will help us find the right way forward.

I am here today because of what I am hearing from families in Massachusetts. I also thank the Senator from Mississippi. This is something that is hitting us all around the country—this change in the flood maps. So I am here today to support my colleagues' bipartisan efforts to help homeowners across the country who are getting hit with newly revised flood maps and increased flood insurance premiums.

Families purchase flood insurance to prevent the loss of their homes during a natural disaster, but now many of these same families fear that the price of flood insurance could be just as devastating and could actually cost them their homes.

I understand why Congress changed the national flood program to more accurately reflect the true costs and risks of flood damage, and I agree that over time we need to move to a more market-based system for setting flood insurance rates, providing we adequately take into account the affordability concerns for working families. But that is not what is happening right now. These new maps and rate increases are having as big an impact as a big storm.

When FEMA released these flood maps earlier this year and last, they knew they were placing hundreds of thousands of homeowners into a flood zone for the very first time. Yet there was inadequate warning to homeowners. Many have started receiving letters from their mortgage companies and are learning for the first time that they must now purchase flood insurance. We have heard about the costs—$500, $1,000 a month, even more. Most hard-working families and most seniors don't have that kind of extra money on hand to spend on flood insurance premiums they never knew they needed.

One Massachusetts resident wrote to me and said:

> I have owned my property for over 33 years. Twelve years ago I built a house according to the codes at the time. Recently, flood maps were redrawn, putting my home in a new flood zone and out of compliance. The implementation of the Biggert-Waters act is going to raise our flood insurance to $10,000 or more per year. I follow the rules, and now the rules are changing, leaving me few options to comply.

The Homeowner Flood Insurance Affordability Act that I have cosponsored along with Senator LANDRIEU and so many others will provide relief to this homeowner and to others who built to code and were later remapped into a higher risk area. This critical bill will delay rate increases until FEMA completes affordability studies mandated by the Biggert-Waters Flood Insurance Reform Act and until subsequent affordability guidelines are enacted.

There is a second problem with FEMA's actions. The reclassifications have taken place in some areas without a careful and complete analysis, but for those who believe they haven't been correctly classified, it is a tough challenge to get their flood zone status changed.

I received another letter from a Massachusetts constituent who lives in Brockton. She was informed that her only way out of this mess was to pay more than $1,000 for an engineer to come and conduct an elevation study of a nearby brook. Now, let's be clear. She had to spend this money even though the city of Brockton and the nearby Army Corps of Engineers have no record of the brook ever flooding. If her appeal is successful, she is still out $1,000 due to FEMA's mistake.

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

Ms. WARREN. Then I will just say I am pleased to join my colleagues on both sides of the aisle in calling for this commonsense delay which will give FEMA time to get this right. I thank Senator LANDRIEU for her leadership, and I thank Senators MENENDEZ, ISAKSON, COCHRAN, and all the cosponsors of this bill. Time is running out. We need to get this done.

I yield back.

Ms. LANDRIEU. Madam President, I thank the Senator so much.

Senator HOEVEN has joined us, and he has been particularly forceful on the issue of basements in a State that doesn't have an ocean anywhere around it but has some serious flooding challenges. I would hope the Senator would take a minute to explain to everyone what he has been telling us and how important this particular piece of this bill is for the basement situation in his State.

Mr. HOEVEN. Madam President, I thank the good Senator from Louisiana. I am very pleased to join in this colloquy with my cosponsors of this very important piece of legislation.

This is about affordability of home ownership. The American dream is about home ownership. It always has been, and we want to make sure that continues. So it is about affordability, but it is also about getting it right.

Look, if we are going to reset flood insurance rates, we need to get it right. This affects people across this great Nation. It affects their ability to own and continue to own their own home. We need to make sure, as we make this transition, which we are all working on—we are all working on it—that we get it right. So that is why we see this bipartisan legislation, and we urge our colleagues to join us in this effort. This is about home ownership, this is about affordability, and this is about getting it right.

To the point the good Senator from Louisiana just made and as the Chair knows well, in the great State of North Dakota we have the Red River Basin, the Cheyenne River Basin, we have the James River Basin, we have the Missouri River Basin, the Devils Lake Basin, and more. So we know flooding, and we have seen it from year to year.

There are a number of provisions in this bill which the Senator has already identified which are critically important, and I will not repeat those, but I wish to focus for a minute on the basement exemption.

Legislation to preserve the basement exemption was included in the Hoeven-Heitkamp Flood Safe Basements Act, S. 1601. That has been incorporated

into this bill. As sponsors, we appreciate that very much because this is a collaborative effort to get it right as we make this transition in flood insurance rates and make sure we protect the affordability on a fair basis as we move to financial viability for the long term for flood insurance rates.

When a homeowner has put the cost into making sure they have a floodproof basement, if we don't take that into account in the insurance rates, we are penalizing them and we are charging them twice. It makes no sense. It makes no sense at all. That is why we have to have the basement exemption continued in this legislation, and that is why its sponsors, on a bipartisan basis, are not only pursuing this as stand-alone legislation, but we are also introducing it as an amendment to the Defense authorization bill or other legislation that can move, because we need to address it and we need to address it now.

As the Chair well knows, the mayor of a small community in northeast North Dakota, which has seen repeated flooding, contacted our congressional delegation and said: Hey, look. What is going on with FEMA right now is they are changing these flood insurance rates, and we have examples of homeowners who are going from less than $1,000 a year to more than $5,000 a year—a fivefold increase—and it is not a new home. The home has been there a long time and it has never been flooded.

It has never been flooded, and they are going to go from less than $1,000 to $5,000 on a home that has been there for a long time and never been flooded? That is not how this is supposed to work. That is not how it is supposed to work, and that is why we need this legislation.

Again, I thank the good Senator from Louisiana. All of the sponsors—and we have a great bipartisan group going already—urge our colleagues to join us, and we urge them to join us without delay. We seek a common objective: We will adjust the flood insurance rates to make sure the program is viable for the long term, but we need to get it right, and that is what this is all about.

I yield the floor.

Ms. LANDRIEU. Madam President, we have all been extremely helpful, of course, as a team in bringing this issue forward and crafting a bill, but literally we would not be here if it were not for the leadership of the subcommittee chairman who has jurisdiction over this issue—if he had not said yes when we asked him for a hearing in his committee to allow us to present the facts in hopes that we could find a way, as all of us have said, to make this program self-sustainable for the taxpayers but helpful to the people who need it. These are twin goals, both of which must be met or there won't be any program because no one will be able to afford to be in it. I thank the Senator for getting to that so quickly.

He is the last in our colloquy. Again, what is he hearing from home and can he give us, as chair of the subcommittee, some insight into how he thinks this will affect real estate markets if we are not able to fix this.

Mr. MERKLEY. I thank my colleague from Louisiana for her tireless efforts in this regard. We can tell from the commentaries that have just been put forward from the Senator from Massachusetts, the Senator from Mississippi, the Senator from North Dakota, of course our colleague from Louisiana, and now representing Oregon, that these are folks representing blue States and red States and all types of different terrains, and they have the common purpose of addressing the dysfunction of the Biggert-Waters bill that was passed.

Just to give a small feeling for this, the Hay family from Eagle Creek, OR, wanted to sell their home. They had a nice young couple with solid financials who wanted to buy it. It was all approved except for the insurance policy. When the couple found out the insurance policy would not be the $500 the current family has been paying but $5,000 a year, the deal fell apart because for every $1,000 you pay in flood insurance, the value of the home drops by $20,000. So not only is the couple who wanted this home unable to buy it because of the home's value dropping, but the family who owned the home, who had equity in the home, and who hoped to take these funds into retirement to be their nest egg, has lost that nest egg due to these outrageous additional costs, these dramatic increases.

So the point of sale is one particular problem that has a big impact on the real estate market, but we also have the situation of someone who has a policy lapse. Maybe an individual thinks their mortgage company is paying the policy, the mortgage company thinks the owner is paying it, and it defaults for a few days. When everyone finds out no one has paid the bill, suddenly that family might be going, in that situation, from $500 to $5,000. Or perhaps the mortgage company has never enforced the provision requiring flood insurance and now they have checked their records—and they are checking their records because they are now being charged a significant multithousand-dollar fine if they do not check their records—and they find you should have flood insurance under the law but you don't, so they contact you. Well, now you are facing this unsubsidized rate as a new policy.

So we have all of this, and then layered on top of that is the fact that across the Nation the flood zones are being remapped. So folks who were outside of the 100 years and have been outside and have had their homes for 15 years are suddenly getting notified that they are inside the flood zone and required by their mortgage company to get a policy.

They may say: But wait, I looked at the map, and only the corner of my property is in the flood zone and my house isn't.

Well, the mortgage company says: We are sorry. You have to get this, and you have to then prove you are not in the flood zone.

It may cost those homeowners thousands of dollars to get an elevation survey and be able to demonstrate they are outside the flood zone. The homeowner carries this burden of proof.

So this is a big challenge, and we should recognize how uncertain and what an art form it is to establish these 100-year zones because a company comes in and does a model, and they say: Well, a 100-year flood will look like this, and they will point out what tributary, what watershed that contributes to the confluence of creeks is going to end up flooding that particular town.

Based on their model, the flood zone might look as though it is in the eastern section of the town or the western section of the town, and so on and so forth, that uncertainty where just inches can change whether you are inside a 100-year or outside a 100-year. Some of these areas are very flat. A few inches water rise can cover many additional square miles, and this can have a huge impact on our business districts, because what business wants to reinvest in a business district when now they feel that any improvements they make are going to be in an area where no one else is going to want to buy their company because they are in a situation where they have unaffordable flood insurance.

This is why we have come together—Democrats and Republicans, States from the North, South, East, and West coming together—to say we must change this situation which is creating so much unfairness and economic damage. I am delighted, as the chair of the subcommittee, to be fully engaged in partnering this. A special thanks to my colleague, the Senator from Louisiana, who is doing such a fine job of championing this issue.

Ms. LANDRIEU. Our time has come to an end. In conclusion, I thank the Senator from Oregon again, the subcommittee chair, for his leadership. I also particularly thank Senator MENENDEZ and Senator ISAKSON, the two lead sponsors of this bill, who have come together to provide the leadership to move this bill forward. They will be looking for a vehicle. We filed it on this bill in the event we have an opportunity for an amendment on the Defense bill. If not, we will be looking for the next possible opportunity.

I thank the Presiding Officer for her cosponsorship and her leadership for North Dakota.

This is a map of all the counties which have levees. I was surprised when I saw this map. I am very familiar with the levees in Louisiana. I helped to build a lot of them. I am very familiar with the Mississippi River generally because we have so much commerce along the Mississippi. I am generally familiar with Missouri, Illinois, and Arkansas. But what really

stood out for me was the levee systems in Montana, Arizona, and California. A lot of these are levees, dikes, and dams that are different from the river levees that we see. But look at Pittsburgh, New York, North Dakota, Montana, Washington. There is not a place in this country—not on the coast, not on the interior—that doesn't have a threat of flooding. Either a levee can break, a dam can break, a river can overflow, or there can be flash flooding because of droughts. Even in Texas where there is a lot of flash flooding. So not only on the coast, but inland as well, in Kansas.

The conclusion is this is a real challenge for our whole Nation. We have a bill led by Senator MENENDEZ and Senator ISAKSON that costs and scores zero. We have written this bill in a way that just postpones these draconian rate increases so we can take a little more time to study it, do some modeling, and get it right. This bill was passed with very good intentions, but prematurely, without the data we need to make smart decisions for our communities. This is giving us time to get it right. There is zero cost the way this bill is structured.

Again, I appreciate the courtesies of our leader managing this bill on the floor.

I yield back the remainder of my time.

## RECESS

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

Thereupon, the Senate, at 12:48 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014—Continued

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I ask unanimous consent the time until 4 p.m. be for debate only, with the time being equally divided and controlled between the two leaders or their designees.

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

Mr. LEVIN. Madam President, I hope Members will now come down and debate, particularly if we can start off again with the legislation on Guantanamo. There will be two amendments here. One will be an amendment by Senator AYOTTE and the other one would be an amendment by myself, with Senator MCCAIN. It will be a Levin-McCain amendment. I hope those who are interested in this subject particularly would come down between now and then and we can perhaps even reach a vote on Guantanamo, the two amendments, side-by-side, even later this afternoon. That is the goal. It is not part of the unanimous consent proposal, but that would be a goal.

I know my friend from Oklahoma and I are able to work things out most often, and we will try to figure out a way to hopefully get to a vote on two amendments which I think everybody agrees, not on the outcome of the vote, but agrees need to be debated and resolved.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, first of all, let me say I appreciate all the help the chairman has given us during the course of this very difficult time. I also suggest we have gone through this same thing other years in the past.

One of the things is there are so many people demanding or wanting to have a system where we could have more amendments. I encourage anyone who has amendments to go ahead and send them to the floor. It doesn't do any good to talk about them unless you have them down here and in front of us. Then I hope the chairman and I could get together and we could have, actually, more amendments. Those people who want to be heard on this, we have adopted this timing, so we encourage you to come down and be heard.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I thank my friend from Oklahoma because he has said what needs to be said here, which is that we welcome amendments being brought to the floor. We will do our best to try to clear those amendments, which means obviously consulting with not just the sponsors but potential opponents to try to see if we can work things out. On this bill we have always been able to work out amendments, sometimes as many as 100. We need to have votes on this bill, but we also can clear amendments. We work together on a bipartisan basis to do that.

I join in his request that Senators who have amendments get them to us to see if we can possibly work them out. We simply must finish this bill this week. The timetable is such that if we are going to finish this bill, as we have for 51 straight years, we have to get this bill to conference. That, in and of itself, will take a week. Then we have to bring the conference report back, if we can reach an agreement on it, to both Houses, and that will take as much as a week as well under the rules, so we really need the cooperation of every Member of this body.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Madam President, I rise at this point to discuss Wicker amendment No. 2185. This is an important amendment. I hope the leadership of this committee is paying attention. My amendment would prohibit foreign governments from constructing, on U.S. soil, satellite positioning and ground monitoring stations. I think many Americans were surprised when, on November 16, the New York Times published an article by Michael Schmidt and Eric Schmitt entitled ''A Russian GPS Using U.S. Soil Stirs Spy Fears.''

I ask unanimous consent a copy of this article be printed in the RECORD.

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

[From the New York Times, Nov. 16, 2013]

### A RUSSIAN GPS USING U.S. SOIL STIRS SPY FEARS

(By Michael S. Schmidt and Eric Schmitt)

WASHINGTON.—In the view of America's spy services, the next potential threat from Russia may not come from a nefarious cyberweapon or secrets gleaned from the files of Edward J. Snowden, the former National Security Agency contractor now in Moscow.

Instead, this menace may come in the form of a seemingly innocuous dome-topped antenna perched atop an electronics-packed building surrounded by a security fence somewhere in the United States.

In recent months, the Central Intelligence Agency and the Pentagon have been quietly waging a campaign to stop the State Department from allowing Roscosmos, the Russian space agency, to build about half a dozen of these structures, known as monitor stations, on United States soil, several American officials said.

They fear that these structures could help Russia spy on the United States and improve the precision of Russian weaponry, the officials said. These monitor stations, the Russians contend, would significantly improve the accuracy and reliability of Moscow's version of the Global Positioning System, the American satellite network that steers guided missiles to their targets and thirsty smartphone users to the nearest Starbucks.

''They don't want to be reliant on the American system and believe that their systems, like GPS, will spawn other industries and applications,'' said a former senior official in the State Department's Office of Space and Advanced Technology. ''They feel as though they are losing a technological edge to us in an important market. Look at everything GPS has done on things like your phone and the movement of planes and ships.''

The Russian effort is part of a larger global race by several countries—including China and European Union nations—to perfect their own global positioning systems and challenge the dominance of the American GPS.

For the State Department, permitting Russia to build the stations would help mend the Obama administration's relationship with the government of President Vladimir V. Putin, now at a nadir because of Moscow's granting asylum to Mr. Snowden and its backing of President Bashar al-Assad of Syria.

But the C.I.A. and other American spy agencies, as well as the Pentagon, suspect that the monitor stations would give the Russians a foothold on American territory that would sharpen the accuracy of Moscow's satellite-steered weapons. The stations, they believe, could also give the Russians an opening to snoop on the United States within its borders.

The squabble is serious enough that administration officials have delayed a final decision until the Russians provide more information and until the American agencies sort out their differences, State Department and White House officials said.

Russia's efforts have also stirred concerns on Capitol Hill, where members of the intelligence and armed services committees view Moscow's global positioning network—known as Glonass, for Global Navigation Satellite System—with deep suspicion and are demanding answers from the administration.

''I would like to understand why the United States would be interested in enabling a GPS competitor, like Russian Glonass, when the world's reliance on GPS is a clear advantage to the United States on multiple levels,'' said Representative Mike D. Rogers, Republican of Alabama, the chairman of a House Armed Services subcommittee.

Mr. Rogers last week asked the Pentagon to provide an assessment of the proposal's impact on national security. The request was made in a letter sent to Defense Secretary Chuck Hagel, Secretary of State John Kerry and the director of national intelligence, James R. Clapper, Jr.

The monitor stations have been a high priority of Mr. Putin for several years as a means to improve Glonass not only to benefit the Russian military and civilian sectors but also to compete globally with GPS.

Earlier this year, Russia positioned a station in Brazil, and agreements with Spain, Indonesia and Australia are expected soon, according to Russian news reports. The United States has stations around the world, but none in Russia.

Russian and American negotiators last met on April 25 to weigh ''general requirements for possible Glonass monitoring stations in U.S. territory and the scope of planned future discussions,'' said a State Department spokeswoman, Marie Harf, who said no final decision had been made.

Ms. Harf and other administration officials declined to provide additional information. The C.I.A. declined to comment.

The Russian government offered few details about the program. In a statement, a spokesman for the Russian Embassy in Washington, Yevgeniy Khorishko, said that the stations were deployed ''only to ensure calibration and precision of signals for the Glonass system.'' Mr. Khorishko referred all questions to Roscosmos, which did not respond to a request for comment last week.

Although the Cold War is long over, the Russians do not want to rely on the American GPS infrastructure because they remain suspicious of the United States' military capabilities, security analysts say. That is why they have insisted on pressing ahead with their own system despite the high costs.

Accepting the dominance of GPS, Russians fear, would give the United States some serious strategic advantages militarily. In Russians' worst fears, analysts said, Americans could potentially manipulate signals and send erroneous information to Russian armed forces.

Monitor stations are essential to maintaining the accuracy of a global positioning system, according to Bradford W. Parkinson, a professor emeritus of aeronautics and astronautics at Stanford University, who was the original chief architect of GPS. As a satellite's orbit slowly diverges from its earlier prediction, these small deviations are measured by the reference stations on the ground and sent to a central control station for updating, he said. That prediction is sent to the satellite every 12 hours for subsequent broadcast to users. Having monitor stations all around the earth yields improved accuracy over having them only in one hemisphere.

Washington and Moscow have been discussing for nearly a decade how and when to cooperate on civilian satellite-based navigation signals, particularly to ensure that the systems do not interfere with each other. Indeed, many smartphones and other consumer navigation systems sold in the United States today use data from both countries' satellites.

In May 2012, Moscow requested that the United States allow the ground-monitoring stations on American soil. American technical and diplomatic officials have met several times to discuss the issue and have asked Russian officials for more information, said Ms. Harf, the State Department spokeswoman.

In the meantime, C.I.A. analysts reviewed the proposal and concluded in a classified report this fall that allowing the Russian monitor stations here would raise counterintelligence and other security issues.

The State Department does not think that is a strong argument, said an administration official. ''It doesn't see them as a threat.''

Mr. WICKER. This article elaborates on a proposal under review by our own State Department to allow the Russian space agency to construct half a dozen satellite ground monitoring stations on U.S. soil. The article describes these potential sites as ''seemingly innocuous, dome-topped antenna perched atop an electronics-packed building surrounded by a security fence somewhere in the United States.'' Taken at face value, these Russian ground monitoring stations are supposed to improve the accuracy and reliability of Russia's version of the global positioning system.

According to the Times article, the Obama administration is actively considering this request by Moscow in an attempt to reset once again the administration's failed reset policy which the President once hailed as the beginning of better U.S.-Russian relations. We have every reason to be skeptical of Russia's intentions to utilize GPS monitoring stations on U.S. soil. Let me repeat this: GPS monitoring stations controlled by Russia on U.S. soil.

Time and again, President Putin has shown he is unwilling to cooperate with America. The list of grievances continues to grow. Let's not forget that Russia has granted asylum to Edward Snowden, who is charged with espionage and theft of U.S. government property after releasing up to 200,000 classified documents to the press.

Let's not forget that Russia has defended the brutal regime of Syrian President Bashar al-Assad and helped perpetuate the dictator's grip on power with military aid.

Let's not forget that Russia, the same Russia that wants to put GPS stations on U.S. soil, has denied Russian orphans a chance at a better life in the United States, with a ban on U.S. adoptions, ultimately victimizing the most vulnerable, in a desperate attempt to distract the world from Russia's human rights failings.

It is clear Russia's interests are not often aligned with those of the United States. Accordingly, I am deeply concerned and people within the intelligence community are deeply concerned and people within the Defense Department are deeply concerned about the Russian proposal to use U.S. soil to strengthen Russia's GPS capabilities. These ground monitoring stations could be used for the purpose of gathering intelligence. Even more troubling, these stations could actually improve the accuracy of foreign missiles targeted at the United States.

Our national security and foreign policy apparatus is large and widespread. I do not question anyone's patriotism or the intentions of the State Department. But it is clear that there are other parts of the administration that are very concerned about this.

This morning I had the opportunity to review a classified report by DOD. I encourage all Members of the Senate to review this classified document and, to me, I think it will reaffirm the need for increased transparency on this very serious matter. Senators LEE, FISCHER, and CORNYN so far have joined me in filing an amendment to the Defense authorization bill that would fully inform the American people about the implications of the Russian proposal.

My amendment would prohibit the construction of GPS monitoring stations by any foreign government on U.S. soil until the Secretary of Defense and the Director of National Intelligence jointly certify to the Congress that these stations do not have the capability to gather intelligence or improve foreign weapons systems. My amendment would also require a report to Congress on the use of satellite positioning ground monitoring stations by foreign governments.

This amendment is simple and straightforward, and I urge my colleagues to support its inclusion in the Defense authorization bill. I encourage cosponsors from both sides of the aisle.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, on behalf of the Senate Armed Services Committee, we are pleased to bring S. 1197, the National Defense Authorization Act for Fiscal Year 2014, to the Senate floor. The Armed Services Committee approved the bill by a 23–3 vote on June 13, making this the 52nd consecutive year our committee has reported the Defense Authorization Act.

The strong bipartisan vote for this bill in the Armed Services Committee continues the tradition of our committee, where our Members have continued to come together to support the national defense and our men and women in uniform. I thank Senator INHOFE for the major contribution he has made to this process in his first year as the ranking Republican on the committee.

This year's bill would authorize $625.1 billion for national defense programs, the same amount as the President's budget request. Unless the Congress acts to modify or eliminate the sequestration required by the Budget Control Act, however, this amount will automatically be reduced by $50 billion, leaving the Department of Defense with far less than it needs to meet the requirements of our national military strategy.

U.S. forces are drawing down in Afghanistan and are no longer deployed in Iraq. However, the real threats to our national security remain and our forces are deployed throughout the globe. Over the course of the last year, the civil war in Syria has become increasingly destructive, North Korea has engaged in a series of provocative acts, Iran has moved forward with its nuclear program, and Al Qaeda affiliates have continued to seek safe havens in Yemen, Somalia, North Africa, and elsewhere.

It is particularly important that we do what we can to sustain the compensation and quality of life our service men and women and their families deserve as they face the hardships imposed by continuing military operations around the world. Toward this end, our bill, No. 1, authorizes a 1-percent across-the-board pay raise for all members of the uniformed services, consistent with the President's request; it reauthorizes over 30 types of bonuses and special pays aimed at encouraging enlistment, reenlistment, and continued service by Active-Duty and Reserve component military personnel. It does not include Department of Defense proposals to establish or increase health care fees, deductibles, and copayments that would primarily affect working-age military retirees and their families. It authorizes $25 million in supplemental impact aid to local educational agencies with military dependent children and $5 million in impact aid for schools with military dependent children with severe disabilities, and provides funding for the Department of Defense STARBASE Program. It enhances the Department of Defense programs to assist veterans in their transition to civilian life by improving access to credentialing programs for civilian occupational specialties.

The bill also includes funding needed to provide our troops the equipment and support they need for ongoing combat, counterinsurgency, and stability operations around the world. For example, the bill funds the President's request for $80.7 billion for overseas contingency operations. It authorizes $9.9 billion for U.S. special operations command, including both base budget funding and OCO funding. It authorizes nearly $1 billion for counter-IED efforts, beginning to ramp down expenditures in this area while ensuring that we make investments needed to protect our forces from roadside bombs.

The bill fully funds the President's request for the Afghan Security Forces Fund to train and equip the Afghan National Army and Afghan police, growing their capabilities so we can complete the transition of security responsibility as planned by the end of 2014.

It reauthorizes the use of DOD funds to support a program to reintegrate insurgent fighters into the Afghan forces and into Afghanistan. It authorizes the Secretary of Defense—upon a determination from the President that it is in the national security interest of the United States—to use up to $150 million of amounts authorized for the Coalition Support Fund account in fiscal years 2013 and 2014 to support the border security operations of the Jordanian Armed Forces, and it extends global train-and-equip authority, section 1206, through 2018 to help build the capacity of foreign force partners to conduct counterterrorism and stability operations.

The bill before us addresses major issues that are of particular importance to the Department of Defense, relative to the detention facility at Guantanamo Bay, Cuba, and the problem of sexual assault and misconduct in the military.

As to Guantanamo, this bill would provide our military with needed flexibility to determine how long we need to detain individuals now held in the Gitmo detention facility and where else we might hold them. For a number of years now Congress has enacted legislation eliminating this flexibility and requiring that we continue to hold all Gitmo detainees regardless of costs and whether it is needed in our national security interest. The existing legislation has made it more difficult to try detainees for their crimes and nearly impossible to return them to their home countries.

For example, even if we have a strong case that a detainee has committed crimes for which he could be indicted and convicted in a Federal court, the existing law makes it impossible to try him there. Even if we have determined that a detainee poses no ongoing security threat to the United States, we cannot send them back to his home country unless the Secretary of Defense certifies to six stringent conditions. Even if the individual is likely to die without advanced medical treatment, we cannot remove him from Gitmo for the purpose of receiving such treatment.

As a result, the legislation we have on the books has reinforced the impression held by many around the world that Guantanamo is a legal black hole where we hold detainees without recourse. This perception has been used by our enemies to recruit jihadists to attack us, and it has made our friends less willing to cooperate with us in our efforts to fight terrorism around the world.

The Gitmo detention facility is not only a recruiting tool for our enemies, but it has become an obsolete white elephant that costs hundreds of millions of dollars a year. It can no longer be justified based on the rationale for creating Gitmo in the first place.

One dozen years ago, the Bush administration started sending detainees to Gitmo in large part out of a desire to avoid the jurisdiction of the U.S. courts and ensure that detainees would have no legal avenue to appeal their convictions. Whether one supported that approach, that argument all but disappeared in 2008 when the Supreme Court ruled in the Boumediene case that Gitmo detainees would be treated as being inside the United States for the purpose of habeas corpus appeals.

Instead of recognizing that the Gitmo detention facility is no longer needed, however, we have enacted legislation which makes it virtually impossible to move detainees anywhere else, ensuring that the facility will remain open whether it is needed for particular detainees or not. The current law prohibits the transfer of any detainee to the United States for detention under the law of armed conflict or trial before a military commission or in civilian court and includes unduly burdensome certification requirements that make it extremely difficult to transfer detainees back to their home countries.

The basis for these legislative obstacles appears to be the fear that returning Gitmo detainees to their home countries or transferring them to the United States would pose an unacceptable threat to our national security. However, we have brought numerous terrorists to the United States for trial and incarceration without adverse effect to our national security.

In just the last 3 years, for example, we have brought three foreign terrorists into the United States for trial. The first is Abu Ghaith, Osama bin Laden's son-in-law, who has been convicted in Federal court and remains in Federal custody without incident. The second is Ahmed Abdulkadir Warsame, who pled guilty in Federal court and remains in Federal custody without incident. The third is Ahmed Ghailani, a Gitmo detainee who was convicted in Federal court, received a life sentence, and remains in Federal custody without incident.

Moreover, our military has routinely detained individuals on the battlefield in Afghanistan and then exercised the discretion to transfer them to local jurisdiction or to release them. If we can trust our military to make these determinations on a day-to-day basis, we should be able to trust them to make the same determinations at Gitmo.

The risk that any of these detainees could once again engage in activities hostile to our interests around the world has been substantially reduced by the rigorous procedures our military has instituted to review individual cases and ensure that appropriate protections are in place before transferring any detainee back to his home country.

These procedures have resulted in a dramatic decline in the so-called recidivism rate over the last 5 years. While more than 160 Gitmo detainees released by the Bush administration are known or suspected to have engaged in activities hostile to our interest after their transfer or release, only 7 detainees released by the Obama administration—less than 10 percent of the total—are known or suspected to have engaged in such activities.

This rigorous review process would be codified by the provision in our bill

which would require that the Secretary of Defense determine, prior to transferring a Gitmo detainee, that the transfer is in our national security interest and that actions have been taken to mitigate any risks that the detainee could again engage in any activity that threatens U.S. persons or interest.

It is time for us to move past the fear that our country somehow lacks the capacity to handle Gitmo detainees and allow our military to address the transfer of detainees in a rational manner based on the facts of each case.

As to sexual misconduct, this bill includes the most comprehensive legislation targeting sexual misconduct and assault in the military ever considered by Congress. Our committee adopted more than two dozen separate provisions and a host of historic, significant reforms addressing sexual assault and prevention. In particular, the bill makes it a crime under the Uniform Code of Military Justice to retaliate against a victim who reports a sexual assault, and it requires the DOD IG to review and investigate any allegation of such retaliation.

Our bill establishes the expectation that commanders will be relieved of their command if they fail to maintain a climate in which victims can come forward without fear.

Our bill requires service Secretaries to provide a special victims' counsel to provide legal advice and assistance to servicemembers who are victims of a sexual assault committed by a member of the Armed Forces.

Our bill amends article 60 of the Uniform Code of Military Justice to limit the authority of a commander to overturn a verdict for rape, sexual assault, forcible sodomy, and other serious offenses.

Our bill eliminates the element of the character of the accused from the factors to be considered in deciding how to proceed with the case.

Our bill requires commanding officers to immediately refer any allegation of a sexual misconduct offense involving service members to the appropriate investigative agency.

Our bill requires that the sentence for service members convicted of rape, sexual assault, forcible sodomy or an attempt to commit one of those offenses, include, at a minimum, a dismissal or dishonorable discharge.

Our bill requires that all substantiated complaints of sexual-related offenses be noted in the service record of the offender.

Our bill eliminates the 5-year statute of limitations on trial by court-martial for certain sexual-related offenses.

Our bill codifies a prohibition on military service by individuals convicted of sexual offenses.

Some have argued we should also change the military justice system by removing commanders from their current role in deciding what cases should be prosecuted and instead place that authority in the hands of military lawyers. However, the testimony before our committee showed that commanders, far from being reluctant to prosecute sexual offenses, are more likely to prosecute those offenses than civilian or military lawyers.

Further, removing authority from commanding officers would distance them from these cases and make them less accountable, making it more difficult for them to take the steps needed to protect victims from peer pressure, ostracism, and retaliation. While taking authority away from the chain of command would indeed be a dramatic change, this change would actually afford the victims of sexual assault less protection and make it less likely that sexual assaults will be prosecuted than the current system.

For this reason, we adopted an alternative approach that will better protect victims. Our approach is to require a commander who receives an allegation of sexual assault to either prosecute it or have it automatically reviewed by his or her commander—almost a general or flag officer—and if a commander chooses not to prosecute against the advice of legal counsel, the case receives automatic review by a service Secretary. This approach will enable commanders to continue an aggressive approach to prosecuting sexual offenses while ensuring against the unusual case in which a commander might decide not to pursue a case that could be successfully prosecuted.

An important part of this problem is the underreporting and inadequate investigation of sexual assaults. There is still inadequate reports for victims of sexual assaults. There is also a problem with retaliation, ostracism, and peer pressure from victims. Underneath it all remains a culture that has taken inadequate steps to correct this situation. In the end, getting this right will require sustained leadership by commanders who can be held accountable for conduct in their units. It is more difficult to hold someone accountable for failure to act if we reduce his or her authority to act.

We want commanders fully engaged in the resolution of this problem and not divorced from it. Throughout our deliberations on this issue, we were guided by a single goal: passing the strongest, most effective measures to combat sexual assault by holding perpetrators accountable and protecting and supporting victims. We believe our bill does that.

Our country relies on the men and women of our military and the civilians who support them to keep us safe and to help us meet U.S. national security objectives around the world. We expect them to put their lives on the line every day, and in return we tell them we will stand by them and their families, that we will provide them with the best training, the best equipment, and the best support available to any military anywhere in the world.

As of today, we have roughly 1.4 million U.S. soldiers, sailors, airmen, and marines serving on Active Duty—with tens of thousands engaged in combat in Afghanistan and stationed in other regional hotspots around the globe.

While there are issues on which Members may disagree, we all know we must provide our troops the support they need. Senate action on the National Defense Authorization Act for Fiscal Year 2014 will improve the quality of life for our men and women in uniform and their families. It will give them the tools they need to remain the most effective fighting force in the world, and most important of all, it will send an important message that we as a nation stand behind them and appreciate their service.

I look forward to working with all of our colleagues to pass this vital legislation and again would urge all of our colleagues who have amendments to bring them to our attention so we can try very hard to clear amendments which can get support on both sides of the aisle and which have no strong objection.

This has been a process which has worked for as many years as I have been here, and it is the only way we are going to be able to get a bill passed this week. Again, it is critically important that this bill pass this week or else there seems to be very little hope we could actually get a bill to conference and back to both Houses.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Madam President, I ask unanimous consent to speak for up to 5 minutes, and that after I conclude my remarks, Senator CHAMBLISS be recognized, followed by Senator AYOTTE.

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

Mr. MANCHIN. Madam President, I rise to highlight for Senators the important work of the Airland Subcommittee in the fiscal year 2014 National Defense Authorization Act as reported by the Committee on Armed Services. I am very proud to be the chairman of the Airland Subcommittee and for the close working relationship I have with Senator WICKER, the ranking member of the subcommittee.

The Airland Subcommittee has broad responsibilities for substantial parts of the Army, Navy, Marine Corps, and Air Force budgets. The Airland Subcommittee also has responsibility for National Guard and Reserve equipment and readiness. As a former governor, I know firsthand how effective the National Guard is, and they provide a great value for all Americans.

Throughout this process the goal of the Airland Subcommittee has been to promote and improve current and future readiness of our military, all while ensuring the most efficient and effective use of taxpayer dollars. This year the Airland Subcommittee has jurisdiction over $49 billion of the Defense

Department's base and overseas contingency budget. This includes $37.1 billion for procurement and $11.9 billion for research and development.

In this regard the Airland Subcommittee's recommendation fully supports the Department's budget request for Overseas Contingency Operations and would support most of the major weapons and equipment programs in the base as requested. However, sequestration presents many challenges. We can no longer spend billions of dollars buying equipment the military does not need or want. Just a few days ago, the chairman of the Joint Chiefs of staff, General Dempsey, provided me with a list of programs the Department of Defense no longer needs and they want to retire.

This much is clear: We can no longer conduct business as usual. In fact, the Bowles-Simpson Commission recommended the Department of Defense and Congress establish a commission that would review major weapons programs unneeded by the Department. This is something we should take a look at. I look forward to working with my colleagues on this important issue, and the National Commission on the Structure of the Air Force is already reviewing and will make recommendations on the retirements and divestiture of aircraft the military no longer needs.

In future subcommittee work I will be reviewing General Dempsey's list and will be working with my colleagues on the programs the Department no longer needs.

Congress must debate this important issue so that we spend every dollar we have wisely and keep our military the strongest in the world.

I wish to compliment Senator WICKER again on how well we have worked together this year, and I thank Chairman LEVIN, Ranking Member INHOFE, and the wonderful committee staff who have worked so closely with my staff and me on this bill.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Madam President, first of all, let me say to my friend from West Virginia—I happen to serve on that subcommittee and I was in the hearing the other day when he asked a question of General Dempsey, a very appropriate question. We thought a very strong answer was going to be given by Senator Dempsey to the question of the Senator from West Virginia regarding weapons systems and other expenditures that are mandated by Congress that the chiefs and other folks at the Pentagon have said they don't need. As he and I were just discussing, we finally got that letter yesterday, and it was somewhat of a very tepid response rather than the strong response we had hoped for.

In any event, the Senator from West Virginia, along with Senator COBURN and myself, are going to work together to develop a list of expenditures that are either unwanted by the Pentagon that Congress has mandated or expenditures that ought to be spent in some other agency but, unfortunately, are being charged to the Pentagon. So I look forward to working with the chairman on that issue, and I thank him and Senator WICKER for their leadership on the subcommittee.

I rise principally today in support of the Ayotte-Chambliss-Inhofe amendment No. 2255, which would restore many of the legislative limits and requirements Congress has placed in recent years on the transfer of Guantanamo Bay detainees and prevent medical-related transfers to the United States. I believe these legislative safeguards are vital to our national security and essential to good intelligence collection.

For several years now we have been debating the status of Guantanamo Bay and the detainees who remain there. Time and time again, during the course of these debates, I have asked this administration to come up with a viable, long-term detention and interrogation policy. Frankly, they have failed to do so because of a stubborn commitment to a poorly thought out campaign promise to close Guantanamo.

The call to close Guantanamo may sound like a good campaign sound bite to some people but, frankly, in the real world of national security it undermines good intelligence collection and increases the risks that dangerous detainees will be back on the streets where they can continue, as they have, to kill and harm Americans. These are not abstract theories; they are facts. The recidivism rate is nearly 29 percent and has been climbing steadily since detainees began being released from Guantanamo. This includes nearly 10 percent of detainees who have returned to the fight after being transferred by the current administration following the administration's extensive review of each detainee.

Al Qaeda in the Arabian Peninsula counts former Guantanamo detainees not just among its members but among its leaders. A former Guantanamo detainee is believed to have been involved in last year's Benghazi attacks that killed our ambassador and three other Americans.

The administration's stubborn refusal to add even one more terrorist to the Gitmo detainee population has forced the executive branch back into the pre-9/11 mindset of treating terrorists as ordinary criminals—a mindset we know doesn't work. A lot of people will come to this floor on the other side of the aisle and say: Well, we have tried all of these terrorists in article III courts in the United States and it has worked. For the most part, they have been convicted, and they are now serving time. That is a fairly accurate statement. However, what they fail to say is that these article III trials of terrorists who have been arrested inside the United States are nowhere near the caliber of those who planned and carried out the attacks of 9/11 as well as those who were captured on the battlefield seeking to kill and harm Americans and, in a lot of instances, did kill Americans and maim Americans, and they are now housed at Guantanamo. That is a very, very distinct difference, and those prisoners should not be treated the same as an ordinary common burglar is treated in an article III court here in the United States.

In response to criticisms of the approach that the mindset of 9/11 is being returned to, the administration now seems to favor interrogations on board naval vessels. The end result, however, has been no different. At the end of these brief interrogations, those individuals have been transferred to Federal courts here in the United States where they are unlikely to provide any more intelligence information because they have been Mirandized and are now awaiting trial.

From the Christmas Day bomber to the Boston bomber to the East Africa embassies bomber, this preference for criminal prosecution at the expense of intelligence collection has become the administration's standard operating procedure. This is no way to defend our Nation, and it sends a message of weakness to terrorists and our allies alike.

This amendment Senator AYOTTE, Senator INHOFE, and I are putting forward sends the right message to the American people. It ensures that our detention practices have clarity for the next year and that on a permanent basis no detainee will be transferred overseas unless there is a clear certification that the transfer is in the best interests of the United States. This also sends a very clear message to the terrorists at Guantanamo Bay: You are not coming to the United States where you will have the advantage of article III courts.

This amendment includes five provisions.

No. 1, it imposes a 1-year ban on transfers to the United States of Guantanamo detainees, except in cases after the date of enactment where the detainee is sent to Guantanamo for purposes of interrogation.

No. 2, it imposes a 1-year ban on transfers of detainees to Yemen—and I will speak more about that in a minute.

No. 3, it imposes a 1-year ban on building or modifying facilities inside the U.S. to house Guantanamo detainees.

No. 4, it makes permanent the certification requirements needed before any transfer of a detainee overseas.

Lastly, it strikes the provision in the bill that allows transfers of detainees to the United States purely for medical care.

Let me address each provision very briefly. First, I have yet to hear why it is a good idea to bring Guantanamo detainees to the United States. While the President made a promise to close Guantanamo, the American people seem unified against bringing these detainees to the U.S. for any reason, and I believe we should listen to the American people.

It is clear that giving the Secretary of Defense the authority to decide to bring detainees here for detention, trial, and incarceration will have the same impact as Congress lifting the prohibition outright. But the same issues we have been talking about for several years and that GAO identified in its 2012 report on detention options inside of the United States still exists. These include cost considerations, questions about the legal status of the detainees, and concerns about protecting the general public and personnel at these facilities or during trial.

Let's look at who these 164 individuals are that remain at Guantanamo. We started out with about 860-something, as I recall, give or take a few. So we have already released both to other countries and, in some cases where we frankly made a mistake, individuals who should not have been there, or it has been determined by the appropriate reviewing committees that these detainees were OK to be sent back to their country of origin or to some other host country that was willing to take them and supervise them or keep them in detention but to get them out of Guantanamo. Now, the 164 who are remaining are the meanest, nastiest terrorists in the world, frankly. They are the ones nobody is going to want. So if nobody else wants them, why should we allow them to come to the United States?

These are the individuals who either planned and masterminded the attack on the United States on September 11, 2001, such as Khalid Shaikh Mohammed, or they are individuals we picked up on the battlefield who were actively engaged in fighting and killing Americans, as well as engaged in building bombs that were intended to—and in a lot of instances did—explode and kill or injure Americans.

Some of these folks range from KSM to the USS Cole bomber who are awaiting trial and, frankly, should be tried at Guantanamo. In other words, they are dangerous detainees who should not and cannot be sent, as I said, to any other country.

Many of us have been calling on the administration to send new detainees to Guantanamo simply for interrogation. Detainees such as al-Shabaab leader Ahmed Abdulkadir Warsame, East Africa Embassies bombing suspect Abu Anas al-Libi, who was arrested in Libya recently, and suspects in the Benghazi attacks all belong at Guantanamo where they can be interrogated for a long time under the rules and articles of war, without Miranda rights or criminal defense lawyers.

But this administration has consistently refused to even consider Guantanamo for interrogation of the meanest folks who still remain at large. It is off the table, as they tell us. Some have used the excuse that it is off the table because of this restriction in previous Defense authorization acts. In other words, the administration could not put any new detainees at Guantanamo for interrogation because they could not send them to Federal court for trial.

If this administration had made any effort at all, even just once, over the past 4 years to interrogate detainees at Guantanamo rather than holding them on a ship, this excuse would have much more merit. But to make sure there are no excuses anymore, our amendment makes clear that detainees who are sent to Guantanamo specifically for the purposes of interrogation after the date of enactment may still be transferred to the United States for trial in article III courts or before military tribunals. That means there is absolutely no need to hold another detainee on board a ship just to interrogate him. And there is absolutely no excuse for not putting new detainees at Guantanamo Bay. This provision makes sense for the security of this country, and it makes sense for good intelligence collection.

The ban on transfers to Yemen is a very critical aspect of this amendment. The amendment bans any detainee transfers to Yemen until December 31, 2014. It has been 4 years since the President imposed a moratorium on transfers to Yemen from Guantanamo following the failed airplane bombing attempt on Christmas Day 2009 by Umar Farouk Abdulmutallab. At that time, Yemen was viewed as a hotspot for terrorists, especially with the rise of Al Qaeda in the Arabian Peninsula. Now, 4 years later, not much has really changed except for the rising recidivism rate. We know that former detainees have rejoined AQAP both as leaders and as members. We know Yemen continues to struggle with terrorist groups who are trying to make sure it remains an AQAP stronghold. And we know AQAP continues to look for ways, like the 2009 failed Christmas Day bombing, to attack this country.

We have all seen the reports that the administration wants to transfer detainees to Yemen and is working with the Yemeni Government to set up a detention or rehabilitation facility inside Yemen to house these prisoners. We learned from the Saudi rehabilitation program that rehabilitating hardened terrorists simply does not always work. The recidivism rate for the Saudi program is at least 20 percent. Many of these detainees, such as AQAP leader Said al-Shihri, ended up in Yemen fighting as terrorists again. Yemen, as one senior administration official described it, is like the Wild West. It is the last place we should send dangerous detainees. In other words, now is not the time to experiment with our national security.

Our amendment ensures that no detainee can be sent to Yemen over the next year. I recognize that there are Yemeni detainees who have been cleared for transfer, so we do not permanently prohibit those transfers. But just because a detainee is eligible for transfer from Guantanamo does not mean he no longer poses any threat at all. We have to remember that the easiest transfers have already been done, and even among those easy transfers, over a quarter of them have been known to be reengaged in the fight against Americans.

So our amendment imposes a reasonable time period on this prohibition: No transfers can occur until at least December 31, 2014. Over the next year we should have a better sense of how well the Yemeni Government is combating terrorists within its borders. Once we see their track record, we can decide whether it makes sense to send them any new detainees.

In the past, under the previous Government of Yemen, the detainees who were transferred from Guantanamo to Yemen simply were allowed to wander around in Yemen with no supervision whatsoever, and I daresay that we now do not have any idea where most of those detainees are inside of Yemen or, more significantly, whether they are still in Yemen, whether they are reengaged in the fight, whether they are in Syria fighting on one side or the other, or what has gone on with those detainees.

Al Qaeda and its affiliates look up to Guantanamo detainees. They have immediate street credibility among terrorists, which makes it more tempting for them to rejoin the fight. We should not make it easier to transfer detainees anywhere, much less places where there are confirmed recidivists or a real threat from AQAP. The detainees, including many of the Yemenis, who remain at Guantanamo are among the worst offenders.

We should want all future transfers to be done wisely and fully in line with our national security interests. This amendment accomplishes those objectives.

Third, this amendment continues the ban on building or modifying facilities inside the United States to hold those detainees. It does not prohibit any changes to the facilities at Guantanamo Bay, so those facilities will continue to be state-of-the-art.

I understand that this administration wants to close Guantanamo and that the Justice Department has already purchased the correctional facility in Thomson, IL, to house them. But there is still overwhelming consensus here in Congress and among the American people that Guantanamo detainees should never set foot inside the United States. We need to listen to that consensus.

With that in mind, our amendment ensures that not one penny of American taxpayer dollars will be spent on the Thomson facility or to build or modify any other facility inside the United States to house Guantanamo detainees. Our amendment applies not just to Defense Department funding but to all U.S. Government funds. That way, no other Department, including

the Justice Department, can try to circumvent the will of the American people and bring Guantanamo detainees to our homeland.

Many of us have been to Guantanamo. I have been there several times to see for myself how the detainees live and are treated. It is a first-rate prison facility. I have been to many prison facilities in my State as well as other parts of the country. It is one that would probably make most inmates at prisons here inside the United States very envious.

We should not forget that many of the detainees at Guantanamo are some of the most dangerous terrorists in the world. If they cannot be transferred to other countries, they do not belong in the United States.

This amendment also makes permanent the certification requirements that are needed before any detainee can be transferred outside of Guantanamo Bay. As I mentioned, the recidivism rate today is almost 29 percent and growing, so we should not make it easier to transfer detainees anywhere, much less to places where there are recidivists or real terrorist threats. The certification requirements and the ban on transfer if there is a confirmed recidivist in a host country were designed to lessen the likelihood that detainees would reengage.

I understand that some people want Guantanamo closed, but eliminating commonsense measures that are there to protect American citizens is not the way to do it. These measures give Congress and the American people confidence that the Defense Secretary has fully considered all aspects of the transfer, especially the host country's past record and current capabilities.

As the rising recidivism rate tells us, even detainees who have been cleared for transfer—through a very rigorous process, I might add—can still pose a threat. We have to remember that the easiest transfers have already been done, and even among those over a quarter have reengaged. The detainees who remain are among the worst offenders. We should want all future transfers to be done wisely and fully in line with our national security interests.

I do not find persuasive the argument that these certification requirements are so burdensome that detainees cannot be transferred. In fact, this year alone detainees have been transferred to Algeria, and we continue to get notices of other proposed transfers.

Not every detainee needs to stay at Guantanamo Bay. I recognize that, as do the other authors of this amendment. But not one should be released until we are absolutely certain that everything is being done to prevent new terrorist activity on the part of those individuals who are, in fact, released. These certification requirements give us that certainty. Making these requirements permanent is the only sure way to guarantee that each and every transfer is best for the national security of the United States.

Finally, this amendment restores the status quo by striking section 1032 in the bill, which allows the transfer of detainees into the United States for medical care. We need to remember that Guantanamo is a first-class facility, operated by dedicated military personnel who put up with an awful lot from detainees. I remember the first time I went to Guantanamo, they were housed in a facility that is not the facility they are in today. It was much more of an open facility where the guards simply would walk back and forth in very close range to the actual prisoners themselves. Those guards were subjected to being spit upon, having human waste thrown at them as well as food or anything the detainees could get their hands on. Needless to say, it was not a very nice place to be.

But we need to remember also that Guantanamo possesses not only first-class medical facilities but also first-class judicial facilities for the trial of these individuals. There is a state-of-the-art courtroom down there, which is being virtually unused today, that ought to be used to try these individuals before a military tribunal.

Section 1032 seems to be a solution in search of a problem. Guantanamo Bay has the facilities from a medical standpoint and the doctors within the military to treat these prisoners. And I am not aware of any instance in which a detainee has died or suffered further injury because of our inability to treat them at Guantanamo.

Aside from being unnecessary, this provision does not make good policy. Over the past several years detainees at Guantanamo have waged repeated hunger strikes in an effort to gain sympathy so the United States will release them from prison. When inmates in our prisons here engage in such tactics, we do not reward them, but that is exactly what section 1032 would do. If we give detainees the ability to be brought to the United States even for what is supposed to be temporary treatment, that is a powerful incentive for a detainee to injure himself or go on a hunger strike.

I am also concerned about how this provision would even be implemented. It is unclear whether we will have to modify military hospitals so they can handle high-value terrorist detainees. At what cost and at what risk to the safety of others, including the towns in which these facilities are located?

I appreciate that the provision tries to limit the rights of detainees when they are brought here, but we have been down this road before with habeas corpus rights. Once a detainee is physically inside the United States, it becomes much more difficult to argue against any change in immigration or legal status.

In my view, section 1032 is simply in this bill to further reduce the population at Guantanamo. This is not a goal I can support. Our amendment keeps the status quo and keeps these terrorist detainees where they belong—at Guantanamo Bay.

It is time for this administration to provide real leadership on detention and interrogation issues instead of trying to keep ill-conceived campaign promises that run contrary to the established facts and known threats to our national security. Keeping this country safe demands real-time intelligence—the kind we have gotten in the past from interrogating detainees for long periods of time, including those detainees at Guantanamo. It is time for us to end this dangerous practice of treating terrorists first and foremost like criminals who deserve Miranda warnings, attorneys, and court appearances.

It is time for us to stop pretending that the detainees at Guantanamo are no different from common ordinary criminals. Our amendment ensures that the balance remains on the side of our national security and good intelligence collection. It ensures that common sense, not politics, will determine the future of Guantanamo detainees and the effectiveness of our intelligence collection.

I am pleased to turn to the Senator from New Hampshire, Senator AYOTTE, who has been such a champion on this issue. She and I have worked very closely, as well as any number of other national security issues, since she came to the Senate. She has been a tremendous asset. As a former prosecutor, she understands how serious these individuals are from a criminal standpoint.

I commend her for the great work she has done, and I certainly look forward to hearing her comments.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from New Hampshire.

Ms. AYOTTE. I wish to thank my colleague from Georgia, who is the Republican ranking member on the Senate Intelligence Committee. Senator CHAMBLISS has seen so much in terms of the real threats that we face from terrorists in this country. I appreciate his leadership on ensuring that America remains safe and his leadership on this issue of ensuring that the Guantanamo detainees are not released to get back in the fight against us, to attack not only our soldiers but us and our allies.

I would start with the Defense authorization, as it stands, and even the side-by-side offered by Chairman LEVIN, is a dramatic change from current policy of where we are now with regard to Guantanamo and the transfer of Guantanamo detainees internationally and to the United States of America between last year's Defense authorization and this year's Defense authorization.

What has changed? The only thing that has changed is the fact that the reengagement rate of those who are suspected of having been released—who have been released from Guantanamo and are suspected or actually have reengaged in the fight against us—has increased, not decreased.

Yet the status quo of where we stand now, if our amendment just described

by Senator CHAMBLISS is not adopted, amendment No. 2255—is that we would weaken what is required to be certified from people who are released from Guantanamo.

In other words, the Defense authorization and the proposal offered by Chairman LEVIN would weaken the national security requirements that are currently in place; the standards which we have to meet before someone is transferred from Guantanamo to another country, even though the reengagement rate has actually increased.

What else would it do? It would now allow the potential for transferring Guantanamo detainees to the United States of America. This would include Guantanamo detainees potentially such as Khalid Shaikh Mohammed whom Senator CHAMBLISS has referenced. He is the mastermind of September 11. He is the key player behind the attacks on our country on September 11, and so we are going to allow the potential that he could be transferred to the United States of America.

In addition, there is allowance for a potential transfer to the country of Yemen. As Senator CHAMBLISS has talked about, the country of Yemen is the place where the head of Al Qaeda in the Arabian Peninsula is centered. Not only that, in Yemen, there have actually been instances where we have seen prison breaks in Yemen. In fact, it is a very destabilized place.

In June I asked the Chairman of the Joint Chiefs of Staff about Yemen, and he assessed it to be the most dangerous. Al Qaeda in the Arabian Peninsula, which is located in Yemen, is the most dangerous Al Qaeda affiliate. Again, when we look at Yemen, there have been breaks from detention facilities there.

Senator CHAMBLISS has described the 2009 Christmas Day Bomber who received his training in Yemen.

We have Guantanamo detainees who have actually been captured—whom we have let out previously—captured, killed or spotted in Yemen. These included Al Qaeda in the Arabian Peninsula's former second in command, Said al-Shihri and Ibrahim Suleiman al Rubaish, alleged to be one of Al Qaeda in the Arabian Peninsula's main religious leaders. We have instances where in Yemen there actually been have Al Qaeda terrorists, some who have returned to the leadership of Al Qaeda after we released them from Guantanamo and have gone back in.

I ask, why are we lifting the prohibition of transfers to Yemen when there still is not a certification that can be made that they will not reengage and that Yemen even can detain these individuals or account for them in a place which is the head of Al Qaeda in the Arabian Peninsula?

Where we are now is very important in terms of the protection of our country. As Senator CHAMBLISS mentioned, the administration has been so caught up in not wanting to transfer anyone into Guantanamo that we are left with a situation where we are potentially losing valuable intelligence to protect our country.

I wish to speak about that. If we captured tomorrow the current head of Al Qaeda, Zawahiri, what would we do with him? Are we going to bring him to the United States or should we bring him to a secure detention facility at Guantanamo?

The legal questions that are raised by this in terms of if we bring him to the United States, are we going to tell him you have the right to remain silent, even though he is the current head of Al Qaeda? Shouldn't the first priority be to collect information to protect our country, to know what they are planning, to know what they are doing, to know what could happen next?

We now have the example that was given of Warsame, who was a terrorist captured overseas. Instead of being brought to Guantanamo, he was put on a ship for approximately 60 days and then brought to the United States, where he was told you have the right to remain silent.

Worse, recently, there was the capture of a man named al-Libi, and al-Libi actually had been involved in the beginning—in fact, the Director of the Federal Bureau of Investigation recently said before the Homeland Security Committee that he was a founder of Al Qaeda with Osama bin Laden—and recaptured in Libya. Rather than bring him to Guantanamo Bay, he was put on a ship for only 1 week, 1 week.

Then he was transferred to New York City and read his Miranda rights. This is someone who was alleged to have committed the bombing against the embassies in Africa in 1998 and someone who has decades of involvement in Al Qaeda and who was only interrogated on a ship for 1 week, rather than being brought to Guantanamo and fully interrogated to make sure we maximize the gathering of intelligence to protect our country.

Now the administration wants to close Guantanamo. The alternative offered by Chairman LEVIN is that they should come up with a plan of where we would put these detainees in the United States of America.

The question is why have we had to wait this long, first, to even have some information of what the plan would be and what to do. Second, why would we want the most dangerous terrorists in the world, some of them, to come to the United States of America, when we have a secure detention facility at Guantanamo? Why would we risk the legal questions that will be raised if we bring them to the United States? Do we have to read them Miranda? If we capture Zawahiri and we have no Guantanamo to take him to, do we have to read him Miranda because he is in the United States of America and we can't gather intelligence to protect our country?

How much does it cost to make sure people are secure in the area where these terrorists are being brought? We don't even know where they will be brought because the alternative amendment, all it says is that they have to come up with a plan of where to put these terrorists rather than at Guantanamo. We don't know—the amendment does not provide for us as Congress to approve this plan. It only says the Secretary of Defense has to come up with a plan, and then he may take action to transfer the detainees, allowing them to be transferred to the United States of America.

Stay tuned if the Guantanamo detainees are coming to your neighborhood because we don't know. This is why it is important that the prohibitions stay in place in the absence of any plan. Why should we bring them to the United States of America, given the dangerous nature of who they are? Also, why wouldn't we want to have a secure facility to ensure that we have a place to interrogate terrorists, to make sure we can maximize the information and understand what they know to prevent attacks against our country. Otherwise, we will continue to have a situation where terrorists such as al-Libi are only interrogated for 1 week and then they are told you have the right to remain silent. No terrorist should hear that right.

I wish to say that what this provision does is it puts back in place the requirements that the administration has to meet a strong set of criteria before they can transfer to third-party countries.

What was taken out? What was taken out, which is important, is the way they have weakened the requirements for transferring people, the requirements the administration must meet before transferring from Guantanamo to third-party countries. They have taken out language that requires the Secretary of Defense currently to certify that a country is not a state sponsor of terrorism or foreign terrorist organization.

Now there is no longer a requirement that we even have to certify that. If our amendment is not passed and the alternative is passed, if there is a country or an entity that is a state sponsor of terrorism or a foreign terrorist organization, then they can transfer there.

They have also taken out the provision that would consider whether we have previously transferred a detainee to the country and yet the detainee has gone back into the fight, has reengaged. In other words, if we made a mistake in the past and transferred someone out of Guantanamo to a country such as Yemen, they weren't able to secure that individual and that individual gets back into the fight, that was a consideration they had to take into account before they could transfer to that country.

That is now being removed from the national security criteria, making it much weaker and easier to transfer to countries that are not only potential sponsors of terrorism but are also

countries where we have already had a history of transferring detainees who have gotten back in the fight against us and our soldiers. We have seen some of these detainees show up in places such as Afghanistan against our soldiers. We have seen these detainees attempt to attack us and our allies. We cannot risk weakening the provisions to say we are going to transfer them and take our risks that they can do that again.

We should keep the current law in place. The administration has been able to meet the current law. They have transferred six detainees under the current provisions. They do not have an excuse to say that we can't transfer anyone because they have already been able to transfer people.

I ask unanimous consent to ask my colleague, the Senator from Georgia, a question about these provisions.

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

Ms. AYOTTE. I ask Senator CHAMBLISS, if we eliminate Guantanamo—in other words, under this proposal they would be permitted to transfer people to the United States of America or that new captures be brought to the United States of America instead of to a facility such as Guantanamo, what are the risks we face in terms of losing valuable intelligence that we need to protect our country?

Mr. CHAMBLISS. The very best tool we have been able to utilize from an intelligence-gathering standpoint is the information we gather from individuals who were involved in the crime or involved in the planning of the crime. That is the case whether it is an ordinary burglary, bank robbery or in the case that we are talking about today, the planning and the scheming of the carrying out of what happened on September 11, as well as terrorist activity prior to that, such as the USS Cole bombing and others, as well as terrorist activity against the United States subsequent to September 11, as well as the detainees who are at Guantanamo today who were captured on the battlefield in Afghanistan.

We have gone through each one of the detainees who were involved in specific incidents or who are battlefield-captured detainees and we have been able to gather intelligence from them that we simply would not have been able to get from anyone else. Many times what we have when we interrogate the detainees, we will know the answer to the question we are going to ask them. Sometimes it is information that was gleaned from detainee X, who was with detainee Y whom we are now interrogating. By virtue of the fact that we know information that we have already gleaned from detainee X, we can ask terrorist Y about it or detainee Y. And you are going to get not only verification of what the first interrogated detainee tells you, but all of a sudden you are going to have an expanded story because this guy says, well, he knows this, and that is the case, so I may as well go ahead and tell him the rest of this.

That is kind of the way the interrogation process goes. What has happened at Guantanamo is that it has been there for a number of years now. September 11 is now 12 years behind us, but we are still gathering information from detainees at Guantanamo who have been there from the very first day it opened. We are gathering information on acts of violence that have occurred, but more significantly on the makeup of Al Qaeda, on who the members are, where they are located, where their headquarters were versus where they think the headquarters might be. There is such a valuable source of information to be gleaned from individuals one on one in the interrogation process that we simply can't get otherwise.

Let me refer a question to the Senator from New Hampshire. She was a prosecutor. She was the attorney general of New Hampshire and she prosecuted any number of criminal cases over the years as attorney general, including some very violent cases. She is familiar with the criminal process, obviously. She is familiar with individuals who have been convicted of crimes, and who, in some instances, were let out of jail when their time was up or whatever and those individuals reengaged in criminal activity, much like what we are seeing at Guantanamo today. The Senator and I have both talked about the recidivism rate being very high.

What is the Senator's opinion, as a long-time prosecutor, relative to these 164 individuals who remain at Guantanamo Bay today with regard to what she thinks is the possibility or the probability of their reengaging in the fight because of their long-term detention at Guantanamo?

Ms. AYOTTE. I would say we have to go from the evidence we have before us, where we have a 29-percent reengagement rate. And let's face it. The easier decisions were made first, in terms of who should be released. Now we have some very hardcore individuals who are there. We already have a 29-percent reengagement rate of them getting back in the fight against us as terrorists, and so we face a grave risk of some of the most hardened individuals if we transfer them or we lessen the standard for transfer, which is what this is doing. It is taking away the issues I talked about—the consideration of countries we have already transferred to but people have gotten back in it—and making it easier to transfer and weaker in terms of the national security requirements that have to be met, and I am worried they will get back in and then harm us and our interests because we already have a history of that.

I want to ask the Senator from Georgia an additional question. Some have cited the cost issue as the reason we should close Guantanamo. But to the Senator's knowledge, has anyone done the cost estimate of all the considerations that would have to be taken into account in the United States and also the security interests of the people of this country of transferring these terrorists to the United States?

Finally, I would also say there are risks we face in losing intelligence if they have to be Mirandized, and things such as that. That is a huge cost in terms of protecting our country, is it not?

Mr. CHAMBLISS. Well, it certainly is. I think the Senator and I need to be very clear with our colleagues here as well as the American public. When it comes to the cost of detaining terrorists who carried out the horrific attacks of September 11, I think the American people are well prepared to use their taxpayer dollars to house guys such as Khalid Shaikh Mohammed, who has admitted to planning the September 11 attacks. If we house him in a prison here inside the United States and he gets Mirandized, I am sure the first thing he is going to do is to get a lawyer. The Senator and I are both lawyers, and we would be foolish not to tell our client to hush up, don't talk anymore. And that is exactly what he would do.

So the cost of detaining individuals who ripped this country apart on September 11, 2001, is not a consideration, in my mind, from the standpoint of whether we should house those folks for the rest of their lives.

Ms. AYOTTE. If we were to lose, for example, valuable intelligence, if we were to get Zawahiri tomorrow, or if we had captured Osama bin Laden instead of killing him, and were able to interrogate him, that is a value that cannot be placed on that in terms of preventing future attacks and understanding how Al Qaeda is planning things in order to prevent future harm to Americans; isn't that right?

Mr. CHAMBLISS. Absolutely. No question about it. And if you do bring them to the United States, I guarantee that is the last bit of interrogation of any of those individuals that we will ever see.

The Senator mentioned bin Laden. I remember at a hearing in the Senate Armed Services Committee where the issue of bin Laden came up during a presentation by the current administration's Secretary of Defense. I asked the question with regard to Guantanamo Bay, and said: If you captured bin Laden tomorrow, what would you do with him? And to his credit, the Secretary of Defense looked me straight in the eye and said: Gee, Senator, I guess we would have to send him to Guantanamo. And he was right. There is nowhere in America where bin Laden would have been welcomed in the county jail or some Federal institution. I don't think there is any question about that. The 164 who are there today, in my mind, fit in that same category. Some of these individuals have never said one word to an interrogator since they have been there. Some

of them—most of them, in fact—have been very open, and we still are gathering intelligence from them. But if we transfer them to the United States, that is the last we will hear from them.

Ms. AYOTTE. I thank my colleague.

Mr. INHOFE. Will the Senator yield?

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I have been listening to the discussion. I agree wholeheartedly with everything that has been said. The amendment we are going to be voting on is part of three different amendments. I had one of them, as do my two colleagues. One thing that hasn't been said is the part I put in where I constructed a provision to prohibit transferring of detainees for emergency medical treatment, which is just another way of getting them there.

The PRESIDING OFFICER. The time has expired.

Mr. INHOFE. I ask unanimous consent to speak for 2 more minutes.

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

Mr. INHOFE. The other thing is, when you transfer someone here for incarceration purposes, is it not true these are not criminals, these are terrorists, and what terrorists do for a living is train other people to be terrorists? To commingle them in our prison system is something that would be of great danger to this country. That is something my colleagues would agree is one of the major reasons we want to keep them from the United States.

Ms. AYOTTE. I would agree with Ranking Member INHOFE, and I want to thank him for his leadership. Absolutely, these are not common criminals. These are not people who have robbed a bank. These are people who have attacked our country and who seek to get other people to attack our country. That is the reason why we wouldn't want to mingle them with criminals or bring them to the United States so they can be told they have the right to remain silent. We have to protect our country by knowing what they know.

Mr. INHOFE. Parliamentary inquiry: The Chair has said the time on our side has expired. Of course, I know——

The PRESIDING OFFICER. That is correct.

Mr. INHOFE. I know the chairman wants to use some time here too.

I ask unanimous consent that at the conclusion of his remarks, if all time has not been consumed, I be given a few minutes.

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

Mr. LEVIN. Mr. President, I understand the situation is as follows: that the time between now and 4 o'clock is under majority control, and then between 4 o'clock and 5 o'clock we have not resolved that issue as to who would control time; am I correct?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. So there may be more time available between 4 o'clock and 5 o'clock.

Mr. CHAMBLISS. Would the Senator repeat that?

Mr. LEVIN. Under the existing UC, the time between now and 4 o'clock is under the control of the majority, because the minority has used their time. At 4 o'clock, we have to enter into another UC—or we can do it now—deciding what the situation will be for the hour between 4 o'clock and the time of the vote.

Mr. CHAMBLISS. I thank the Senator.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I support the provisions in this bill relating to the Guantanamo detention facility, or Gitmo, and oppose the amendment to strike those provisions and to reinstate existing restrictions on the transfer of Gitmo detainees.

Gitmo is expensive, inefficient, damaging to U.S. international standing, harmful to our allies' ability to cooperate with us, and serves as a recruiting tool for extremists. It is not needed to secure people who should be detained and should be tried. There are other places for detention and for trial in front of a military tribunal. We don't need Gitmo to stay open at a huge expense in order to do that.

The bill before us makes long overdue fixes to our ability to transfer detainees out of Gitmo, provide our military with needed flexibility to determine how long we need to detain individuals now held at the Guantanamo facility, and where we should hold them.

For a number of years now, Congress has enacted legislation eliminating that flexibility and requiring we continue to hold all Gitmo detainees at Guantanamo whether or not it is in our national security interests to do so. The current law establishes an absolute ban on bringing any Gitmo detainee to the United States for any purpose, including detention, trial, incarceration, or even medical treatment. And it replaces the best judgment of our military and intelligence experts on the risk posed by an additional Gitmo detainee with a cumbersome checklist of requirements that must be certified before any detainee may be transferred overseas.

The current law makes it more difficult to try detainees for their crimes and nearly impossible to return them to their home countries. For example, even if we have a strong case that a detainee has committed crimes for which he could be indicted, convicted in Federal Court, the current law makes it impossible to try him. This is true even in cases where similar charges are not available before a military commission, making it impossible to try the detainee at Guantanamo. And it is true even in cases where the security risks in bringing the detainee to the United States would be nonexistent.

In 2010, the Guantanamo Detainee Review Task Force recommended 44 Gitmo detainees for possible prosecution. As a result in significant part of the legislated restrictions on transferring detainees to the United States for trial, however, we have had only 4 of the 44 plea bargains and no other successful prosecutions of those detainees.

Similarly, even if we have determined that a detainee poses no ongoing security threat to the United States, we cannot send them back to their home country unless the Secretary of Defense certifies to six conditions addressing issues such as the country's control over its own territory and its detention facilities and so forth. And even if the individual is likely to die without advanced medical treatment, we cannot remove him from Gitmo for the purpose of receiving such treatment.

In 2010, the Guantanamo Detainee Review Task Force conducted a rigorous interagency review and determined that more than half of the Gitmo population, including 84 of the 164 detainees currently at Gitmo, could be safely transferred overseas without posing a significant security threat. However, only two Gitmo detainees have actually been transferred using the certification provision since it was enacted at the end of 2010.

Under the current law, even if a detainee has been convicted or pled guilty and served his sentence, even if he has cooperated with us and provided us with useful intelligence, even if he has renounced all ties to Al Qaeda or the Taliban, even if he has been determined to no longer pose a threat to our national security, it is still extremely difficult to transfer or release a Gitmo detainee. That is why we still have detainees sitting in Guantanamo who have been cleared for transfer or release on multiple occasions by two different administrations over a period of almost a decade.

The current law has reinforced, as a result, the impression held by many around the world that Guantanamo is a legal black hole where we hold detainees without recourse. This perception has been used by our enemies to recruit jihadists to attack us, and it has made our friends less willing to cooperate with us in our efforts to fight terrorism around the world. For this reason, many of our top national security leaders spanning the Bush and Obama administrations have repeatedly told us of the harm that Gitmo causes to our national security.

First, with respect to transfers of Gitmo detainees overseas to their home countries or other countries, the bill would streamline the onerous certification procedures imposed by Congress and restore the ability of our military leaders to exercise their best judgment in determining whether detainees could be transferred abroad consistent with our national security. This provision would enable the Department of Defense to handle Gitmo detainees in the same way that it has handled other detainees in the course

of the conflicts in Iraq and Afghanistan—by making case-by-case determinations whether it is in our national security interest to continue holding an individual.

Second, with respect to transfers of Gitmo detainees into the United States, the bill would reverse the one-size-fits-all ban that Congress has imposed on such transfers and permit case-by-case determinations of whether it is in our national security interest to transfer Gitmo detainees into custody inside the United States for detention and trial. This provision would restore our Nation's ability to use a key tool in the fight against the terrorist threat. That tool is prosecution of Gitmo detainees in Federal courts.

I have offered a side-by-side amendment with Senator MCCAIN which requires the administration to develop a comprehensive plan and submit it to Congress before it could transfer any detainees to the United States under this provision. This plan would include a case-by-case determination of each individual held at Guantanamo where the individual is intended to be held, including the specific facility or facilities inside the United States that would be used and the estimated costs of any modification that may be needed at those facilities.

The side-by-side amendment would also clarify that Gitmo detainees would not gain any additional legal rights as a result of their transfer to the United States for detention and trial. In particular, detainees who are transferred to the United States would not gain any additional rights; would not be permitted to be released inside the United States; would not lose their status as unprivileged enemy belligerents eligible for detention and trial under the law of war; and would not gain any additional right to challenge his or her detention beyond the right to habeas corpus—which they already have at Guantanamo, as the Supreme Court has decided.

Mr. President, I ask unanimous consent that Senator FEINSTEIN be added as a cosponsor to our side-by-side amendment, the Levin-McCain amendment.

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

Mr. LEVIN. Guantanamo continues to be a damaging reminder of a failed U.S. strategy that sought to put captured terrorists beyond the reach of the law and the U.S. courts. A dozen years ago the Bush administration started sending detainees to Gitmo in large part out of a desire to avoid the jurisdiction of the United States courts and ensure that detainees would have no legal avenue to appeal their convictions. Now, whether or not one supported that approach, that argument ended in 2008, when the Supreme Court ruled in the Boumediene case that Gitmo detainees would be treated as being inside the United States for the purpose of habeas corpus appeals.

Instead of recognizing the problems with maintaining the Gitmo facility—the problems of extreme costs, and that it adds no additional security to what exists if these people are brought to the United States for military trial, as being held as prisoners under the laws of war, or for Federal court trial, even though all of that is still possible inside the United States—we have enacted legislation which makes it virtually impossible to move detainees anywhere else, ensuring that the facility is going to remain open whether we need it or not.

The result is that we are stuck with an expensive facility. And make no mistake, the costs of the Guantanamo detention facility are exorbitant. The Department of Defense has put the costs associated with Gitmo at over $400 million a year. That is more than $2.5 million per detainee. If we had any additional security as a result, it would be worth it. But we don't need Gitmo for additional security. These detainees can be held in the United States. They can be held for trial, they can be held according to the rule of law, and they can be held under the military as military detainees.

Now, $2.5 million per detainee is, by some estimates, 35 times the annual cost of housing a prisoner at a supermax security prison inside the United States. That does not include the more than $200 million in additional military construction requests that the Department believes it needs to spend to keep Guantanamo running in the coming years. I repeat: If this added to our security, it would be worth it. But it doesn't. We can bring these same people to the United States to be held as prisoners of war the way we did Italians and others during World War II. I had hundreds in my home State. If we added to our security by keeping Guantanamo open instead of just having a place which is used as a training ground and used as an argument for Jihad—but we can keep these people in the United States just as safely as Guantanamo in maximum security prisons or under the military jurisdiction with the same amount of security for the people of the United States at far less cost.

We are all facing sequestration. It is undermining the readiness of our Armed Forces, requires risky reductions in force structure, and makes it likely we are going to have to cancel or severely curtail vital modernization programs. We cannot afford to spend $500 million a year on a program that doesn't make us more safe.

The basis for the legislative obstacles to moving detainees out of Guantanamo appears to be the fear that returning Gitmo detainees to their home countries or transferring them to the United States would pose an unacceptable threat to our national security. But history has shown that we bring numerous terrorists to the United States for trial or incarceration. It has had no adverse effect on our national security. These prosecutions have resulted in hundreds of convictions on terrorism-related charges without apparent adverse effect to our national security. As the Attorney General wrote to Judiciary Committee Chairman LEAHY last week, terrorist prosecutions in Federal courts have been ''an essential element of our counterterrorism efforts'' and ''a powerful tool of proven effectiveness.''

In the last 3 years, we have brought three foreign terrorists into the United States for trial. We brought Abu Ghaith, Osama bin Laden's son-in-law, who has been convicted in Federal court and remains in Federal custody without incident. The second is Ahmed Warsame, who pled guilty in Federal court and remains in Federal custody without incident. The third is Ahmed Ghailani, who was convicted in Federal court, received a life sentence, and remains in Federal custody without incident. Again, there have been hundreds of convictions in this country of persons connected to terrorism in Federal courts.

Our military has routinely detained individuals on the battlefield in Afghanistan and then exercised their discretion to transfer them to local jurisdiction or to release them. If we can trust our military to make these determinations on a day-to-day basis for detainees in Afghanistan, we should be able to trust our military to make the same determination for detainees at Gitmo.

The rigorous review process which is codified by our bill's provisions requires the Secretary of Defense to determine, prior to transferring a Gitmo detainee, that the transfer is in our national security interest and that actions have been taken to mitigate any risk that the detainee could again engage in any activity that threatens United States persons or interests.

The provisions in this bill will get us past our fear that we cannot securely handle Gitmo detainees in this country. It would allow the Secretary of Defense to authorize Gitmo transfers to the United States for detention and trial if doing so is in the United States' security interests. This bill will restore the President's ability to choose the most effective tool—whether that is military commissions or Federal courts—to bring these Gitmo detainees to justice.

In conclusion, I urge our colleagues to support the Guantanamo provisions in the bill, vote for the Levin-McCain-Feinstein side-by-side amendment, and oppose the effort to reinstate the counterproductive and costly restrictions in current law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my understanding that at 4:00 there might be a unanimous consent which will lead us to a vote at 5:00. Is that correct?

The PRESIDING OFFICER. The Chair has no knowledge about a vote at 5:00.

The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield the time between now and 4:00 to the Senator from Oklahoma.

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

Mr. INHOFE. Mr. President, it seems we are going to have an opportunity a little later on to discuss this tonight. In the capacity of the ranking member of the Armed Services Committee, I have to say that I can't imagine having a chairman with whom I cooperate and agree with on almost every issue like Chairman LEVIN. I really appreciate the work we have done together. We both recognize this is the most important piece of legislation each year, and we both recognize that, for 51 consecutive years, we have had this legislation. Nothing has come up to obstruct it. We also realize Republicans would prefer to have more opportunities to have amendments, and Chairman LEVIN has been very helpful in helping us to get that.

The area on which I don't agree is in the area of Gitmo and how it should be used. Every time I go to Gitmo, I shake my head and I say: Why in the world would we not use this resource? We don't have another resource like it. We heard the Senator from Georgia make the statement that he asked the chairman: If we don't have Gitmo to send these people, where are we going to send them? I believe it was Secretary of Defense Panetta who said: We don't know. There is not another place. We have used it successfully since 1904.

I often have said, and said yesterday, that we don't have many good deals in government. This is one that is. Since 1904, our rent on that territory has been $4,000 a year. I don't think anyone can come up with a better deal, and besides Castro doesn't collect it about half the time.

It is argued that we can use it for interrogation. The information we received which led to Osama bin Laden's demise was received from interrogation which took place at Gitmo.

When we talk about the treatment of people, the one thing that I discover every time I go down there is one of the chief problems they have in Gitmo is obesity because they are eating better than they have ever eaten at any other time in their lives. A primary care provider is there for every 450 detainees. They have never had that kind of treatment at any other time in their lives. The detainees receive age-appropriate colon cancer screening, TB screening, annual dental procedures, physical therapy, and all these things.

The idea that we would not be able to bring them to the United States for some more serious personal care I can't buy because we have the U.S. Naval Hospital at Guantanamo Bay. I have been there. They have approximately 250 personnel there who support the base's population of over 6,000.

When I look at this and I think of the options they have and this obsession the President seems to have to bring these terrorists into the United States, I have to share this one story. I know there is going to be a request here in just a moment. I can remember back 4½ years ago when this President first came in office—I am going from memory now—he had 17 places in the United States where he could put these terrorists. One happened to be in my State of Oklahoma, Fort Sill. He went down to look at the facility. The major who was in charge of it told me she had several tours of duty at Guantanamo. She said: Go back and tell those people in Washington we do not need to be spreading these terrorists throughout the continental United States when we have that great facility. She said she had been there twice and it is state-of-the-art.

I have a great fear, and that is that once we get a different administration here that realizes the value of Guantanamo Bay, it will be too late to go back and get it again. That is the reason we have been holding on to it with white knuckles.

The amendment we are going to be voting on in another hour or so, whenever it is set in, is going to be an amendment that will allow us to continue to use what I consider to be one of the most valuable assets we have in the system.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I am going to make a unanimous consent proposal which I understand has been cleared.

I ask unanimous consent that the pending motion to recommit be withdrawn; that the pending Levin amendment, No. 2123, be set aside for Senator AYOTTE or designee to offer amendment No. 2255 relative to Guantanamo; that the amendment be subject to a relevant side-by-side amendment, which is No. 2175, from Senators LEVIN, MCCAIN, and FEINSTEIN; that no second-degree amendments be in order to either of these Guantanamo amendments; that each of these amendments be subject to a 60-affirmative-vote threshold; that the time until 5 p.m. be equally divided between the two leaders or their designees; that at 5 p.m. the Senate proceed to vote in relation to the Ayotte amendment No. 2255; that upon disposition of the Ayotte amendment, the Senate proceed to vote in relation to the Levin-McCain-Feinstein amendment No. 2175; and that there be 2 minutes equally divided in between the votes.

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

Mr. LEVIN. I was going to say the time between now and 5 o'clock is equally divided, as I understand it, between the Senator from Oklahoma and myself.

I yield the floor.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 2255

Mr. INHOFE. On behalf of Senator AYOTTE, myself, and others, I call up amendment No. 2255 and ask the clerk to report by number.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE], for Ms. AYOTTE, for herself, Mr. CHAMBLISS, Mr. INHOFE, Mrs. FISCHER, Mr. ENZI, and Mr. RUBIO, proposes an amendment numbered 2255.

The text of the amendment is printed in today's RECORD under ''Text of amendments.''

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 2175

Mr. LEVIN. Mr. President, I call up amendment No. 2175.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. MCCAIN, proposes an amendment numbered 2175.

The amendment is as follows:

(Purpose: To propose an alternative to section 1033, relating to a limitation on the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba)

Strike section 1033 and insert the following:

**SEC. 1033. LIMITATION ON THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

(a) IN GENERAL.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act for fiscal year 2014 may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

(b) TRANSFER FOR DETENTION AND TRIAL.—The Secretary of Defense may transfer a detainee described in subsection (a) to the United States for detention pursuant to the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note), trial, and incarceration if the Secretary—

(1) determines that the transfer is in the national security interest of the United States;

(2) determines that appropriate actions have been taken, or will be taken, to address any risk to public safety that could arise in connection with detention and trial in the United States; and

(3) notifies the appropriate committees of Congress not later than 30 days before the date of the proposed transfer.

(c) NOTIFICATION ELEMENTS.—A notification on a transfer under subsection (b)(3) shall include the following:

(1) A statement of the basis for the determination that the transfer is in the national security interest of the United States.

(2) A description of the action the Secretary determines have been taken, or will be taken, to address any risk to the public safety that could arise in connection with the detention and trial in the United States.

(d) STATUS WHILE IN THE UNITED STATES.—A detainee who is transferred to the United States under this section—

(1) shall not be permitted to apply for asylum under section 208 of the Immigration

and Nationality Act (8 U.S.C. 1158) or be eligible to apply for admission into the United States;

(2) shall be considered to be paroled into the United States temporarily pursuant to section 212(d)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)(A)); and

(3) shall not, as a result of such transfer, have a change in designation as an unprivileged enemy belligerent eligible for detention pursuant to the Authorization for Use of Military Force, as determined in accordance with applicable law and regulations.

(e) LIMITATION ON TRANSFER OR RELEASE OF DETAINEES TRANSFERRED TO THE UNITED STATES.—An individual who is transferred to the United States under this section may not be released within the United States and may only be transferred or released in accordance with the procedures under section 1031.

(f) LIMITATIONS ON JUDICIAL REVIEW.—

(1) LIMITATIONS.—Except as provided for in paragraph (2), no court, justice, or judge shall have jurisdiction to hear or consider any action against the United States or its agents relating to any aspect of the detention, transfer, treatment, or conditions of confinement of a detainee described in subsection (a) who is held by the Armed Forces of the United States.

(2) EXCEPTION.—A detainee who is transferred to the United States under this section shall not be deprived of the right to challenge his designation as an unprivileged enemy belligerent by filing a writ of habeas corpus as provided by the Supreme Court in Hamdan v. Rumsfeld (548 U.S. 557 (2006)) and Boumediene v. Bush (553 U.S. 723 (2008)).

(3) NO CAUSE OF ACTION IN DECISION NOT TO TRANSFER.—A decision not to transfer a detainee to the United States under this section shall not give rise to a judicial cause of action.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsections (b), (c), (d), (e), and (f) shall take effect on the date that is 60 days after the date on which the Secretary of Defense submits to the appropriate committees of Congress a detailed plan to close the detention facility at United States Naval Station, Guantanamo Bay, Cuba.

(2) ELEMENTS.—The report required by paragraph (1) shall contain the following:

(A) A case-by-case determination made for each individual detained at Guantanamo of whether such individual is intended to be transferred to a foreign country, transferred to the United States for the purpose of civilian or military trial, or transferred to the United States or another country for continued detention under the law of armed conflict.

(B) The specific facility or facilities that are intended to be used, or modified to be used, to hold individuals inside the United States for the purpose of trial, for detention in the aftermath of conviction, or for continued detention under the law of armed conflict.

(C) The estimated costs associated with the detention inside the United States of individuals detained at Guantanamo.

(D) A description of any additional actions that should be taken consistent with subsections (d), (e), and (f) to hold detainees inside the United States.

(E) A detailed description and assessment, made in consultation with the Secretary of State and the Director of National Intelligence, of the actions that would be taken prior to the transfer to a foreign country of an individual detained at Guantanamo that would substantially mitigate the risk of such individual engaging or reengaging in any terrorist or other hostile activity that threatens the United States or United States person or interests.

(F) What additional authorities, if any, may be necessary to detain an individual detained at Guantanamo inside the United States as an unprivileged enemy belligerent pursuant to the Authorization for Use of Military Force (Public Law 107–40), pending the end of hostilities or a future determination by the Secretary of Defense that such individual no longer poses a threat to the United States or United States persons or interests.

(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(h) INTERIM PROHIBITION.—The prohibition in section 1022 of the Fiscal Year 2013 National Defense Authorization Act (Public Law 112–239; 126 Stat. 1911) shall apply to funds appropriated or otherwise made available for fiscal year 2014 for the Department of Defense from the date of the enactment of this Act until the effective date specified in subsection (g).

(i) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term ''individual detained at Guantanamo'' has the meaning given that term in section 1031(e)(2).

Mr. LEVIN. I understand we have a Senator on the way. I suggest the absence of a quorum unless someone else wishes to be recognized. I ask that the time on the quorum call be equally divided unless someone else seeks to be recognized at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. INHOFE. Mr. President, during this pause, if someone comes down to talk about the two amendments that will be voted on at 5 o'clock, I will be happy to defer to them. But I think it is important that we understand we are finally making some headway in getting into this Defense authorization bill. It seems as if every year for 51 years now we have been able to get it through. While other bills become controversial, get to a point where they cannot go any further, that does not happen with the Defense authorization bill. It is one that has to take place.

As the Republican ranking member of the Senate Armed Services Committee, let me say, as I have said before, I thank my friend and colleague the chairman CARL LEVIN for his leadership in marking up this bill. It has always been difficult. In most cases we agree with each other. We happen to be looking at an amendment now where we disagree. But I always consider the NDAA bill as the most important piece of legislation in Congress every year. It contains authorizations that support our men and women serving in harm's way, all the way in Afghanistan and around the world. It supports the training of our servicemembers and maintenance and modernization of their equipment. It authorizes research and development; that is, R&D efforts that will ensure that we maintain technological superiority over our enemies and can defeat the threats of tomorrow. Most important, it provides for the pay and benefits for the brave men and women who have made their sacrifices and are putting their lives at risk for our benefit. However, it is important to note this year—and this has not happened before, in my memory—the bill provides all of these vitally important efforts only as the reduced spending levels would allow.

In an era increasingly defined by bipartisan gridlock, the NDAA is one of the rare occasions where Members of both parties can come together. This enduring commitment was exemplified again this year by the overwhelming bipartisan support we had for the bill that came out of our committee—bipartisan support. We want, of course, to have that same bipartisan support here on the floor. Hopefully we will be able to get this done by the end of this week.

Consideration of this year's NDAA comes at a time in our national security when we face more volatile and dangerous times than we ever have in the history of this country. Chaos and violence are on the rise in the Middle East and north Africa. Al Qaeda is growing and establishing new safe havens from which to plan and launch attacks against the United States. We have rogue nations, such as Iran and North Korea. It is not the way it was in the old days—I have often said the good old days—of the Cold War where we had an enemy and that enemy was predictable. We knew that enemy.

Remember, we used to have this thing called mutual assured destruction. That meant something then, but it doesn't mean anything now because our potential enemies out there want to be destroyed. They have a different mentality than they used to.

Iran and North Korea are developing their nuclear capability and delivery systems. Our intelligence has told us that Iran will have a weapon and a delivery system. All the way back in 2007 they said they would have it by 2015. That is a year and a half from right now. I tell the Chair that they are going to have that capability. The threats are much more serious to us now.

When I say this is the first time we have faced the crisis we are facing now, it is not just because the enemy is out there. I am talking about an enemy who will have the capability of sending a weapon over and delivering it to the United States, but at the same time over the last 5 years of this administration the military has already endured a

$487 billion cut. That is $487 billion out of the defense budget. That is before sequestration.

Now we have sequestration—an outcome once thought to be so egregious, I can remember that as recently as less than a year ago, we thought: We are not going to have this. After $487 billion being pulled out of the military, we cannot also have sequestration, which will be the $½ trillion that will come out in the next period of time. So we didn't think it would happen, but it did happen.

We are now into what, our seventh or eighth month of sequestration. In total, our military men and women stand to endure over a $1 trillion slash from their budget. These cuts are forcing a dramatic decline in military readiness and capabilities.

I talked to General Odierno yesterday. He is Chief of Staff of the Army. He recently said that his forces are at the—I am going to quote now—''lowest readiness levels I have seen within our Army since I've been serving for the last 37 years'' and that only two brigades are ready for combat. That is our U.S. Army. We have never had that confession made. It is a level of desperation where they are willing to come out and talk of it. We cannot sustain another $½ trillion in cuts.

Admiral Greenert, Chief of Naval Operations, said that ''because of fiscal limitations and the situation we're in, we don't have another strike group trained and ready to respond on short notice in case of emergencies. We're tapped out.'' That is the CNO of the Navy.

Our top military leaders now warn of being unable to protect America's interests around the world. Keep in mind, Admiral Winnefeld is the No. 2 person in line. He is the Vice Chairman of the Joint Chiefs of Staff. Admiral Winnefeld, who has been there nearly 40 years, stated earlier this year that ''there could be, for the first time in my career, instances where we may be asked to respond to a crisis and we will have to say we cannot.''

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

This is why I am so troubled by the disastrous path we are on. In the face of mounting threats to America, we are crippling the very people who are vital to our security—the men and women in uniform.

To be clear, our military was facing readiness shortfalls even before sequestration took effect. Nearly 12 years of sustained combat operations have really worn down our forces and their equipment. In order to meet the spending caps mandated by sequestration, the military services are being forced to starve the accounts necessary to repair and reset their forces.

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

We already know this is the case based on what happened in fiscal year 2013. For example, General Welsh, Chief of Staff of the Air Force, said that because of the first round of sequestration cuts he was ''forced to ground 33 squadrons''—he's talking about fighter squadrons—''including 13 combat-coded squadrons and an additional seven squadrons were reduced to basic 'take-off and land' training. It will now cost a minimum of 10 percent more flying hours to fully retrain the grounded squadrons . . . '' What he is saying is that when it was mandated that he take down 33 squadrons—which happened around April—then in July, 3 months later, they said, you can start working the squadrons again—he is saying that it costs more to retrain and bring these people back up in these proficiencies than it saved during that 3-month period of time.

He specifically said that it will now cost a minimum of 10 percent more flying hours to fully retrain the grounded squadrons than it would have to simply keep them trained all along. We heard that from several other top people as well.

I talked to General Amos yesterday. He is with the Marine Corps. He said he has approximately $800 million in critical military construction funding that they will be unable to execute under sequestration—assuming they go through with sequestration. By the way, I have not given up on stopping the military sequestration that is damaging our ability to defend ourselves.

General Amos said that the military construction funding will be unable to execute under sequestration and will need to be deferred. Further, it will cost over $6.5 billion to buy back orders of the V–22s, joint strike fighters, Hughes, and Cobras. Those are four platforms we would have to bring back at the additional cost of $6.5 billion that we otherwise would not have spent.

On Monday Admiral Greenert told me that under the current budget environment he will be forced to defer much-needed ship maintenance, costing a 15- to 20-percent increase in total costs.

In other words, the things they are doing now to meet these line-by-line mandates of reductions are not saving money but costing money. Under sequestration, we will lose one Virginia-class submarine, one littoral combat ship, one afloat forward staging base, development of an Ohio-class replacement submarine program. They will all be delayed, which again will result in an increased price.

So not only is sequestration gutting our military capabilities, it ends up costing American taxpayers more than it will save. We are falling victim to the misguided belief that as the wars of today wind down, we can afford to gut investments in our Nation's defenses. It is irresponsible and makes America less safe.

I remember going through the same thing back in the 1990s when the chant at that time was the cold war is over, so we no longer need that strong of a defense. We heard it from both sides, and now we are going through the same thing. History reminds us we cannot dictate when and where the next conflict is going to arise. Instead, if we allow the continued dismantling of our military, we will be less safe and less prepared to defend our country. If our military men and women are called upon, their ability to accomplish the mission will be undermined, and tragically, more will lose their lives unnecessarily.

We had the top military people in our Armed Services Committee, and I asked them about this issue. They talked about the loss of readiness—risk equals lives. When you take on more risks, you lose more American lives.

General Amos, Commandant of the Marine Corps, testified that if he is tasked to respond to a contingency in the current budget environment:

> We would have fewer forces, arriving less trained, arriving later to the fight. This would delay the build-up of combat power, allow the enemy more time to build up their defenses, and likely prolong combat operations altogether. This is a formula for more U.S. casualties.

Such an outcome would be immoral and a dereliction of duty. If we expect the men and women in our military to go in harm's way to protect America, we have an obligation to provide them with the training, technology, and capabilities that is required to decisively overwhelm any adversary at any time and return safely to home and their loved ones.

I can remember when they used to use a different term than they use today. Today they call it nature of military operations. It used to be defending America on how many fronts. Since World War II, there were always two fronts, and now we are down to where it would be hard to do it on one front, and that is why this bill is so important and why protecting the readiness of our military men and women remains my top priority. However, something has to be done to mitigate any devastating impact of readiness, so we must find long-term solutions. Every day that goes by without action will only increase the damage.

I do have an amendment that would phase sequester in a way that would allow our senior military leaders to enact reforms without disproportionately degrading our military so we can continue to train and prepare our military women and men.

My good friend the Senator from Alabama and I are joining forces. We have an amendment that is going to allow some degree of latitude and flexibility.

So while we are living under the same budget constraints we are under today, they can make some decisions where it is not just an online reduction. I have just finished talking about how much more that will end up costing us.

I see now we have someone else who has come to the floor to be heard. I want to repeat how much I appreciate the chairman of the committee CARL LEVIN for his cooperation with our side. He is trying to get this to become a reality and get this bill passed hopefully this week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield 15 minutes to the senior Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to support the Levin-McCain amendment, and I have added my name as a cosponsor. I would also like to speak in support of provisions authored by Chairman LEVIN that are in this year's National Defense Authorization Act, which provides more flexibility that the President and Secretary of Defense need in order to move detainees from Guantanamo.

I strongly support the Levin-McCain-Feinstein amendment. Here is what it would do: It would clarify that Guantanamo detainees transferred to the United States for law of war detention do not have any additional rights or benefits such as the right to claim asylum. So it limits it.

It would clarify that Gitmo detainees transferred to the United States may not be released from law of war detention into the United States.

Finally, it would require a detailed plan to be submitted to Congress on how to close Guantanamo, including the specific facilities intended to be used to hold detainees inside the United States.

I have heard Senator MCCAIN talk about this, request it, and I believe it is a very valid need.

It has been 12 years since the attacks of 9/11 and the United States invasion of Afghanistan. In the ensuing years 779 people were brought to Guantanamo without charge, and for many of them, simply for being at the wrong place at the wrong time. Most of the 164 left have been held for more than 10 years. Those transferred to Guantanamo from CIA custody in black sites have been there now for 7 years. Unfortunately, we still have not figured out a way to close Guantanamo.

President George W. Bush called for it to be closed. So did former Secretaries of State Condoleezza Rice and Collin Powell, as well as former Secretaries of Defense Bob Gates and Leon Panetta, among others.

In fact, here is what President Bush wrote on pages 179 and 180 of his memoir Decision Points:

. . . there are things I wish had come out differently. I am frustrated that the military tribunals moved so slowly. Even after the Military Commissions Act was passed, another lawsuit delayed the process again. By the time I left office, we held only two trials. The difficulty of conducting trials made it harder to meet a goal I had set in my second term: closing the prison at Guantanamo in a responsible way. While I believe opening Guantanamo after 9/11 was necessary, the detention facility had become a propaganda tool for our enemies and a distraction for our allies.

While I would like to go much further and close the facility immediately, the provisions in this bill will ease the transfer restrictions so that detainees can be held in other countries or tried, convicted, and put in a proper maximum security facility in the United States.

There are three categories of detainees left at Guantanamo:

First, 46 detainees will continue to be held on preventive detention, meaning they are being held under international law until the end of hostilities—whenever that may be. It could be years; it could be decades.

Second, 34 detainees have been slated for prosecution, and of those three detainees have already been convicted in a military commission and are still serving their time at Guantanamo. But most of these 34 detainees have not even been charged, and there is no indication when they will be.

The final category is the largest—84 of the 164 detainees currently at Guantanamo were cleared for transfer by a 2010—that's 3 years ago—interagency process carried out by our national security and intelligence agencies. But current law needlessly complicates efforts to transfer those 84 men.

President Bush transferred over 530 detainees from Guantanamo during his time in office and, unfortunately, many went on to commit terrorist acts because there were no individual assessments done on each detainee. But these individual assessments have been carried out by the Obama administration.

Despite his commitment to close Guantanamo, President Obama has been able to transfer only 67 detainees during his first term, and only two recommended for transfer have been successfully sent home under the burdensome procedures now in place. More are on the way, but this is an unacceptable delay because the government cleared these detainees for transfer years ago.

Sections 1031, 1032, and 1033 of this bill will give the President more flexibility to transfer these detainees out of Guantanamo. It is long overdue. I thank the chairman, who is sitting in front of me, and the ranking member for these provisions. But even under these provisions, the Secretary of Defense would still have to certify that the transfer is in our Nation's security interests and that appropriate steps have been taken to address the risk of recidivism. Congress would have to continue to be notified of such transfers.

In March of this year, Lt. Gen. John F. Kelly, the head of the U.S. Southern Command which has military responsibility for Guantanamo, testified to Congress about the massive hunger strikes that were going on at the time and said the detainees were devastated at the lack of transfers and the government's failure to execute plans to close it as the President has promised.

In June of this year, I traveled to Guantanamo with Senator MCCAIN and the President's Chief of Staff to see this devastation for myself. On our trip, we saw the process that is used to retain the detainees as they are forced from their cells and brought in to be force fed. We did not see a detainee being force fed, but we saw the tube that is forced up their nose and down their throat into their stomach. It is coated with olive oil or Lanacane, if necessary, and it is done daily. We saw the restraints—at the legs, the arms, and the head where detainees are held—not too different from the image of a death row convict in an electric chair.

I said at the time and I will say it again today, the military and civilian personnel at work on Guantanamo are carrying out their duties with dedication, skill, and honor. My opposition to continued detention at Guantanamo is not an indictment against them; it is with a failed and bankrupt policy, including here in Congress, and now is the time to change it.

Another thing that struck me is the enormous costs we are sinking into this isolated facility each year. Detention operations at Guantanamo now total approximately $5 billion since the facility opened in January of 2002. According to the most recent estimates provided by the Department of Defense, the total cost for fiscal year 2013 is estimated to be $454.1 million, which equals approximately $2.8 million per detainee. That works out to be more than 35 times the cost to hold the prisoner in a supermax facility in Florence, CO. This supermax facility currently houses a number of Al Qaeda terrorists, including Zacarias Moussaoui, Shoe Bomber Richard Reid, and the would-be Christmas Day Bomber Umar Farouk Abdulmutallab.

In this era of sequestration and furloughs, how can we justify spending approximately $2.8 million per Guantanamo detainee?

Now, even with near unanimous support across the current and past administration to close the structure, some appear to question whether there still is a national security need to shutter the facility. I believe it is clear that Guantanamo is still a symbol that motivates our enemies and draws more and more young Muslims to fight against the United States.

This is not just my determination but also the finding of our intelligence community. Last week, Director of National Intelligence James Clapper wrote to the Senate Intelligence Committee noting his support for the closure of Guantanamo in which he offered the following examples of how Al

Qaeda and its affiliates continue to reference Guantanamo in furtherance of their global jihadist goals.

Al Qaeda leader Ayman Zawahiri, in an audio statement in July of this year, cited the detention without trial of Gitmo prisoners as one indication of American hypocrisy and indiscriminate persecution of innocent Muslims. An article about the Boston Marathon bombings, in the most recent edition of Al Qaeda in the Arabian Peninsula's ''Inspire'' magazine—this is kind of a diabolical magazine that Al Qaeda puts out and this is one published in June—highlighted the ongoing detention of prisoners at Gitmo as one of the purported justifications of terrorist attacks such as 9/11 and the Boston Marathon bombings.

Here is what the article said:

If we note down all that has been and is still being carried out by America against Muslim nations, we will run out of pages. . . . There is also the secret prisons and black sites file, we could not miss out Guantanamo Bay detention camp. The American Nation should have a good grasp of all of these and other historic facts so that they can comprehend the background and the context of the Boston Marathon operation, Detroit, September 11 and other operations which are barely a wave of anger; vengeance.

Furthermore, Guantanamo is referenced 20 times in the previous 10 issues of ''Inspire'' magazine.

I ask unanimous consent to have printed in the RECORD the letter from the DNI dated November 12, 2013.

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

DIRECTOR OF NATIONAL INTELLIGENCE
*Washington, DC.*

Hon. DIANNE FEINSTEIN,
*Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.*

Hon. SAXBY CHAMBLISS,
*Vice Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.*

DEAR MADAM CHAIRMAN AND VICE CHAIRMAN CHAMBLISS: As the Senate considers provisions of the FY14 National Defense Authorization bill that would lift Guantanamo detainee transfer restrictions. I would like to provide the Intelligence Community's views of the national security implications in maintaining the Guantanamo Bay detention facility (GTMO).

Al-Qa'ida, its affiliates, and its allies this year continued to reference the detention and purported mistreatment of the detainees at GTMO in furtherance of their global jihadist narratives. The references to GTMO by al-Qa'ida and affiliated organizations include:

Al-Qa'ida leader Ayman al-Zawahiri in an audio statement in July 2013 citing the detention without trial of GTMO prisoners as one indication of American hypocrisy and indiscriminate persecution of innocent Muslims and calling for all al-Qa'ida prisoners at GTMO to be released.

An article about the Boston marathon bombings in the most recent edition of AQAP's Inspire magazine in June highlighting the ongoing detention of prisoners at GTMO as one of the purported justifications to engage in jihad.

As these examples illustrate, closing the Guantanamo Bay detention facility would deprive al-Qa'ida leaders of the ability to use alleged ongoing mistreatment of detainees to further their global jihadist narrative. In an effort to disrupt the narrative used by terrorists, I support the President's priority of closing the detention facility.

Sincerely,

JAMES R. CLAPPER.

Mrs. FEINSTEIN. Mr. President, I just visited the 9/11 memorial this past Saturday and was extraordinarily moved by that memorial. It is an amazing place. It really brings to one's heart the gravity of what that situation was. We then went down to the museum and I saw exactly where the plane went through the steel superstructure and the staircase where hundreds of our people fled with smoke following them down those stairs. We must prevent another 9/11.

I note there is a letter from certain members of the September 11th Families for Peaceful Tomorrows that has been sent to us in favor of this bill and the detainee transfer provisions in the bill. I ask unanimous consent to have printed in the RECORD the letter from the September 11th Families for Peaceful Tomorrows.

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

PEACEFUL TOMORROWS,
*New York, NY, November 18, 2013.*

DEAR SENATOR: We are writing to ask you to support the Guantanamo detainee transfer provisions included in the National Defense Authorization Act (NDAA) for Fiscal Year 2014, as reported out of the Senate Armed Services Committee (SASC). We are all family members of those killed in the 9/11/2001 terrorist attacks. Since that tragic event, we have worked together as members of September 11th Families for Peaceful Tomorrows [http://www.peacefultomorrows.orgl for long-lasting solutions to the violence that claimed our loved ones' lives.

In recent years, Guantanamo prison and the on-going Military Commission hearings for the 9/11 suspects at Guantanamo have been a particular focus of our concern and action. We believe closing Guantanamo is good human rights policy and good national security policy. The Guantanamo provisions in the Senate NDAA provide the necessary flexibility to execute that policy responsibly. We urge your support of the Guantanamo provisions in the Senate NDAA and urge you to vote ''no'' on any amendments that would further restrict transfers.

When Peaceful Tomorrows first organized, we committed to working together to promote U.S. foreign policy that places a priority on internationally-recognized principles of human rights and to calling attention to threats to human rights that might result from U.S. responses to 9/11. Guantanamo has become a stain on our national reputation. Today, it is simply no longer sustainable—ethically, strategically, or financially.

We are keenly aware of the continuing injustice of holding the 164 prisoners now at Guantanamo prison without trial for these many years. These prisoners have been denied the justice which Americans take pride in as a source of national strength. At the same time, our 9/11 family members continue to be denied justice by the seemingly imperceptible progress of trying those prisoners under the current military commissions. We advocate the immediate release of those who have been cleared for release, and the transfer of the remaining prisoners to be tried in US federal courts, which have successfully tried and convicted scores of terrorists in the past decade.

More than half of the Guantanamo detainees have long been cleared for transfer by our own national security and intelligence agencies. Current law has needlessly complicated moving these cleared detainees. This law must be revised. The SASC foreign transfer provisions will do that while ensuring that any risks are far outweighed by the dangers of continuing the status quo. Major General Paul Eaton (Ret.) has cautioned that unless we institute change, Guantanamo will serve as ''a recruiting tool of the first order'' for those who wish us harm, while damaging cooperation with our allies on counterterrorism that will result in lost intelligence opportunities. Worse yet is the effect it has had on Americans, corrupting their faith in American values that has taken centuries to build.

To continue to spend nearly $2.7 million per detainee, per year makes no sense at a time when Congress is wrestling with deep budget cuts. We can institute an intelligent, factor-based system that will allow the Secretary of Defense to explain to Congress whether a transfer is in America's national security interests, and the steps that will be taken to mitigate any risk of a detainee engaging in terrorist activities after release.

In his May speech at the National Defense University, President Obama recommitted his administration to closing Guantanamo. Since that time, the administration has appointed envoys at the Departments of Defense and State to oversee the closure of Guantanamo. This is absolutely the right thing to do now, but Congress must also do its part.

The Guantanamo provisions in the Senate NDAA clarify and modify the President's authority to transfer detainees to foreign countries and provide important additional flexibility to close Guantanamo responsibly. They replace a cumbersome certification and waiver regime with sensible, factor-based standards designed to minimize risks. They lift the ban on transfers to the United States for criminal prosecution, which is critical now that we see how federal criminal courts offer a more experienced and less costly way to try terrorism suspects than the flawed, costly, inefficient, and perhaps unconstitutional, military commissions system at Guantanamo Bay. The experiment of the military commissions of the 21st century has proven inadequate to its promises of justice, transparency, fairness and speed.

It is more than twelve years after the heinous attacks in which our loved ones died. During that time some of our fellow 9/11 family members have died waiting to see justice done. Enough is enough! It is time for the U.S. to demonstrate its commitment to the rule of law by moving detainees cleared for release out of Guantanamo, by making federal trials for those who are accused of terrorist crimes possible, and by taking steps to close the Guantanamo facilities that have earned the U.S. the enmity of the world. We exhort you to pass the NDAA without transfer restrictions on Guantanamo prisoners, and help to bring this horrible chapter to a close in our lifetimes.

Our relatives died on 9/11; they would never have wanted the U.S. to compromise its principles in their names, nor do we.

Sincerely,

THE MEMBERS OF SEPTEMBER 11TH FAMILIES FOR PEACEFUL TOMORROWS.

Mrs. FEINSTEIN. Mr. President, by the end of President Obama's term in office, some detainees will have been held at Guantanamo without charge or trial for 15 years—15 years. We need to change this outcome, and we can do so

with no threat to our Nation's security.

For one detainee, Ibrahim Idris, his physical and mental problems at Guantanamo have gone on for so long that the government decided to finally drop its opposition to his legal argument that he is far too sick to stay locked up. There are others at Guantanamo who are desperate and in need of medical treatment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. FEINSTEIN. Mr. President, if I may finish this paragraph.

Mr. LEVIN. Mr. President, I yield an additional 2 minutes to the time of the Senator from California.

Mrs. FEINSTEIN. I thank the chairman.

That is why section 32 of this Defense bill will allow the Department of Defense to temporarily transfer Guantanamo detainees to the United States for emergency or critical medical treatment. No one is talking about releasing these detainees into the United States. The section is about providing medical care to people in our custody.

The other Guantanamo provisions in this year's defense bill clarify and improve the existing authority to transfer detainees out of Guantanamo, to other nations, responsibly. Specifically, Section 1031 replaces a cumbersome six-part certification requirement and partial waiver regime in current law with a more sensible, factor-based standard designed to mitigate any risks, but allow transfers to foreign countries and into the U.S. for criminal prosecution.

Let me be clear about this last point: Al Qaeda terrorists should be transferred to the U.S. for prosecution in Federal criminal courts because for some of them, Federal criminal court is the only option left besides indefinite detention or release.

I regret to say this, but the military commission system at Guantanamo has failed. Although the issue is being appealed, under current law, the military commission system cannot be used to prosecute the terrorists at Gitmo for the crimes of material support and conspiracy, which are two crimes commonly charged in federal criminal court. That restriction has complicated the efforts of the military prosecutors to convict terrorists.

Don't we want the chance to bring these terrorists to justice instead of releasing them or holding them forever without charge? Wasn't the reason we passed these criminal penalties into law so that they could be used against terrorists such as those Al Qaeda members who conspired against the United States, or aided the terrorists involved in the attacks of September 11?

Now that we have been able to observe the different iterations of the military commission system over the years, it is clear that it does not provide swift justice for either the detainees or the victims who want to see these accused terrorists brought to justice. Consider the following information about the military commission system.

Military commission prosecutions have led to short sentences and zero death penalty convictions.

Three of seven individuals convicted in military commissions are already out of prison living freely in their home countries of Yemen, Australia, and Sudan. A fourth detainee who was convicted could be released from Guantanamo later this year, a fifth is serving his sentence in Canada, and a sixth now has his case on appeal.

Military Commissions at Guantanamo have cost the U.S. $600 million since 2007. That's $600 million to prosecute seven people.

By comparison, Federal criminal courts offer a more experienced and less constitutionally risky venue. There have been 533 terrorism-related convictions in Federal criminal courts since 9/11.

The President should have the option to add some of the detainees currently at Guantanamo to that conviction list. Section 1033 of this year's defense authorization bill will allow the Secretary of Defense to transfer Gitmo detainees to the U.S. for detention and trial if the Secretary of Defense determines that, No. 1, doing so is in the U.S. national security interest, and No. 2, that public safety issues have been addressed.

Allowing detainees to be brought to the U.S. and charged in Federal court will work to put an end to the delay of justice and the extreme cost of the experimental justice system at Guantanamo Bay. It is the quickest and best way to ensure detainees will answer for their terrorist crimes and serve out long prison sentences.

For those relatively few detainees who can't be tried but instead have been slated for continued detention until the end of hostilities, bringing them to the United States presents a more cost-effective and less controversial option. Facilities in the United States are up to the task. I don't believe there is any more risk of a Guantanamo detainee escaping from a maximum security facility than there is from a prisoner getting out of Supermax. It has never been done.

I know transferring Guantanamo detainees out of the facility where they have been for 10 or more years is not politically popular. These are not easy decisions, but we have to consider the alternatives.

Do we want 84 detainees who have been cleared for transfer to other countries to languish in our prison any longer? Again, ''cleared for transfer,'' doesn't mean these detainees will automatically go free. ''Cleared for transfer'' means they could still be detained by foreign governments after they are transferred.

Do we want detainees who could be prosecuted quickly and serve long prison sentences to avoid being brought to justice any longer?

Isn't it time to close Guantanamo once and for all? I believe Guantanamo is, has been, and always will be a dark spot on our history, so the sooner we get rid of it, the better.

I support the Guantanamo language included in this bill by Chairman LEVIN and ask my colleagues to support the Levin-McCain Amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield 5 minutes to the Senator from Colorado.

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

Mr. UDALL of Colorado. I thank the chairman of the Armed Services Committee.

Mr. President, I rise, as the Senator from California did, in support of a tough, adaptable, and smart national security policy. What do I mean by that? In this case, that means we ought to support provisions that provide the Department of Defense and the President with the flexibility necessary to transfer certain detainees from the detention facility at Guantanamo to face justice in other venues. In that context, I am proud to join Chairman LEVIN and Senator MCCAIN and Senator FEINSTEIN in sponsoring this important bipartisan amendment. For a number of reasons, I strongly believe its passage would strengthen our national security and is in the best interests of our country.

I am joined in that assessment by the Director of National Intelligence, the Secretary of Defense, and many other senior national security leaders, including at least 38 retired generals and admirals who helped to prosecute the war against Islamic extremists.

This amendment does not close Guantanamo. It doesn't require the release of detainees into the United States or force the transfer of suspected terrorists to foreign countries. This amendment simply provides the administration with the flexibility to bring justice to Gitmo detainees in the most effective, efficient means possible.

The fact is that civilian courts have convicted over 400 suspected terrorists since 2001. The conviction rate for terrorist suspects in article III courts; that is, civilian courts, is nearly 90 percent. During the same period, a grand total of seven detainees at Guantanamo have been convicted by military commissions, and of those seven, two convictions were overturned.

There are circumstances in which military commissions are appropriate. I would agree with some of my colleagues that there are detainees held at Guantanamo who should face trial in a military commission. But the fact is that in many cases the civilian court system is faster, it is more efficient and more effective at bringing terrorists to justice than military commissions. So why would we handcuff ourselves and limit our options to bring accused terrorists to justice?

Our enemy already knows we are tough. We have pursued them all over the globe. We have eliminated their leaders and we have killed or captured many of their followers. But we can be tough and we can be smart at the same time. Handcuffing our military and Justice Department in their efforts to bring our enemies to justice is simply shortsighted and counterproductive. Doing so only impedes justice, erodes the image of the United States, and serves as a recruiting tool for a new generation of terrorists.

According to the Defense Department, we are spending about $450 million a year to keep Gitmo open. And the DOD is going to need hundreds of millions more for upgrades and repairs if the facility stays open. That situation is unsustainable, especially at a time of sequestration and rising budget deficits. Without action by Congress, those costs will continue to climb as detainees get older and sicker, and our moral standing will suffer the longer we hold people without trial.

Based on evidence, I have faith in our justice system to secure convictions in terrorist cases. We have a system of justice second to none and prisons that already hold some of the most dangerous criminals in the world. There is no question that these individuals who have been convicted and sentenced will be detained for the rest of their lives with no risk to our citizens.

We have proven it time and time again. As a member of the Armed Services and Intelligence Committees, I receive frequent briefings and reports on our counterterrorism efforts around the world. I know this: I know this amendment will let us continue to prove it again and again in the future.

In sum, the Levin-McCain-Feinstein-Udall amendment benefits our national security and should be passed by the Senate without delay.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. There is 4 minutes 15 seconds.

Mr. LEVIN. I ask unanimous consent that I be able to yield an additional 5 minutes above the 4½ minutes to Senator DURBIN. I understand if that means there is less time left than allotted to the other side, I would ask unanimous consent that additional time be used at 5 o'clock and the vote would then occur a few minutes after 5.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Mr. President, I do not object, but specifically we have a request by the prime author of this amendment to be under consideration at 5 o'clock to have 5 minutes. So I assume the thrust of the Senator's UC request is to give her 5 minutes, even if it happens to fall starting at 5 o'clock.

Mr. LEVIN. Is the Senator from New Hampshire available at 5 minutes to 5? If that is true, I ask unanimous consent that I be allowed to modify that previous UC request to provide 10 minutes to the Senator from Illinois and the last 5 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. Mr. President, first, let me thank my colleague and friend from the State of Oklahoma for yielding time and the Senator from Michigan for manufacturing this close so both sides will be heard as we come to this important vote.

For 11 years now—for 11 years—I have been coming to the Senate floor giving speeches about closing Guantanamo. This is my 66th speech calling for the closure of Guantanamo. This year I held a hearing in the Senate Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights. I brought in military experts, and I asked them: Do we need Guantanamo? Here is what they said. In fact, here is what we heard from Retired MG Paul Eaton, who served for 30 years in the Army and was the commanding general of the Coalition Military Assistance Training Team in Iraq. He said:

> Guantanamo is a terrorist creating institution and is a direct facilitator in filling out the ranks of Al Qaeda and other terror organizations that would attack the U.S. or our interests.

General Eaton said:

> Guantanamo, in military terms, is a recruitment tool of the first order.

Then I went down to the Southern Command in Miami, FL, and I met with the generals there who have the responsibility of running Guantanamo. When I asked them about Guantanamo, there was a sadness that came over the conversation, and they talked about how difficult it was—with about 160 or 165 detainees remaining down there—how difficult and how expensive it was for them to maintain that facility. They accepted it. It was part of their responsibility being in our military. But they basically said to me: When is Congress going to accept its responsibility?

The Levin-McCain amendment before us accepts our responsibility.

Let's get down to the bottom line. Whether you think these terrorists should be at Guantanamo or not in Guantanamo, let's talk about something very basic and very simple. How much does it cost for us to keep in prison one person in Guantanamo for 1 year? It is $2.7 million—$2.7 million per prisoner per year.

How much does it cost the Federal taxpayers to take the most dangerous, blood-thirsty, deadly individual we convict in our criminal courts and put them in the Florence supermax facility in Colorado, where no prisoner has ever escaped? Mr. President, $70,000 a year.

What are we trying to prove? Are we trying to prove in Guantanamo how much money we can spend—let me add waste—on a facility that is totally unnecessary?

I asked the Director of the U.S. Bureau of Prisons a very basic question: If we sent the most dangerous terrorist at Guantanamo to Florence, CO, what is the likelihood that person would escape? He said: Zero. They do not escape from our supermax facilities.

So we are not keeping America safe by wasting—wasting—$450 million a year in Guantanamo. We know that roughly half of those who are being held at Guantanamo should be released. They are not going to be tried for a crime at this point. They should be released. What the Levin-McCain amendment does is to set up an orderly, thoughtful, sensible way for the transfer of these prisoners.

Why do we keep this Guantanamo open? What is the point? It is as if some lobbyist has us enthralled that we have to keep Guantanamo open. It is not about national security anymore. It is not about the cost of incarceration anymore. It is about something else that I cannot even define.

So what we need to do is to take those remaining in Guantanamo who can be charged, charge them, try them, incarcerate them. Those who are going to be a danger to the United States should never see the light of day. But why would we continue to waste $2.7 million per year per prisoner to keep Guantanamo open?

Throughout its history, Guantanamo has had a checkered past. It is part of Cuba. We send the Cuban Government each year a rental check for the Guantanamo facility. They never cash it. They may tear them up. They do maintain the minefield between Guantanamo and the rest of the Island of Cuba to make sure there is no travel between the two, not that anyone would try. That is it. We maintain this facility because in the earliest days of our fight against terrorism after 9/11, there were legal counsels in the White House, such as John Yoo, who said that Guantanamo Bay was the ''legal equivalent of outer space.'' We could put people there. They will have no rights and no one will ever know. How wrong he was.

Guantanamo has become such a sad symbol that it is time for it to be closed, and it is time for us to do it in a thoughtful, sensible, honorable way, as every great nation should. To maintain Guantanamo for some bragging right that I cannot even describe on the floor is simply unacceptable.

I am going to be opposing the amendment that is offered by the Senator from New Hampshire and supporting the Levin-McCain bipartisan amendment, which I think deals with this issue in a thoughtful and reasonable way.

Do you want to keep America safe? Take those prisoners, those convicted terrorists, and put them in a supermax facility. If you say to yourself, oh, we don't put known terrorists and convicted terrorists in our Federal prison system, how wrong you are. They are all over our Federal prison system. We have convicted terrorists who are incarcerated in Marion, IL. Drive down

to southern Illinois and no one even knows it because they will never see the light of day—never.

So in terms of safety in America, we know how to keep America safe. We also know when we are wasting money. At this point in time, we are wasting money with this Guantanamo facility.

Let's transfer those for detention and trial into the appropriate places and have them tried successfully. I think we have had perhaps six or seven tried by military commissions—only six or seven—since 9/11, and two of those were reversed. Most of them go into our court system. Even when they read them Miranda rights, it does not stop the convictions. The convictions come through regularly because our people know how to convict those who would threaten the United States and make it dangerous.

It is worth taking a moment to recall the history of Guantanamo Bay.

After 9/11, the Bush administration decided to set aside the Geneva Conventions, which have served us well in past conflicts, and set up an offshore prison in Guantanamo in order to evade the requirements of our Constitution.

General Colin Powell, who was then the Secretary of State, objected. He said disregarding our treaty obligations, ''will undermine the protections of the law of war for our own troops . . . It will undermine public support among critical allies, making military cooperation more difficult to sustain.''

At the hearing that I held in the Constitution Subcommittee, we received testimony from Retired MG Michael Lehnert, who served in the Marine Corps for 37 years. General Lehnert led the first Joint Task Force Guantanamo, which established the detention facility in 2002. General Lehnert testified that he tried to comply with the Geneva Conventions, but he was rebuked by civilian political appointees in the Bush administration. General Lehnert testified:

> ''We squandered the good will of the world after we were attacked by our actions in Guantanamo. . . . Our decision to keep Guantanamo open has actually helped our enemies because it validated every negative perception of the United States. . . . To argue that we cannot transfer detainees to a secure facility in the United States because it would be a threat to public security is ludicrous.

Instead of taking the advice of General Powell and General Lehnert, Defense Secretary Donald Rumsfeld approved the use of abusive interrogation techniques at Guantanamo.

Guantanamo became an international embarrassment, and the Supreme Court repeatedly struck down the Bush administration's detention policies.

Let's be clear, conditions at Guantanamo Bay have improved dramatically since the detainee abuses of the previous administration.

But we cannot continue the indefinite detention of dozens of detainees in an offshore island prison. Gen. Paul Eaton said it well when he testified to my subcommittee:

> Guantanamo cannot be buffed enough to shine again after the sins of the past. . . . Guantanamo's reputation for torture and lack of due process of law cannot be rectified.

Every day, the soldiers and sailors serving at Guantanamo Bay are doing a magnificent job under difficult circumstances.

But these fine young men and women are being asked to carry out an unsustainable policy of indefinite detention because we—their political leaders—have failed to close Guantanamo prison.

The President's authority has been limited by Congress. We have enacted restrictions on detainee transfers that make it nearly impossible to close the facility.

During his two terms in office, Congress never once restricted President Bush's authority to transfer Guantanamo detainees.

Congress did not start micromanaging the Commander in Chief's authority to transfer detainees until 2009, after President Obama took office.

The Obama administration believes that Congress should completely lift the restrictions on the President's authority to close Guantanamo detention facility. I agree.

But I will support the Levin-McCain amendment, which is a constructive step in the right direction. The Levin-McCain amendment would give the President more flexibility to move forward with closing Guantanamo, while still imposing significant restrictions on the administration's authority to transfer detainees.

Under the Levin-McCain amendment, the Secretary of Defense may transfer a Guantanamo detainee to the United States, but only for the purpose of detention, trial, and incarceration. The Secretary of Defense must ''determine that the transfer is in the national security interest of the United States.'' And he must ensure that appropriate steps have been taken to eliminate any risk to public safety while the detainee is in the United States. The McCain-Levin amendment also specifically prohibits any detainee who is transferred to the U.S. for detention or trial from applying for asylum or from being released into the United States.

Before the administration would be permitted to transfer any detainees to the U.S., they would have to produce a detailed report on the plans for each and every detainee who is currently held at Guantanamo Bay.

The Defense Authorization Act also would allow the Secretary of Defense to temporarily transfer a detainee to a military medical facility in the United States, if the detainee needs critical, emergency care in order to prevent death or an imminent significant injury.

The Secretary of Defense would only be authorized to make such transfers if the required medical care cannot be provided at Guantanamo Bay ''without incurring excessive and unreasonable costs.''

Moreover, the Defense Department would have complete responsibility for the custody and control of any detainee during their transfer and temporary hospitalization at a military medical facility.

Detainees receiving temporary emergency medical care would not remain in the United States. The bill specifically requires that they be returned to Guantanamo as soon as they are medically cleared to travel.

Under the Defense authorization bill, the administration could only transfer detainees to foreign countries in limited circumstances. Specifically, first, the Secretary of Defense must determine that it is in the national security interest of the United States to transfer a particular detainee to a given country. Second, the Secretary of Defense must determine that sufficient steps have been taken that will substantially mitigate the risk of recidivism.

But that is not all. The bill requires the Secretary to consider six factors when determining whether a transfer is in the national security interest of the United States, including: No. 1, actions taken by the United States or the host country to reduce the risk of recidivism; No. 2, the host country's control over any facility where the detainee may be held; No. 3, an assessment of the capacity and willingness of the host country to meet its assurances to help mitigate recidivism; and No. 4, the detainee's cooperation with U.S. intelligence and law enforcement forces.

These provisions would ensure that—before any detainee is transferred to a foreign country—the administration would conduct a thorough review of all relevant factors, with a primary focus on preserving our national security.

In contrast to the McCain-Levin amendment, the Ayotte amendment would continue and expand the existing detainee transfer restrictions, which would micromanage the Commander in Chief's national security decisions and make it impossible to close Guantanamo.

It is time to move forward with shutting down Guantanamo prison. We can transfer most of the detainees to foreign countries. And we can bring the others to the United States for detention and trial.

Look at the track record. Since 9/11, nearly 500 terrorists have been tried and convicted in Federal courts and are now being safely held in Federal prisons. And no one has ever escaped from a Federal supermax prison or a military prison.

In contrast, only six individuals have been convicted by military commissions, and two of these convictions have been overturned by the courts. And today, nearly 12 years after the 9/11 attacks, the architects of the 9/11 attacks are still awaiting trial at Guantanamo.

During his confirmation hearing, I discussed this with FBI Director Jim Comey, who was Deputy Attorney General in the Bush administration. Mr. Comey told me:

> We have about a 20–year track record in handling particularly Al Qaeda cases in federal courts. . . the federal courts and federal prosecutors are effective at accomplishing two goals in every one of these situations: getting information and incapacitating the terrorists.

I have heard some of my Republican colleagues argue that we cannot close Guantanamo because of the risk that some detainees may engage in terrorist activities.

The irony is that due to steps taken by President Obama, recidivism rates for the detainees transferred during the Obama administration are far lower than they were during the Bush administration.

Only 4.2 percent of former detainees transferred since January 22, 2009, when President Obama took office, are confirmed recidivists. In contrast, 18.2 percent of the detainees released during the Bush administration are confirmed recidivists.

That is because the Obama administration put in place a strict process for detainee transfers. According to the Director of National Intelligence, of the 174 former detainees who are confirmed or suspected recidivists, only 7 have been transferred during the Obama administration.

No one is suggesting that closing Guantanamo is risk free or that no detainees will ever engage in terrorist activities if they are transferred.

But our national security and military leaders have concluded that the risk of keeping Guantanamo open far outweighs the risk of closing it because the facility continues to harm our alliances and serve as a recruitment tool for terrorists.

And before any detainees are transferred, they are extensively screened, steps are taken to mitigate any risks, and then detainees are monitored after they are transferred. Detainees who pose a risk that cannot be mitigated will not be transferred.

Detainees who pose a risk that cannot be mitigated will not be transferred. And if a former detainee does return to terrorism, he will likely meet the fate of Said al-Shihri, No. 2 official in Al Qaeda in the Arabian Peninsula, who was recently killed in a drone strike.

I stand with Gen. Colin Powell, Gen. Paul Eaton, Gen. Michael Lehnert and countless other national security and military leaders.

It is time to end this sad chapter of our history. Eleven years is far too long. We need to close Guantanamo.

I thank Senator LEVIN and Senator MCCAIN for bringing this issue before us. We can no longer ignore it. We cannot afford to ignore it. As General Eaton says, we cannot afford to keep this recruiting tool open for Al Qaeda. We cannot afford to continue to tell American taxpayers they need to pay $2.7 million a year for every prisoner in Guantanamo. Transfer them to a supermax prison for $70,000. America will be just as safe. It will have money in the bank to use to fight terrorism in more effective ways.

I urge my colleagues to support the Levin-McCain amendment and oppose the Ayotte amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I rise in support of amendment No. 2255. Let me just say what we cannot afford. What we cannot afford is to read terrorists Miranda rights and tell them they have the right to remain silent.

Why can't we afford that? Because if we lose the opportunity to gather valuable information to protect our Nation, then we cannot prevent future attacks against the country.

Here is the problem we face. Here, shown in this picture I have in the Chamber, is the current head of Al Qaeda, Ayman al-Zawahiri. If we capture him tomorrow, I ask my colleagues this: Do you want to send him to a secure detention facility where he can be fully interrogated under the laws of war and held there in detention under law of war authority or do you want to send him to a prison in the United States where we cannot know—the legal questions are many—where there is a real risk that he will not be able to be held in law of war detention and will be told you have the right to remain silent, and we will lose opportunities to gather intelligence to protect our country.

My colleague from Illinois talked about the worst criminals whom we put in prison. I am a former murder prosecutor, and I put some of the worst murderers in prison. There is a difference. We are not dealing with criminals; we are dealing with terrorists. The priority has to be to gather information and protect our country. If we catch Zawahiri tomorrow, bring him to a prison near you, give him a lawyer, tell him he has the right to remain silent, those legal questions are not dealt with if we adopt the alternative amendment that allows the administration to transfer people such as Khalid Shaikh Mohammed, the mastermind of 9/11, to the United States.

What do we do with future captures, such as Zawahiri? How do we ensure we can gather information? By the way, that is priceless. If we can stop a terrorist attack by interrogating someone—the price we can save for America, we cannot put a number on that.

If you believe, with a rising reengagement rate of 29 percent—which is higher than last year in terms of people we have had at Guantanamo, we have let go but have gotten back in the fight against us—that we should weaken the standards this administration has to meet to transfer people from Guantanamo to third-party countries, then that is essentially what is done in the Defense authorization.

My amendment will restore existing law to ensure that there are strong national security waivers the administration must meet before they transfer prisoners to countries where they are getting back in the fight against us, where they are getting out and getting back in the fight, including against our troops.

So this is a fundamental question. We cannot afford right now, with what is happening around the world, to close the one secure detention facility we have, and it is clear we can conduct law of war detentions there. We still remain in a fight against terrorists. We cannot treat them like common criminals. That is what is at stake.

If you believe this man shown in this picture should come to a prison near you, that is not what I have heard from my constituents or the American people. That is why my amendment will prohibit the transfer of the mastermind of 9/11 to U.S. soil and keep him in Guantanamo, a top-rate detention facility that keeps terrorists, as opposed to common criminals, secure.

Finally, I would say, as we look at the prohibition on Yemen, my amendment, which is also cosponsored by the ranking member of the Intelligence Committee and many other Members in this Chamber, would prevent transfers to the country of Yemen. Without my amendment, the administration could transfer terrorists to Yemen. What does that mean? Yemen is where Al Qaeda in the Arabian Peninsula is centered. We have actually had terrorists who have been released from Guantanamo and gone back into Al Qaeda leadership and been found in Yemen and there have been prison breaks in Yemen. Yet if my amendment is not adopted to prohibit transfers to Yemen, the administration can transfer detainees from Guantanamo to countries such as Yemen, and the security requirements are weakened.

The world is not a safer place from last year to this year, unfortunately. The reengagement rate of Guantanamo prisoners has increased from last year to this year.

Why are we weakening the national security provisions? Let's keep existing law in place. Why do we want to send Khalid Shaikh Mohammed to the United States of America when we have a secure facility at Guantanamo? Why do we want to take any risk that if we are blessed enough to have our men and women in uniform—who do a fantastic job—capture Zawahiri tomorrow, that he may have to be told ''you have the right to remain silent'' because there are legal ambiguities when he is brought to this country, as opposed to law-of-war detention and interrogation in Guantanamo? This is what is at stake.

We cannot afford to think we are no longer fighting a war against terrorists. We cannot afford to treat people like him as common criminals. As much as I believe in our criminal justice system, it was not created to gather intelligence, which is what we need

to do to make sure America remains safe.

I ask my colleagues to support amendment No. 2255, which is cosponsored also by Senator CHAMBLISS, the ranking Republican on the Intelligence Committee; Senator INHOFE, the ranking Republican on the Armed Services Committee; as well as Senator FISCHER, Senator RUBIO, and Senator BARRASSO.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Michigan.

Mr. LEVIN. I ask unanimous consent to have printed in the RECORD letters from Secretary Hagel, Secretary Kerry, Attorney General Holder, and the Director of National Intelligence, James R. Clapper.

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

SECRETARY OF DEFENSE
*Washington, DC, Nov 19, 2013.*

Hon. CARL LEVIN,
*Chairman, Committee on Armed Services, Washington, DC.*

DEAR MR. CHAIRMAN: I write regarding the President's goal of closing the Guantanamo Bay Detention Facility and to note the importance of lifting the restrictions on detainee transfers that prevent us from achieving that goal. These restrictions make it difficult to transfer detainees and to close Guantanamo. They are also unnecessary. Before transferring a detainee, this Administration will always ensure the receiving country commits to taking necessary measures to ensure that the detainee's threat is mitigated and the detainee will not be mistreated.

As you know, I recently appointed Mr. Paul Lewis as the Department's Special Envoy for Guantanamo transfers. Special Envoy Lewis will work closely with the State Department's Special Envoy, Mr. Cliff Sloan, to meet with foreign governments and negotiate these assurances. Eliminating or easing the congressionally mandated transfer restrictions would help facilitate our ongoing efforts to transfer detainees once those assurances have been obtained.

The President's proposal to transfer some individuals to the United States for detention or trial, where appropriate, would also help facilitate our efforts to close the facility at Guantanamo, potentially saving U.S. taxpayers millions of dollars each year.

As always, the Department is prepared to provide additional briefings on the closing of the Guantanamo Bay Detention Facility. A similar letter has been sent to the other congressional defense committees.

Thank you.

Sincerely,

CHUCK HAGEL.

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THE SECRETARY OF STATE,
*Washington, DC, November 13, 2013.*

Hon. ROBERT MENENDEZ,
*Chairman, Committee on Foreign Relations, Washington, DC.*

DEAR MR. CHAIRMAN: The continued operation of the Guantanamo Bay detention facility undermines U.S. national security and foreign policy interests. I seek your support for the provisions in the Senate Fiscal Year 2014 National, Defense Authorization Act that would provide flexibility for detainee transfers and strike unmanageable provisions that currently hinder our efforts to close the facility.

The continued operation of the Guantanamo facility damages U.S. diplomatic relations and our standing in the world. It undermines America's indispensable leadership on human rights and other critical foreign policy and national security matters. In particular, the Guantanamo detention facility consistently impedes joint counterterrorism efforts with friends and allies. Provisions in the Senate bill would provide an effective, yet judicious, transfer authority which would provide critical support and flexibility in ongoing negotiations with foreign governments on repatriation and resettlement issues.

With increasing fiscal challenges, we must bear in mind that, aside from its incalculable diplomatic costs, detention operations at Guantanamo cost U.S. taxpayers more than $2.7 million per detainee each year—far more than our super maximum security prisons that safely and securely hold the most dangerous inmates in the world, including convicted terrorists. As both detainees and facilities age, these costs will sharply increase.

I hope I can count on your support for the Guantanamo provisions in the Senate Defense Authorization bill to provide us the flexibility we need to close the Guantanamo Bay detention facility. Until this flexibility is restored, our efforts to close the facility are hampered and our national security and foreign policy interests continue to be impeded.

Sincerely,

JOHN F. KERRY.

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OFFICE OF THE ATTORNEY GENERAL
*Washington, DC, November 14 2013.*

Hon. PATRICK J. LEAHY,
*Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.*

Hon. CHARLES E. GRASSLEY,
*Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: As the Senate prepares to consider the National Defense Authorization Act for FY2014, I write to reiterate the longstanding objections of the Department of Justice to any provisions that would continue to restrict the transfer of detainees from Guantanamo, limit the ability of the Executive Branch to determine when and where to prosecute terrorist suspects, and otherwise prevent the President from taking steps to bring about the orderly closure of the facility. Such restrictions encroach on the ability of the Executive Branch to make foreign policy and national security decisions and would, in certain circumstances, violate separation of powers principles.

The unwarranted restrictions on the Executive branch's authority to transfer detainees to a foreign country should be eliminated. Detainees were designated for transfer based on an interagency consensus after a thorough review of all available information. Restricting the ability of the Executive Branch to implement appropriate transfers weakens our national security by wasting resources, damaging our relationships with key allies, and strengthening our enemies.

I also continue to object strongly to the restrictions on transferring Guantanamo detainees to the United States for any purpose. The prosecution of terrorists in Federal court has long been an essential element of our counterterrorism efforts and has been a powerful tool of proven effectiveness. Since 9/11, hundreds of convictions have been obtained on terrorism or terrorism-related charges in our Federal courts, including the convictions of over 165 defendants since 2009. The effectiveness of this system was underscored again on October 24, 2013 when the U.S. Court of Appeals for the Second Circuit affirmed the conviction and life sentence of Ahmed Ghailani, who was transferred from Guantanamo and then convicted in federal district court of conspiracy in connection with his role in the 1998 East Africa embassy bombings. There is no justification for prohibiting the Federal prosecution of Guantanamo detainees in appropriate cases. As you are aware, the viability of conspiracy and material support prosecutions in military commissions is unresolved in light of adverse D.C. Circuit decisions that currently are under review by the full court. Particularly in view of these rulings, Congress should restore the option to prosecute detainees in Federal court in circumstances where the Executive Branch determines that a Federal prosecution is the surest way to protect our national security. Our federal prisons are fully capable of housing Guantanamo detainees safely, securely, and humanely, just as they have done for the hundreds of defendants serving sentences for terrorism-related offenses since September 11, 2001.

If we are to safeguard the American people, we must be in a position to employ every lawful instrument of national power—including both courts and military commissions—to ensure that terrorists are brought to justice and can no longer threaten American lives. Moreover, if we are to protect our national security and advance our foreign policy objectives, the President must have the ability to transfer detainees when doing so serves our national interests. I urge you to reject any legislative proposals that would compromise our ability to carry out that solemn responsibility.

Sincerely yours,

ERIC H. HOLDER, Jr.
*Attorney General.*

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DIRECTOR OF NATIONAL INTELLIGENCE
*Washington, DC.*

Hon. DIANNE FEINSTEIN,
*Chairman, Select Committee on Intelligence U.S. Senate, Washington, DC.*

Hon. SAXBY CHAMBLISS,
*Vice Chairman, Select Committee on Intelligence U.S. Senate, Washington, DC.*

DEAR MADAM CHAIRMAN AND VICE CHAIRMAN CHAMBLISS: As the Senate considers provisions of the FY14 National Defense Authorization bill that would lift Guantanamo detainee transfer restrictions, I would like to provide the Intelligence Community's views of the national security implications in maintaining the Guantanamo Bay detention facility (GTMO).

Al-Qa'ida, its affiliates, and its allies this year continued to reference the detention and purported mistreatment of the detainees at GTMO in furtherance of their global jihadist narratives. The references to GTMO by al-Qa'ida and affiliated organizations include:

Al-Qaida leader Ayman al-Zawahiri in an audio statement in July 2013 citing the detention without trial of GTMO prisoners as one indication of American hypocrisy and indiscriminate persecution of innocent Muslims and calling for all al-Qa'ida prisoners at GTMO to be released.

An article about the Boston marathon bombings in the most recent edition of AQAP's Inspire magazine in June highlighting the ongoing detention of prisoners at GTMO as one of the purported justifications to engage in jihad.

As these examples illustrate, closing the Guantanamo Bay detention facility would deprive al-Qa'ida leaders of the ability to use alleged ongoing mistreatment of detainees to further their global jihadist narrative. In an effort to disrupt the narrative used by terrorists, I support the President's priority of closing the detention facility.

Sincerely,

JAMES R. CLAPPER.

The PRESIDING OFFICER (Ms. WARREN). Under the previous order, the question occurs on Ayotte amendment No. 2255.

Mr. LEVIN. 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 on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT) and the Senator from Georgia (Mr. ISAKSON).

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 237 Leg.]

YEAS—43

| | | |
|---|---|---|
| Alexander | Enzi | Murkowski |
| Ayotte | Fischer | Portman |
| Barrasso | Graham | Pryor |
| Boozman | Grassley | Risch |
| Burr | Hagan | Roberts |
| Chambliss | Hatch | Rubio |
| Coats | Heller | Scott |
| Coburn | Hoeven | Sessions |
| Cochran | Inhofe | Shelby |
| Collins | Johanns | Thune |
| Corker | Johnson (WI) | Toomey |
| Cornyn | Kirk | Vitter |
| Crapo | Lee | Wicker |
| Cruz | McConnell | |
| Donnelly | Moran | |

NAYS—55

| | | |
|---|---|---|
| Baldwin | Heinrich | Nelson |
| Baucus | Heitkamp | Paul |
| Begich | Hirono | Reed |
| Bennet | Johnson (SD) | Reid |
| Blumenthal | Kaine | Rockefeller |
| Booker | King | Sanders |
| Boxer | Klobuchar | Schatz |
| Brown | Landrieu | Schumer |
| Cantwell | Leahy | Shaheen |
| Cardin | Levin | Stabenow |
| Carper | Manchin | Tester |
| Casey | Markey | Udall (CO) |
| Coons | McCain | Udall (NM) |
| Durbin | McCaskill | Warner |
| Feinstein | Menendez | Warren |
| Flake | Merkley | Whitehouse |
| Franken | Mikulski | Wyden |
| Gillibrand | Murphy | |
| Harkin | Murray | |

NOT VOTING—2

| | |
|---|---|
| Blunt | Isakson |

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 2175

Under the previous order, there will be 2 minutes equally divided prior to a vote on the Levin-McCain amendment No. 2175.

The Senator from Michigan.

Mr. LEVIN. Madam President, this amendment is a Levin-McCain-Feinstein-Udall amendment. It clarifies that Gitmo detainees would not gain any additional legal rights as a result of their transfer to the United States for detention. Any Gitmo detainee who is transferred to the United States gains no additional legal rights. They also are not permitted to be released inside the United States. They do not lose their status as unprivileged enemy belligerents eligible for detention and trial under the law of war. If they are transferred to the United States, they gain no additional right to challenge their detention beyond the habeas corpus that has been affirmed by the Supreme Court.

I would hope this could be broadly supported.

Senator MCCAIN.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I have a letter from 38 retired flag and general officers of the U.S. military, and I quote from their letter:

As retired flag and general officers, we believe it is imperative for Congress to address Guantanamo now. We have always believed that our detention policies should adhere to the rule of law, and that we as a Nation are more secure when we do. Guantanamo is a betrayal of American values. The prison is a symbol of torture and justice delayed. More than a decade after it opened, Guantanamo remains a recruiting poster for terrorists which makes us all less safe.

I would also point out for my colleagues that Guantanamo has cost more than $400 million in the last two fiscal years, and the Department of Defense estimates that is $2.7 million per detainee per year.

I ask unanimous consent to have printed in the RECORD the letter from which I just quoted.

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

NOVEMBER 13, 2013.

Hon. JOHN MCCAIN,
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

DEAR SENATOR MCCAIN: As retired flag and general officers, we believe it is imperative for Congress to address Guantanamo now. We have always believed that our detention policies should adhere to the rule of law, and that we as a nation are more secure when we do. Guantanamo is a betrayal of American values. The prison is a symbol of torture and justice delayed. More than a decade after it opened, Guantanamo remains a recruiting poster for terrorists which makes us all less safe. As the United States ends the war in Afghanistan in 2014, the government must find a lawful disposition for all detainees captured as part of that war. Spending $2.7 million per detainee annually at Guantanamo, when a comparable facility in the United States costs taxpayers only $34,000–$78,000, is fiscally irresponsible, especially as our military must make significant budget cuts under sequestration.

The Senate National Defense Authorization Act (NDAA) as reported out of the Senate Armed Services Committee would provide a meaningful step towards responsibly closing Guantanamo. It authorizes the transfer of detainees cleared for transfer by the U.S. intelligence and defense agencies for purposes of resettlement or repatriation, and it permits transfers to the U.S. for purposes of prosecution, incarceration and medical treatment. We support these provisions, and oppose any efforts to impose more stringent restrictions on the transfer of detainees out of Guantanamo.

Sincerely,

General Joseph P. Hoar, USMC (Ret.); General Charles C. Krulak, USMC (Ret.); General Ronald H. Griffith, USA (Ret.); General David M. Maddox, USA (Ret.); General William G. T. Tuttle, Jr., USA (Ret.); Vice Admiral Richard Carmona, USPHSCC (Ret.); Lieutenant General John Castellaw, USMC (Ret.); Lieutenant General Robert G. Gard, Jr., USA (Ret.); Lieutenant General Arlen D. Jameson, USAF (Ret.); Lieutenant General Claudia J. Kennedy, USA (Ret.); Lieutenant General Charles Otstott, USA (Ret.); Lieutenant General Norman R. Seip, USAF (Ret.); Lieutenant General Harry E. Soyster, USA (Ret.); Lieutenant General Keith J. Stalder, USMC (Ret.); Major General Paul D. Eaton, USA (Ret.); Major General Mari K. Eder, USA (Ret.); Major General Eugene Fox, USA (Ret.).

Rear Admiral Donald Guter, JAGC, USN (Ret.); Rear Admiral John D. Hutson, JAGC, USN (Ret.); Major General Michael R. Lehnert, USMC (Ret.); Major General William L. Nash, USA (Ret.); Major General Walter L. Stewart, Jr., USA (Ret.); Major General Antonio M. Taguba, USA (Ret.); Brigadier General John Adams, USA (Ret.); Brigadier General David M. Brahms, USMC (Ret.); Brigadier General Stephen A. Cheney, USMC (Ret.); Brigadier General James P. Cullen, USA (Ret.); Brigadier General Evelyn P. Foote, USA (Ret.); Brigadier General Gerald E. Galloway, USA (Ret); Brigadier General Dennis P. Geoghan, USA (Ret.); Rear Admiral Norman R. Hayes, USN (Ret.); Brigadier General Leif H. Hendrickson, USMC (Ret.); Brigadier General David R. Irvine, USA (Ret.); Brigadier General John H. Johns, USA (Ret.); Brigadier General Richard O'Meara, USA (Ret.); Brigadier General Murray G. Sagsveen, USA (Ret.); Brigadier General Anthony Verrengia, USAF (Ret.); Brigadier General Stephen N. Xenakis, USA (Ret.).

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Madam President, I urge my colleagues to vote against amendment No. 2175. If you want to bring the 164 Gitmo detainees to the United States, that is what this amendment will allow the administration to do. The plan they are going to submit requires no congressional oversight, no approval, and though the chairman said they will not get any additional legal rights, he does not answer the question what about constitutional rights if they are brought to our soil. Will they have to be told they have the right to remain silent?

If we catch Zawahiri, the current head of Al Qaeda, tomorrow, will he have to be read Miranda rights? Because that is what is happening when we bring them to U.S. soil now. That is the real question.

That is not required to be answered by their plan the administration wants sent, and we have no oversight over that plan. I urge my colleagues to vote no on this amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I ask unanimous consent for 15 seconds.

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

Mr. LEVIN. There are no additional rights for people brought to military detention in the United States than they have in Guantanamo. Nothing changes. There are no more Miranda rights here than in Guantanamo. If

they are in military detention, they are in military detention wherever it is.

The PRESIDING OFFICER. All time has expired.

Under the previous order, the question occurs on the Levin-McCain amendment No. 2175.

Mr. LEVIN. 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 on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT) and the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators wishing to vote or to change their vote?

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 238 Leg.]

YEAS—52

| | | |
|---|---|---|
| Baldwin | Gillibrand | Mikulski |
| Baucus | Hagan | Murphy |
| Begich | Harkin | Murray |
| Bennet | Heinrich | Nelson |
| Blumenthal | Heitkamp | Reed |
| Booker | Hirono | Reid |
| Boxer | Johnson (SD) | Rockefeller |
| Brown | Kaine | Schatz |
| Cantwell | King | Schumer |
| Cardin | Klobuchar | Shaheen |
| Carper | Landrieu | Stabenow |
| Casey | Levin | Tester |
| Collins | Manchin | Udall (CO) |
| Coons | Markey | Udall (NM) |
| Donnelly | McCain | Warner |
| Durbin | McCaskill | Whitehouse |
| Feinstein | Menendez | |
| Franken | Merkley | |

NAYS—46

| | | |
|---|---|---|
| Alexander | Graham | Pryor |
| Ayotte | Grassley | Risch |
| Barrasso | Hatch | Roberts |
| Boozman | Heller | Rubio |
| Burr | Hoeven | Sanders |
| Chambliss | Inhofe | Scott |
| Coats | Johanns | Sessions |
| Coburn | Johnson (WI) | Shelby |
| Cochran | Kirk | Thune |
| Corker | Leahy | Toomey |
| Cornyn | Lee | Vitter |
| Crapo | McConnell | Warren |
| Cruz | Moran | Wicker |
| Enzi | Murkowski | Wyden |
| Fischer | Paul | |
| Flake | Portman | |

NOT VOTING—2

| | |
|---|---|
| Blunt | Isakson |

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The majority leader.

Mr. REID. Madam President, I am going to announce a consent agreement, and I will read through it in just a minute. It seems to me this debate we had today was extremely important. As I said last night, one of the issues in this bill is Guantanamo. I felt it was appropriate—even though I agree with the language in the bill—that the Republicans have an opportunity to see if they could change it. That is what this was all about this afternoon.

On the sexual assault issue, there is language in the bill that Senator GILLIBRAND and others want to change. Senator LEVIN and especially Senator MCCASKILL have come up with a side-by-side, just like we had today, and that deserves a full debate. That is an issue which has been in all the papers over the last several months.

The Senate deserves and the American public deserves this debate. I hope we can get this done.

Mr. REID. Madam President, I ask unanimous consent that the pending Levin amendment No. 2123 be set aside for Senator GILLIBRAND or designee to offer amendment No. 2099 relative to sexual assault; that the amendment be subject to a relevant side-by-side amendment from Senators MCCASKILL and AYOTTE, amendment No. 2170; that no second-degree amendments be in order to either of the sexual assault amendments; that each of these amendments be subject to a 60-affirmative-vote threshold; that when the Senate resumes consideration of the bill on Wednesday, November 20, the time until 5 p.m. be equally divided between the proponents and opponents of the Gillibrand amendments; that at 5 p.m. the Senate proceed to a vote in relation to the Gillibrand amendment No. 2099; that upon disposition of the Gillibrand amendment, the Senate proceed to vote in relation to the McCaskill-Ayotte amendment No. 2170; that there be 2 minutes equally divided in between the votes; and that no motions to recommit be in order during the consideration of the sexual assault amendments.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Madam President, reserving the right to object, will the Senator amend his request and add the following language: following the disposition of the McCaskill-Ayotte amendment, all pending amendments be withdrawn and the Republican manager or his designee be recognized to offer the next amendment in order, followed by an amendment offered by the majority side, and that the two sides continue offering amendments in alternating fashion until all amendments are disposed of.

The PRESIDING OFFICER. Will the leader so modify his request?

Mr. REID. Madam President, with the deepest respect to my friend the senior Senator from Oklahoma, we are not in a position to have a bunch of amendments on this bill. It took us weeks to get the drug compounding bill done—weeks, plural. What we should do is get this very contentious amendment out of the way and move on to other amendments. There is no reason why we can't agree on going from one amendment to another amendment. Everyone has to understand that this is not going to be an open amendment process. It is not going to happen. We have tried that. Remember? People said, we haven't done anything on energy for 5 years. That pretty well says it all. But we said, OK, what we are going to do is work on something that is bipartisan in nature led by Senator SHAHEEN. Senator PORTMAN was heavily involved. We never got off first base. We never even got headed toward first base. So we can't do that.

There is going to have to be a change of atmosphere around here where we agree to do legislation. We talk about remembering the good old days when we had unlimited amendments. I remember those too. I also remember the good old days where the majority would have a few amendments, the minority would have a number of amendments, and we would move forward and pass legislation. But no one is willing to do that anymore. We are, but they are not.

So I know how well-intentioned my friend is, but that was then and this is now. I object. I don't accept his modification to my request.

The PRESIDING OFFICER. Is there objection to the original request?

Mr. INHOFE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Thank you very much.

MOTION TO RECOMMIT WITH AMENDMENT NO. 2305

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

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to recommit the bill to the Committee on Armed Services with instructions to report back forthwith with the following amendment No. 2305.

The amendment is as follows:

At the end, add the following:

This Act shall become effective 3 days after enactment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2306

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2306 to the instructions on the motion to recommit.

The amendment is as follows:

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2307 TO AMENDMENT NO. 2306

Mr. REID. I am so sorry. I have a second-degree amendment at the desk that I totally forgot about.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2307 to amendment No. 2306.

The amendment is as follows:

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

Mr. REID. Madam President, what I hope we can do tomorrow, as we did today—I know people feel strongly about this sexual assault issue—is people will come and talk about that. It is so important. We were able to do that today on this amendment we had, and by the time 5 o'clock came, there had been a full discussion of the amendment. No one was crying for more time. So I hope in the morning people who feel strongly about this issue will come and talk about it. We did have some people who came and talked about this issue and that was important. So there are very strong feelings about this amendment. It is a difficult issue. It is sexual assault in the military. It wasn't long ago we wouldn't even be discussing such a thing on the Senate floor. We have to now, because it is an issue the military has, and we are trying to work through this. People have different views on how to proceed, but everyone agrees it needs to change. It is a question of how we change it, and that is what this debate is all about.

So I hope Senators will come in the morning and start talking about this issue; tee it up for a vote sometime tomorrow afternoon.

## MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that we now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each, and we can do that until 7:30 tonight; and during that period of time, it will be for debate only.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Iowa.

## ATTACKING BIOFUELS

Mr. GRASSLEY. Madam President, I wish to address another round of attacks that have been spearheaded by Big Oil against America's biofuels producers.

As its market share for Big Oil dips, Big Oil is doubling down to swat down its perennial pinata. This time around, petroleum producers and food conglomerates are using environmental groups as political cover to gain traction on efforts to pull the plug on the renewable fuel standard that we often refer to as RFS.

This is a ridiculously transparent and very much self-serving assault by these special-interest groups. Their relentless campaign to discredit ethanol undermines America's longstanding efforts to diversify its energy landscape, fuel the economy, and, most importantly, strengthen our national security.

The predictable efforts to smear ethanol's reputation ignore the renewable fuel's valuable contribution to clean energy, rural development, job creation, and U.S. energy independence. The latest round of misguided untruths disregards the plain truth. The plain truth is ethanol is renewable, it is sustainable, it is a clean-burning fuel, and all this helps run the Nation's transportation fleet with less pollution and less imported oil.

Let me remind my colleagues, most of that imported oil comes from countries that hate us and use our money to potentially kill Americans. Yet critics continue to hide behind distortions that claim ethanol is bad for the environment, and those distortions I wish to discuss.

I wish to separate fact from fiction regarding ethanol's impact on the environment. Critics say farmers are putting fragile land into production to cash in on higher corn prices at the expense of soil erosion and clean water.

That argument is not good under any respects. It may have been better last year and the year before when corn was $7, but corn is about $4 a bushel now—hardly making ends meet. They point out that 5 million Conservation Reserve Program acres are no longer enrolled in the conservation program since 2008. They want to pin the blame on ethanol. But the facts are, first of all, fewer acres enrolled in CRP has more to do with Federal belt-tightening, meaning spending less money here in Congress, than land stewardship decisions made by corn farmers.

The 2008 farm bill had a lot to do with it. That farm bill built upon other stewardship incentives for American farmers and ranchers administered by the U.S. Department of Agriculture, including the Environmental Quality Incentives Program, wetland restoration, and wildlife habitat programs. So land put into these programs under the 2008 farm bill takes land out of crop production, but it is not the ethanol industry that has done it. It is Federal policy.

For instance, a Wetlands Reserve Program in 2012 had a record-breaking enrollment of 2.65 million acres. The Wetlands Reserve Program lands cannot be farmed for 30 years, so they aren't going to be raising corn on that land to produce ethanol.

According to the Environmental Protection Agency, no new grassland has been converted to cropland since 2005. Farmers must make marketing, planting, and stewardship decisions that keep their operations financially sound and productive from crop year to crop year.

Even more importantly, these decisions must be environmentally sustainable for the long haul, both from the standpoint of the farmer's economic well-being as well as meeting certain laws that require that.

So let me be clear: Farmers simply can't afford to not take scrupulous care of the land that sustains their livelihoods.

Fertilizer use is on the decline. Compare application per bushel in 1980 versus 2010: Nitrogen is down 43 percent, phosphate is down 58 percent, and potash is down 64 percent.

Ethanol burns cleaner than gasoline. According to the Oregon National Laboratory, corn ethanol reduces greenhouse gas emissions by 34 percent compared to gasoline. If the oil industry wants to talk about the environment, we should not forget—and I will remind them and the people behind this move—about the 1989 Exxon Valdez oil-spill or the 2010 Deepwater Horizon oil-spills in the Mexican gulf. Critics also say that the renewable fuel standard is driving more acres into corn production. Well, the fact is, if facts mean anything, the RFS is driving significant investment in higher yielding, drought-resistant seed technology that very much enhances production per acre. This is a win-win scenario, to cultivate good-paying jobs, mostly in rural America, and to harvest better yields on less land.

The total cropland planted to corn in the United States is decreasing. Let's compare this year's crop year when U.S. farmers planted 97 million acres of corn—97 million corn acres. In the 1930s, farmers planted 103 million acres of corn. Farmers have increased corn harvests through higher yields, not more acres.

Critics contend the Nation's corn crop is diverted for fuel use at the expense of feed for livestock and higher prices at the grocery store. But what are the facts? In reality, one-third of the corn processed to make ethanol reenters the marketplace as high-value animal feed called dried distillers grain. Livestock feed remains the largest end user of corn.

I get so darn tired of hearing people from Big Oil or these environmental groups or these big supermarket conglomerates say that 40 percent of the corn produced goes into ethanol when they don't give credit for the 18 pounds of every 56-pound bushel of corn, 18 pounds, or one-third of it, is used for animal feed. So when coproducts such as the dried distillers grain are factored in, then ethanol consumes only about 27 percent of the whole corn grain by volume. Livestock feed uses 50 percent.

Critics have also pursued the false accusation that the increased production of biofuels increases grocery prices. Again, nothing could be further from the truth. The facts are that the U.S. Department of Agriculture Secretary has said farmers receive about 14 cents of every food dollar spent in the grocery stores, and the farmers share of a $4 box of corn flakes is only 10 cents.

So what is at stake when a coalition of special interests tag-teams to pull

the rug out from underneath the Nation's ethanol policy? Well, there is a lot at stake. Unfortunately, these flawed attacks on ethanol and next-generation biofuels undermine America's effort to move forward with an aggressive, diversified energy policy that takes into account global demand, geopolitics, and U.S. economic growth.

It has resulted in an EPA that has wholeheartedly adopted this false narrative promoted by Big Oil and Big Oil allies. On Friday, then, the EPA released its proposed rule for the required volumes under the renewable fuel standard for next year. The EPA in this proposal chose to reduce the overall biofuels mandate. Rather than increase the amount of biofuel to be blended as the law requires, the EPA has chosen to waive the mandate and suggest that we use less homegrown renewable biofuel in our fuel supply; hence, more dependence upon foreign sources of energy.

It is terribly disappointing that the U.S. biofuels industry is now under attack from President Obama's EPA. This action, which was vigorously pursued by Big Oil, is a slap in the face of our domestic energy producers. Who would have believed that Big Oil found an ally in President Obama's EPA since he has been such a defender of biofuels and all green energy.

Who would have expected the Obama EPA to be more harmful to our domestic biofuels effort than President Bush ever was? President Bush was demagoged as an oil man from Texas. But he never undermined biofuels to the extent that this proposal from this EPA would.

In making this announcement, the EPA said the challenges to supplying more ethanol to the market are too great because of the so-called blend wall. The fact is the blend wall is a creation of Big Oil. The primary reason ethanol is not blended at levels higher than 10 percent today is because Big Oil has stood in the way.

Congress knew in 2007 that the RFS, renewable fuel standard, would require biofuels to be blended at levels higher than 10 percent. But the petroleum companies fought that every step of the way, going back 4 or 5 years, and finally last Friday they were successful.

Friday's announcement, by the way, by EPA rewarded them for their temper tantrums. The EPA's proposal puts Big Oil in charge of how we implement the renewable fuel standard. It has rewarded Big Oil for its intransigence.

While EPA says its intention is to put the RFS Program on a manageable trajectory that will support continued growth, I want to tell you the exact opposite is true. This proposal is a step back, not a step forward. It undercuts all segments of biofuel—including biodiesel, ethanol, and the advanced biofuels that go by the name of cellulosic ethanol.

While this administration claims to have an energy strategy of ''all of the above,'' this decision by EPA proves it is in favor of ''none of the above.'' Ironically, biofuel producers now know what it is like for traditional energy producers with a bureaucracy that impedes domestic energy production at every turn.

I find this decision baffling. I hope President Obama will see the harmful impacts of the EPA proposal and fix this mistake during the 60-day period EPA must take to consider opinions on this issue.

So there are 60 days to turn this around. I hope we can do that.

I yield the floor.

## PATENT TRANSPARENCY AND IMPROVEMENTS ACT

Mr. LEAHY. Madam President, the American patent system has long been the envy of the world. Two years ago, Congress took important action to update and modernize this system for the 21st century by passing the Leahy-Smith America Invents Act. The Leahy-Smith act has made key improvements to the patent system, strengthening it for the long term. Unfortunately, there are bad actors who are misusing the system by unfairly targeting small businesses and others with lawsuits that are often based on low-quality patents. That is why I joined on Monday with Senator LEE, Senator WHITEHOUSE, and Senator KLOBUCHAR to introduce legislation that will build upon the success of the Leahy-Smith act and curb abuses by so-called patent trolls.

The Patent Transparency and Improvements Act will take important steps to rein in the most egregious abuses of the patent system. It will improve transparency of patent ownership so that trolls cannot hide behind shell corporations and obscure the true owner of the patents that are being asserted. It will help customers who are sued simply for using a product that they purchased by allowing the case against them to be stayed while the product's manufacturer litigates the suit. The Patent Transparency and Improvements Act will also take steps to crack down on abuses of demand letters that are all too often sent to small businesses simply to extort monetary settlements.

When small businesses in Vermont are threatened with lawsuits simply for using document scanners in their offices or offering wi-fi service to their customers, we can all agree that the patent system is not being used as intended. I thank Senator LEE and our cosponsors for joining me in this important effort and applaud Chairman GOODLATTE for the work he is doing in the House to address this problem. I look forward to working with all members of the Judiciary Committee, as well as with the House, to pass bipartisan and bicameral legislation that will crack down on these abuses while at the same time preserving the parts of the patent system that have made it the greatest in the world and an engine for job creation.

## ATTACK ON PRO-BÚSQUEDA

Mr. LEAHY. Madam President, on November 15, according to information I have received, three armed men attacked the offices of the Asociación Pro-Búsqueda de Niñas y Niños Desaparecidos in El Salvador, dousing computers, archives, and confidential documents with gasoline and then lighting them on fire.

For Senators who may not be aware, Pro-Búsqueda is a small organization devoted to locating Salvadorans who, as children during the civil war, were forcibly taken from their parents, some of whom were killed by Salvadoran military officers, and either ''adopted'' by those officers or sold to other families including foreigners. Pro-Búsqueda works to support the Salvadoran birth parents who lost their children to these forced adoptions, and uses DNA technology to help family members find each other. Years ago, a member of my staff visited Pro-Búsqueda's office in San Salvador, met the courageous staff and observed the research they were doing.

This deplorable attack on Pro-Búsqueda followed the abrupt decision by San Salvador's Archdiocese to close Tutela Legal, the highly respected human rights office of the Roman Catholic Church which played an indispensable role in investigating and documenting violations of human rights during the war, including the assassination of Archbishop Romero. The office collected key testimony and other documentary evidence, and there is more of that work to be done.

The attack on Pro-Búsqueda also followed the welcome but controversial decision by the Salvadoran Supreme Court to accept a case challenging the Amnesty Law, which has provided immunity from prosecution to former Salvadoran military officers implicated in atrocities during the war.

I join those who have expressed condolences to the staff of Pro-Búsqueda, and urge the Salvadoran Government to conduct a thorough investigation and to punish those responsible. It is tragic that two decades after the signing of the peace accords that ended the war, attempts to determine the fate of kidnapped children elicits this kind of hateful, violent response. It illustrates how much remains to be done to fulfill the promise of the accords and overcome the painful and divisive legacy of that war.

## 80TH ANNIVERSARY OF THE UKRAINIAN FAMINE

Mr. CARDIN. Madam President, this year we commemorate the 80th anniversary of the Holodomor, the genocidal Ukrainian Famine of 1932–1933. Eighty years ago, an engineered famine in Soviet-dominated Ukraine and bordering ethnically-Ukrainian territory resulted in the horrific deaths of millions of innocent men, women, and children.

I visited the Holodomor monument in central Kyiv, a poignant reminder of the suffering perpetrated by Soviet dictator Stalin's deliberate and inhumane policy to suppress the Ukrainian people and destroy their human, cultural, and political rights. Requisition brigades, acting on Stalin's orders to fulfill impossibly high grain quotas, took away the last scraps of food from starving families and children. Eyewitness accounts describing the despair of the starving are almost unfathomable. Millions of rural Ukrainians slowly starved—an excruciatingly painful form of death—amid some of the world's most fertile farmland, while stockpiles of expropriated grain rotted by the ton, often nearby. Meanwhile, Ukraine's borders were sealed to prevent the starving from leaving to less-affected areas. International offers of help were rejected, with Stalin's henchmen denying a famine was taking place. At the same time, Soviet grain was being exported to the West.

The final report of the congressionally created Commission on the Ukraine Famine concluded in 1988 that ''Joseph Stalin and those around him committed genocide against Ukrainians in 1932–33.'' No less than Rafael Lemkin, the Polish-Jewish-American lawyer who coined the term ''genocide'' and was instrumental in the adoption of the 1948 U.N. Genocide Convention, described the ''destruction of the Ukrainian nation'' as the ''classic example of Soviet genocide.''

We must never forget the victims of the Holodomor or those of other republics in the Soviet Union, notably Kazakhstan, that witnessed cruel, mass starvation as a result of Stalin's barbarism, and we must redouble our efforts to protect human rights and democracy, ensuring that 20th-century genocides such as the Holocaust, Armenians in the Ottoman Empire, Ukraine, Bosnia, Cambodia, and Rwanda become impossible to imagine in the future.

## SESQUICENTENNIAL OF THE GETTYSBURG ADDRESS

Mr. CARDIN. Madam President, 150 years ago today, President Abraham Lincoln gave one of the greatest speeches not just in U.S. history but in human history. In under 3 minutes and using just 10 sentences, President Lincoln spanned the past, present, and future of the American experiment and spoke to the aspirations, rights, and responsibilities not just of Americans but of humankind.

It is astounding for us to realize that President Lincoln was invited to the dedication of the Nation's first national military cemetery almost as an afterthought. The event was organized around the schedule of former Harvard president Edward Everett, who was thought to be one of the Nation's greatest orators of the time.

Everett was the featured speaker and, in the custom of that era, addressed the crowd for over 2 hours. President Lincoln, who had been invited to say ''a few appropriate words,'' followed Everett.

President Lincoln wrote for the ear; he recited words and phrases as he committed them to paper. When he gave speeches, he spoke deliberately. His great speeches, including the Gettysburg Address, were as much theological in nature as they were political arguments.

Four score and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal.

President Lincoln borrowed a method of referring to time from the Psalms of the King James Bible, Psalm 90:10. It seems idiosyncratic to our ears today, but his listeners would have immediately grasped that he was going back not to 1789, when the first Congress convened in New York City and George Washington was inaugurated as our Nation's first President. He was not going back to 1788 when the Constitution was ratified or back to 1787 when the Constitutional Convention met. He was going back 87 years, to 1776 and the Declaration of Independence, citing the proclamation of our Founding Fathers who were from the North and South alike—of the universal truth ''that all men are created equal.''

In the very next sentence, President Lincoln pivoted to the present and proceeded to explain the purpose of the Civil War: to determine whether the United States of America or any other nation ''conceived in liberty, and dedicated to the proposition that all men are created equal'' could succeed and last:

Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battlefield of that war. We have come to dedicate a portion of that field, as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.

And then President Lincoln, with characteristic humility, paid homage to those who had fought and died at Gettysburg before pivoting again, to the future and to laying out the responsibilities of his and future generations of Americans:

But, in a larger sense, we cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note, nor long remember what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.

As historian Ronald C. White, Jr., has written, ''Lincoln was finished. He had not spoken the word 'I' even once. It was as if Lincoln disappeared so Americans could focus unhindered upon his transcendent truths.'' Those ''transcendent truths'' are apparent to us today but things weren't so clear 150 years ago, in the midst of the horrific brutality and death of the Civil War. On November 20, 1863, the New York Times reported that President Lincoln's address was interrupted by applause five times and followed by sustained applause, but historian Shelby Foote said that the reaction to the speech was delayed and ''barely polite.'' On November 23, 1863, the Chicago Times—an anti-Lincoln paper—editorialized that President Lincoln's address ''was an offensive exhibition of boorishness and vulgarity'' and ''a perversion of history so flagrant that the most extended charity cannot regard it as otherwise than willful.''

Initially, President Lincoln believed that the Civil War was being fought simply to preserve the Union. But his thinking evolved to the point where the war was about the abolition of slavery. It became the testing ground of whether the United States of America—or any other nation dedicated to human liberty and equality—could endure.

There is a popular legend that President Lincoln jotted down a few notes on his way to Gettysburg or that he spoke extemporaneously. That isn't true. He prepared the speech beforehand and there was one improvisation only: He added the words ''under God.'' As White noted, '' 'Under God' pointed backward and forward: back to 'this nation,' which drew its breath from both political and religious sources, but also forward to a 'new birth.' Lincoln had come to see the Civil War as a ritual of purification. The old Union had to die . . . Death became a transition to a new Union and a new humanity.''

And so President Lincoln—in theological as well as constitutional language—laid out for his listeners, for us, and for our grandchildren ''the unfinished work'' and ''the great task remaining'': namely, to promote ''a new birth of freedom.'' As the American poet Archibald MacLeish wrote, ''There are those who will say that the liberation of humanity, the freedom of man and mind, is nothing but a dream. They are right. It is the American dream.'' We Americans are singularly fortunate and privileged to hail from the first Nation in history ''conceived in liberty, and dedicated to the proposition that all men are created equal.'' It is our solemn responsibility not only to protect and expand freedom here but to promote and nurture it abroad so that ''government of the people, by the people, for the people, shall not perish from the earth.''

TRIBUTE TO REVEREND THEODORE JUDSON JEMISON

Ms. LANDRIEU. Madam President, today I wish to ask my colleagues to join me in recognizing one of Louisiana's courageous civil rights leaders, the Reverend Theodore Judson ''T.J.'' Jemison, who passed on November 15, 2013, at the age of 95 in Baton Rouge, LA. Reverend Jemison, the youngest of six children, was born in Selma, AL in 1918.

Reverend Jemison attended Alabama State College for his undergraduate degree and received a master's of divinity degree from Virginia Union University. He became a heroic leader in the civil rights movement, served as pastor of Mount Zion First Baptist Church for nearly a half century, and was president of the National Baptist Convention for 12 years.

Reverend Jemison orchestrated the Baton Rouge bus boycott of 1953—a model that would later be adopted by Dr. Martin Luther King, Jr., in Montgomery, AL. Reverend Jemison actively pressured the Baton Rouge City Council to ensure equal treatment for African-American passengers who were barred from seating in areas designated White-only. Through this work Reverend Jemison helped expand the civil rights to many of the citizens of Louisiana.

Reverend Jemison served as president of the National Baptist Convention, the largest Black Baptist organization in the United States, from 1982–1994. As the organization's president, Reverend Jemison worked to promote the principles of the social gospel. He also oversaw the construction of the Baptist World Center in Nashville, TN. Reverend Jemison worked tirelessly to fight for equality, education, and opportunity not only for African Americans in Louisiana but across the country as well.

Reverend Jemison was a true inspiration to all that had the great privilege to know him. I am grateful and honored to have known him. My deepest condolences go out to his family and all of those whose lives he touched. My deepest condolences go out to his family and all of those whose lives he touched. He will be greatly missed.

## ADDITIONAL STATEMENTS

### ABRAMSON CANCER CENTER

● Mr. CASEY. Madam President, today I wish to recognize the 40th anniversary of the Abramson Cancer Center of the University of Pennsylvania.

Since its founding, the University of Pennsylvania has been at the forefront of education. It is one of the oldest universities in the United States, founded in 1740 by Benjamin Franklin who later went out on to found the Nation's first hospital, Pennsylvania Hospital. From its inception the university was a leader in medical care and research which culminated in the creation of the Nation's first school of medicine in 1765 and then the first teaching hospital, the Hospital of the University of Pennsylvania in 1874. Today, the Perelman School of Medicine at the University of Pennsylvania is ranked in the top 5 best medical schools in the country and the hospital is ranked in the top 15 best hospitals.

With the growing diagnoses of cancer throughout the world, in 1973 a dedicated team of specialists established a center that would bring together all cancer research at the university, which one year later was designated a comprehensive cancer center by National Cancer Institute, NCI, one of only 41 in the country. In 2002, the center changed its name to the Abramson Cancer Center after the generous donation from Leonard and Madlyn Abramson. This gift allowed the center to conduct innovative cancer research and improve the quality of care for patients.

The Abramson Cancer Center is composed of 318 faculty members from 37 departments and 8 schools within the University of Pennsylvania. In 2010, the NCI described the quality of care at the center as ''exceptional.'' One of the reasons the Abramson Cancer Center is ranked among the top 15 cancer centers in the country is because of its outstanding faculty collaboration. Healthcare professionals including medical and radiation oncologists, counselors, dieticians, and rehabilitation specialists work together to ensure that patients receive the most comprehensive care possible.

Having the Madlyn and Leonard Abramson Family Cancer Research Institute as a part of the university research facilities ensures that the transition between the laboratory and the clinical care setting is expedited. This guarantees that patients are able to receive the cutting-edge treatment and prevention options they need.

Since its establishment, the Abramson Cancer Center has been essential in the fight to cure cancer. The center works to achieve this through extensive research, innovative clinical trials and exceptional cancer care.

I am proud that the Abramson Cancer Center is located in the great Commonwealth of Pennsylvania and wish to congratulate and recognize them on their 40th anniversary.●

## MESSAGES FROM THE PRESIDENT

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

## EXECUTIVE MESSAGES REFERRED

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

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

## MESSAGE FROM THE HOUSE

At 2:16 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 25. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for activities associated with the ceremony to award the Congressional Gold Medal to Native American code talkers.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 272. An act to designate the Department of Veterans Affairs and Department of Defense joint outpatient clinic to be constructed in Marina, California, as the ''Major General William H. Gourley VA–DOD Outpatient Clinic''.

H.R. 2061. An act to expand the Federal Funding Accountability and Transparency Act of 2006 to increase accountability and transparency in Federal spending, and for other purposes.

H.R. 3343. An act to amend the District of Columbia Home Rule Act to clarify the rules regarding the determination of the compensation of the Chief Financial Officer of the District of Columbia.

H.R. 3487. An act to amend the Federal Election Campaign Act to extend through 2018 the authority of the Federal Election Commission to impose civil money penalties on the basis of a schedule of penalties established and published by the Commission, to expand such authority to certain other violations, and for other purposes.

## MEASURES REFERRED

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

H.R. 2061. An act to expand the Federal Funding Accountability and Transparency Act of 2006 to increase accountability and transparency in Federal spending, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

## MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1737. A bill to provide for an increase in the Federal minimum wage and to amend the Internal Revenue Code of 1986 to extend increased expensing limitations and the treatment of certain real property as section 179 property.

## 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–3601. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of

a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–1003)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3602. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2013–0143)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3603. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0094)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3604. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter Deutschland GmbH Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2013–0239)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3605. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2013–0240)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3606. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0364)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3607. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Piper Aircraft, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–20132–0983)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3608. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Various Aircraft Equipped with Rotax Aircraft Engines 912 A Series Engine'' ((RIN2120–AA64) (Docket No. FAA–2013–0738)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3609. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron Canada Inc. Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2013–0349)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3610. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc (RR) Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2007–28059)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3611. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Agusta S.p.A. Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2011–1454)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3612. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D Airspace; Bryant AAF, Anchorage, AK'' ((RIN2120–AA66) (Docket No. FAA–2012–0433)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3613. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Everett, WA'' ((RIN2120–AA66) (Docket No. FAA–2013–0434)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3614. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Battle Mountain, NV'' ((RIN2120–AA66) (Docket No. FAA–2013–0530)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3615. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Stockton, KS'' ((RIN2120–AA66) (Docket No. FAA–2013–0274)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3616. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Oakland, CA'' ((RIN2120–AA66) (Docket No. FAA–2013–0457)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3617. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Incorporation by Reference; North American Standard Out-of-Service Criteria; Hazardous Materials Safety Permits'' (RIN2126–AB62) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3618. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Wasatch, UT'' ((RIN2120–AA66) (Docket No. FAA–2013–0528)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3619. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Umatilla, FL'' ((RIN2120–AA66) (Docket No. FAA–2013–0002)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3620. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Designations; Incorporation By Reference'' ((RIN2120–AA66) (Docket No. FAA–2013–0709)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3621. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Fort Polk, LA'' ((RIN2120–AA66) (Docket No. FAA–2013–0267)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3622. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Dayton, TN, Establishment of Class E Airspace; Cleveland, TN, and Revocation of Class E Airspace; Bradley Memorial Hospital, Cleveland, TN'' ((RIN2120–AA66) (Docket No. FAA–2013–0073)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3623. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Harlingen, TX'' ((RIN2120–AA66) (Docket No. FAA–2012–1140)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3624. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Plattsburgh, NY'' ((RIN2120–AA66) (Docket No. FAA–2013–0276)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3625. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and E Airspace; Wrightstown, NJ'' ((RIN2120–AA66) (Docket No. FAA–2013–0565)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3626. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace; Santa Monica, CA'' ((RIN2120–AA66) (Docket No. FAA–2011–0611)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3627. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled ''Establishment, Modification and Cancellation of Air Traffic Service (ATS) Routes; Northeast United States'' ((RIN2120–AA66) (Docket No. FAA–2013–0504)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3628. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Area Navigation (RNAV) Routes; Washington, DC'' ((RIN2120–AA66) (Docket No. FAA–2013–0339)) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3629. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Creation of Low Power Radio Service, Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations'' (FCC 13–134) received in the Office of the President of the Senate on November 6, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3630. A communication from the Chief of Staff, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Promoting Interoperability in the 700 MHz Commercial Spectrum; Requests for Waiver and Extension of Lower 700 MHz Band Interim Construction Benchmark Deadlines'' (FCC 13–136) received in the Office of the President of the Senate on November 6, 2013; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CARPER, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 1398. A bill to require the Federal Government to expedite the sale of underutilized Federal real property (Rept. No. 113–122).

## 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. PRYOR (for himself, Ms. KLOBUCHAR, Mr. BOOZMAN, and Mr. FRANKEN):

S. 1722. A bill to improve the training of child protection professionals; to the Committee on the Judiciary.

By Mr. VITTER:

S. 1723. A bill to clarify that the anti-kickback laws apply to qualified health plans, the federally-facilitated marketplaces, and other plans and programs under title I of the Patient Protection and Affordable Care Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THUNE (for himself, Mr. ALEXANDER, Mr. HATCH, Mr. INHOFE, Mr. VITTER, Mr. ENZI, Mr. JOHNSON of Wisconsin, Mr. BARRASSO, Mr. SCOTT, Mr. CHAMBLISS, Mr. COBURN, Mr. BOOZMAN, and Mr. ROBERTS):

S. 1724. A bill to provide that the reinsurance fee for the transitional reinsurance program under the Patient Protection and Affordable Care Act be applied equally to all health insurance issuers and group health plans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER (for himself, Mr. SCHUMER, and Ms. LANDRIEU):

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; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. RUBIO (for himself, Mr. CHAMBLISS, Mr. INHOFE, Mr. LEE, Mr. MCCONNELL, Mr. PAUL, Mr. VITTER, Mrs. FISCHER, and Mr. HOEVEN):

S. 1726. A bill to prevent a taxpayer bailout of health insurance issuers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TOOMEY (for himself and Mr. CASEY):

S. 1727. A bill to require a Comptroller General of the United States report assessing a study of the Army on the combat vehicle industrial base; to the Committee on Armed Services.

By Mr. CORNYN (for himself, Mr. SCHUMER, Mr. BLUNT, Mr. WARNER, Mr. WICKER, and Mr. BROWN):

S. 1728. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve ballot accessibility to uniformed services voters and overseas voters, and for other purposes; to the Committee on Rules and Administration.

By Mr. BEGICH:

S. 1729. A bill to amend the Patient Protection and Affordable Care Act to provide further options with respect to levels of coverage under qualified health plans; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS:

S. 1730. A bill to reform the regulatory process to ensure that small businesses are free to compete and to create jobs, to clear unnecessary regulatory burdens, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. PAUL (for himself, Mr. HELLER, and Mr. LEE):

S. 1731. A bill to amend the Endangered Species Act of 1973 to permit Governors of States to regulate intrastate endangered species and intrastate threatened species and for other purposes; to the Committee on Environment and Public Works.

By Mr. LEE (for himself and Mr. HATCH):

S. 1732. A bill to require the conveyance of certain public land within the boundaries of Camp Williams, Utah, to support the training and readiness of the Utah National Guard; to the Committee on Energy and Natural Resources.

By Ms. KLOBUCHAR (for herself, Mr. CORNYN, Ms. HEITKAMP, and Mr. KIRK):

S. 1733. A bill to stop exploitation through trafficking; to the Committee on the Judiciary.

By Mr. MANCHIN:

S. 1734. A bill to amend the Older Americans Act of 1965 to provide for a Seniors' Financial Bill of Rights, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALEXANDER (for himself, Mr. RISCH, Mr. RUBIO, Mr. CRAPO, Mr. COBURN, Mr. ENZI, Mr. CORNYN, Mr. BARRASSO, Mr. BOOZMAN, and Mr. MCCONNELL):

S. 1735. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to exclude from the definition of health insurance coverage certain medical stop-loss insurance obtained by certain plan sponsors of group health plans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mr. BURR, Mr. GRASSLEY, Mr. HARKIN, and Mr. KIRK):

S. 1736. A bill to amend titles 5 and 38, United States Code, to clarify the veteran status of an individual based on the attendance of the individual at a preparatory school of a service academy, and for other purposes; to the Committee on Veterans' Affairs.

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

S. 1737. A bill to provide for an increase in the Federal minimum wage and to amend the Internal Revenue Code of 1986 to extend increased expensing limitations and the treatment of certain real property as section 179 property; read the first time.

By Mr. CORNYN (for himself, Mr. WYDEN, Mr. KIRK, Ms. KLOBUCHAR, and Mr. RUBIO):

S. 1738. A bill to provide justice for the victims of trafficking; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. SCHUMER (for himself and Mrs. GILLIBRAND):

S. Res. 299. A resolution congratulating the American Jewish Joint Distribution Committee on the celebration of its 100th anniversary and commending its significant contribution to empower and revitalize developing communities around the world; to the Committee on the Judiciary.

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

S. Res. 300. A resolution to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs; considered and agreed to.

By Mr. DURBIN (for himself, Ms. COLLINS, Ms. MIKULSKI, Mr. JOHNSON of South Dakota, Mr. MENENDEZ, Mr. WICKER, Mr. MORAN, and Mr. MARKEY):

S. Res. 301. A resolution recognizing and supporting the goals and implementation of the National Alzheimer's Project Act and the National Plan to Address Alzheimer's Disease; to the Committee on Health, Education, Labor, and Pensions.

## ADDITIONAL COSPONSORS

S. 160

At the request of Mr. MERKLEY, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 160, a bill to exclude from consumer credit reports medical debt that has been in collection and has been fully paid or settled, and for other purposes.

S. 288

At the request of Ms. LANDRIEU, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 288, a bill to increase the participation of historically underrepresented demographic groups in science, technology, engineering, and mathematics education and industry.

S. 381

At the request of Mr. BROWN, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Texas (Mr. CRUZ) were added as cosponsors of S. 381, a bill to award a Congressional Gold Medal to the World War II members of the ''Doolittle Tokyo Raiders'', for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo.

S. 395

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 395, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 405

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 405, a bill to provide for media coverage of Federal court proceedings.

S. 583

At the request of Mr. PAUL, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 583, a bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and preborn human person.

S. 635

At the request of Mr. BROWN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 635, a bill to amend the Gramm-Leach-Bliley Act to provide an exception to the annual written privacy notice requirement.

S. 669

At the request of Mr. PRYOR, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 669, a bill to make permanent the Internal Revenue Service Free File program.

S. 699

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 699, a bill to reallocate Federal judgeships for the courts of appeals, and for other purposes.

S. 759

At the request of Mr. CASEY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 759, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid by a spouse of a member of the Armed Forces for a new State license or certification required by reason of a permanent change in the duty station of such member to another State.

S. 1011

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

S. 1053

At the request of Mr. WYDEN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1053, a bill to amend title XVIII of the Social Security Act to strengthen and protect Medicare hospice programs.

S. 1307

At the request of Ms. LANDRIEU, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1307, a bill to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives.

S. 1332

At the request of Ms. COLLINS, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 1332, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 1349

At the request of Mr. MORAN, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from Nebraska (Mr. JOHANNS), the Senator from Nebraska (Mrs. FISCHER), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 1349, a bill to enhance the ability of community financial institutions to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes.

S. 1424

At the request of Mr. MURPHY, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 1424, a bill to require the Supreme Court of the United States to promulgate a code of ethics.

S. 1476

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1476, a bill to amend the Internal Revenue Code of 1986 to expand the denial of deduction for certain excessive employee remuneration, and for other purposes.

S. 1555

At the request of Mr. WICKER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1555, a bill to amend titles XVIII and XIX of the Social Security Act to provide for a delay in the implementation schedule of the reductions in disproportionate share hospital payments, and for other purposes.

S. 1610

At the request of Mr. MENENDEZ, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 1610, a bill to delay the implementation of certain provisions of the Biggert-Waters Flood Insurance Reform Act of 2012, and for other purposes.

S. 1622

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

S. 1642

At the request of Ms. LANDRIEU, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1642, a bill to permit the continuation of certain health plans.

S. 1654

At the request of Mr. REED, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of S. 1654, a bill to amend the Internal Revenue Code of 1986 to deny tax deductions for corporate regulatory violations.

S. 1702

At the request of Mr. LEE, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1702, a bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes.

S. RES. 294

At the request of Ms. LANDRIEU, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. Res. 294, a resolution expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children.

AMENDMENT NO. 2038

At the request of Mr. CHAMBLISS, the names of the Senator from Virginia (Mr. KAINE), the Senator from Kansas (Mr. ROBERTS), the Senator from Kansas (Mr. MORAN) and the Senator from Utah (Mr. HATCH) were added as cosponsors of amendment No. 2038 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2041

At the request of Mr. TESTER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 2041 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe

military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2046

At the request of Ms. AYOTTE, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 2046 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2056

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

AMENDMENT NO. 2057

At the request of Ms. COLLINS, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of amendment No. 2057 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2063

At the request of Ms. AYOTTE, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of amendment No. 2063 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2081

At the request of Mrs. BOXER, the names of the Senator from Maine (Ms. COLLINS), the Senator from Hawaii (Ms. HIRONO), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Indiana (Mr. DONNELLY), the Senator from Washington (Mrs. MURRAY), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of amendment No. 2081 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2087

At the request of Mrs. SHAHEEN, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of amendment No. 2087 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2099

At the request of Mrs. GILLIBRAND, the names of the Senator from North Dakota (Ms. HEITKAMP) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 2099 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2100

At the request of Mr. WYDEN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 2100 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2109

At the request of Mr. WARNER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 2109 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2116

At the request of Mr. RISCH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of amendment No. 2116 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2117

At the request of Mr. RISCH, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of amendment No. 2117 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2118

At the request of Mr. RISCH, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Arizona (Mr. MCCAIN), the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of amendment No. 2118 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. INHOFE, his name and the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of amendment No. 2118 intended to be proposed to S. 1197, supra.

AMENDMENT NO. 2119

At the request of Mr. RISCH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of amendment No. 2119 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2121

At the request of Mr. CORNYN, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of amendment No. 2121 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2132

At the request of Mr. MCCONNELL, his name was added as a cosponsor of amendment No. 2132 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2145

At the request of Ms. AYOTTE, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 2145 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military

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

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THUNE (for himself, Mr. ALEXANDER, Mr. HATCH, Mr. INHOFE, Mr. VITTER, Mr. ENZI, Mr. JOHNSON of Wisconsin, Mr. BARRASSO, Mr. SCOTT, Mr. CHAMBLISS, Mr. COBURN, Mr. BOOZMAN, and Mr. ROBERTS):

S. 1724. A bill to provide that the reinsurance fee for the transitional reinsurance program under the Patient Protection and Affordable Care Act be applied equally to all health insurance issuers and group health plans; to the Committee on Health, Education, Labor, and Pensions.

Mr. THUNE. Mr. President, I come to the floor to discuss again how ObamaCare is negatively impacting American families.

NBC News is reporting that 5 million Americans have received cancellation notices from health insurers. In my home State of South Dakota, the Sioux Falls Argus Leader is reporting that nearly 3,000 people have lost the plan they had. Yet this administration is merely pursuing political bandaids for the problem created by the President's health care law. The President is trying to fix this problem of canceled plans, but his solution is a politically motivated bandaid in response to pressure from Members of his own party who are nervous about the next election. The unfortunate reality of his bandaid is that it won't work.

Instead of taking responsibility for his failed policies and broken promises, he is changing his mind about how he wants his law to work at the eleventh hour. He is kicking the can to State insurance regulators to determine whether, in 48 days—which is from the date of his announcement on Thursday—they can reverse a train wreck that has been barreling down the tracks for nearly 4 years.

The President's health care law told the entire country that compliance with the President's law must occur on January 1, 2014. In response, industry and State regulators complied. Now, after relentlessly pushing a law that is fundamentally flawed, the President is changing his mind. He is expecting the State insurance commissioners to bail him out, to allow Americans to keep the plans they were promised they could keep.

Since passage of his health care law, the President has continued to tout his law and has continued to make promises to the American people that he knowingly cannot keep. While I agree that Americans should be able to keep the plans they have and like, this eleventh-hour attempt at a fix is an indication that the underpinnings of this law are irreversibly flawed.

The administration is now trying to live up to a promise it made despite the fact that they knew the promise wasn't true. In fact, the President repeated and reiterated that promise as recently as September 26 despite the fact that the administration knew it wasn't true. In 2010 the administration knew that up to 93 million Americans in the private market were in danger of losing their current health care plan. But the deeper problem with the President's fix is that it is merely a bandaid. By this time next year Americans will be in this exact same situation all over again.

The President is not focused on finding a good permanent solution but a good political solution. Putting this bandaid on the problem now may get him and his party past next year's elections. He seems more interested in preserving that power than creating real solutions to the underlying issues. In fact, the President is so concerned about the politics of his actions that he is considering yet again a way to bail out his union friends. As part of the health care law, unions agree to pay a tax to help pay for the cost of expanding coverage. This tax, known as the reinsurance tax, is scheduled to be paid by self-insured plans, including plans administered by unions and many of the largest businesses in America. But the unions are unhappy that they have to pay money into a fund to help fund a benefit for someone other than their dues-paying members. They took their complaints to the administration, and, buried in a regulation issued last month, the administration announced they intend to exempt unions from paying this tax.

Yesterday the Wall Street Journal editorial page articulated exactly why the unions should not be exempt from this tax. The editorial, called ''ObamaCare's Union Favor,'' argues that ''the unions ought to consider this tax a civic obligation in solidarity with the (uninsured) working folk they claim to support.'' It further states that ''there's no conceivable rationale—other than politics—for releasing union-only plans from a tax.'' As the editorial pointed out, exempting unions from this tax will only mean increased taxes on nonunionized Americans in self-insured plans since the tax is structured in a way that it must raise a total of $25 billion and isn't structured as a straight percentage like most taxes.

Granting this political deal to unions is why I am introducing the Union Tax Fairness Act. This bill would ensure that unions live up to the commitments they made when they put their political weight behind the health care law. It is political deals such as this that highlight how this law is failing the average American.

This reinsurance fee exemption isn't the only backroom deal the administration is trying to grant unions. Earlier this fall the administration tried to find a way to provide ObamaCare subsidies to ineligible union employees. I introduced a bill called the Union Bailout Prevention Act which was aimed at ensuring the administration could not make that special deal either.

It is clear that this President—President Obama—is trying to fix problems in his health care law by making decisions and exemptions based on favors to his political allies.

Democrats are on the run from the law they once championed. They recognize this law is sagging under its own weight. Last week there were 39 House Democrats who voted against the Obama administration by supporting the Upton bill that provides a better solution to allowing Americans to keep plans they like than what the President proposed. Even former President Bill Clinton said President Obama should keep his word when it comes to allowing Americans to keep the plans they have and like. In this Chamber, several Senate Democrats are running for the exits and looking for a legislative escape hatch of their own.

Unfortunately, the solutions proposed by this administration to fix problems in the health care law are only temporary solutions. Their solutions to problems are either temporary delays—as they did with the employer mandate and the 1-year extension of 2013 plans—or political favors to their friends and allies. Instead, this administration should agree to delay this entire law for all Americans.

Americans are deeply skeptical of the Affordable Care Act. According to last week's Gallup poll, 55 percent of Americans now disapprove of the health care law. There is a more recent poll this morning in which ABC News and the Washington Post have that number at 57 percent disapproving.

The time to act is now to ensure Americans can keep the plans they have and like. This ''fix'' won't prevent Americans from losing their coverage, facing sticker shock and premium increases, or losing their doctors. This law is fundamentally broken, and we need to start over and enact real reforms that decrease costs and improve access to care.

As do so many of us in this Chamber, I hear on a daily basis from my constituents in South Dakota about the very real impact this is having on middle-income Americans. This is an email I received last week:

My wife just received our health care insurance policy renewals for 2014 and we are in shock!

Our monthly premiums increased from $400 per month to $1,000, or over $7,000 more per year. My wife age 59 and me age 60 now receive maternity benefits and some other very limited coverage. We lost our prescription drug co-pay and doctor visits co-pay. These expenses will now be included in our $6,300 deductible. I will have no option for any subsidy to offset these increases in premiums.

He goes on to say:

Please, please push for a reversal of this horrible health care plan.

My wife and I are physically ill after receiving this letter from our insurance carrier. Again, the government is destroying our lives and we need you to stop this madness.

This is just one example of many that I have heard from my State of South Dakota and many that my colleagues here in the Senate are hearing from all across this country. It is clear this program, this health insurance law, is not ready for prime time. It is time for us to take a timeout and to go back to the drawing board and construct a plan, an insurance program for this country, legislation that will help reduce the costs for working-class Americans, give them access to better quality of care, and allow them to keep the doctor they choose, which is very much in jeopardy as well as a result of this takeover, literally, of one-sixth of our economy.

There is a better way, as I think countless—millions—Americans are finding out through canceled coverages, sticker shock from skyrocketing premiums, and the new knowledge that they may not be able to keep not only their health insurance plan but also the doctors they like. This is a grim reality for way too many Americans, and it is time for us to step forward and do something about it.

The President's proposal is a bandaid. It is a political solution. It is not a permanent solution; it is temporary. We need long-term fixes put in place that will address the health care concerns people have. The way to do that isn't to have the Federal Government literally assume control of one-sixth of the American economy and all the decisionmaking that takes out of the hands of ordinary, middle-class families—people across this country who are working hard to take care of their families.

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By Mr. CORNYN (for himself, Mr. SCHUMER, Mr. BLUNT, Mr. WARNER, Mr. WICKER, and Mr. BROWN):

S. 1728. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve ballot accessibility to uniformed services voters and overseas voters, and for other purposes; to the Committee on Rules and Administration.

Mr. CORNYN. 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. 1728

*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 ''Safeguarding Elections for our Nation's Troops through Reforms and Improvements (SENTRI) Act''.

**TITLE I—AMENDMENTS RELATED TO THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT**

**SEC. 101. PRE-ELECTION REPORTING REQUIREMENT ON TRANSMISSION OF ABSENTEE BALLOTS.**

(a) IN GENERAL.—Subsection (c) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1(c)) is amended by striking ''Not later than 90 days'' and inserting the following:

''(1) PRE-ELECTION REPORT ON ABSENTEE BALLOTS TRANSMITTED.—

''(A) IN GENERAL.—Not later than 43 days before any election for Federal office held in a State, the chief State election official of such State shall submit a report to the Attorney General and the Presidential Designee, and make that report publicly available that same day, confirming—

''(i) the number of absentee ballots validly requested by absent uniformed services voters and overseas voters whose requests were received by the 46th day before the election, and

''(ii) whether those ballots were timely transmitted.

''(B) MATTERS TO BE INCLUDED.—The report under subparagraph (A) shall include the following information:

''(i) Specific information about ballot transmission, including the total numbers of ballot requests received from such voters and ballots transmitted to such voters by the 46th day before the election from each unit of local government that will administer the election.

''(ii) If the chief State election official has incomplete information on any items required to be included in the report, an explanation of what information is incomplete information and efforts made to acquire such information.

''(C) REQUIREMENT TO SUPPLEMENT INCOMPLETE INFORMATION.—If the report under subparagraph (A) has incomplete information on any items required to be included in the report, the chief State election official shall make all reasonable efforts to expeditiously supplement the report with complete information.

''(D) FORMAT.—The report under subparagraph (A) shall be in a format prescribed by the Attorney General in consultation with the chief State election officials of each State.

''(2) POST ELECTION REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—Not later than 90 days''.

(b) CONFORMING AMENDMENT.—The heading for subsection (c) of section 102 of such Act (42 U.S.C. 1973ff–1(c)) is amended by striking ''REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED'' and inserting ''REPORTS ON ABSENTEE BALLOTS''.

**SEC. 102. TRANSMISSION REQUIREMENTS; REPEAL OF WAIVER PROVISION.**

(a) IN GENERAL.—Paragraph (8) of section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1(a)) is amended to read as follows:

''(8) transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter by the date and in the manner determined under subsection (g);''.

(b) BALLOT TRANSMISSION REQUIREMENTS AND REPEAL OF WAIVER PROVISION.—Subsection (g) of section 102 of such Act (42 U.S.C. 1973ff–1(g)) is amended to read as follows:

''(g) BALLOT TRANSMISSION REQUIREMENTS.—

''(1) IN GENERAL.—For purposes of subsection (a)(8), in the case in which a valid request for an absentee ballot is received at least 46 days before an election for Federal office, the following rules shall apply:

''(A) TRANSMISSION DEADLINE.—The State shall transmit the absentee ballot not later than 46 days before the election.

''(B) SPECIAL RULES IN CASE OF FAILURE TO TRANSMIT ON TIME.—

''(i) IN GENERAL.—If the State fails to transmit any absentee ballot by the 46th day before the election as required by subparagraph (A) and the absent uniformed services voter or overseas voter did not request electronic ballot transmission pursuant to subsection (f), the State shall transmit such ballot by express delivery.

''(ii) EXTENDED FAILURE.—If the State fails to transmit any absentee ballot by the 41st day before the election, in addition to transmitting the ballot as provided in clause (i), the State shall—

''(I) in the case of absentee ballots requested by absent uniformed services voters with respect to regularly scheduled general elections, notify such voters of the procedures established under section 103A for the collection and delivery of marked absentee ballots; and

''(II) in any other case, provide for the return of such ballot by express delivery.

''(iii) COST OF EXPRESS DELIVERY.—In any case in which express delivery is required under this subparagraph, the cost of such express delivery—

''(I) shall not be paid by the voter, and

''(II) may be required by the State to be paid by a local jurisdiction if the State determines that election officials in such jurisdiction are responsible for the failure to transmit the ballot by any date required under this paragraph.

''(iv) ENFORCEMENT.—A State's compliance with this subparagraph does not bar the Attorney General from seeking additional remedies necessary to effectuate the purposes of this Act.

''(2) REQUESTS RECEIVED AFTER 46TH DAY BEFORE ELECTION.—For purposes of subsection (a)(8), in the case in which a valid request for an absentee ballot is received less than 46 days but not less than 30 days before an election for Federal office, the State shall transmit the absentee ballot not later than 3 business days after such request is received.''.

**SEC. 103. TECHNICAL CLARIFICATIONS TO CONFORM TO 2009 MOVE ACT AMENDMENTS RELATED TO THE FEDERAL WRITE-IN ABSENTEE BALLOT.**

(a) IN GENERAL.—Section 102(a)(3) of the Uniformed and Overseas Citizens Absentee Voting Act) 42 U.S.C. 1973ff-1(a)(3)) is amended by striking ''general elections'' and inserting ''general, special, primary, and runoff elections''.

(b) CONFORMING AMENDMENT.—Section 103 of such Act (42 U.S.C. 1973ff-2) is amended—

(1) in subsection (b)(2)(B), by striking ''general'', and

(2) in the heading thereof, by striking ''**general**''.

**SEC. 104. TREATMENT OF BALLOT REQUESTS.**

(a) APPLICATION OF PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION TO OVERSEAS VOTERS.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3) is amended—

(1) by inserting ''or overseas voter'' after ''submitted by an absent uniformed services voter''; and

(2) by striking ''members of the uniformed services'' and inserting ''absent uniformed services voters or overseas voters''.

(b) USE OF SINGLE APPLICATION FOR SUBSEQUENT ELECTIONS.—

(1) IN GENERAL.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3) is amended—

(A) by striking ''A State'' and inserting the following:

''(a) PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.—A State'', and

(B) by adding at the end the following new subsections:

''(b) APPLICATION TREATED AS VALID FOR SUBSEQUENT ELECTIONS.—

''(1) IN GENERAL.—If a State accepts and processes a request for an absentee ballot by an absent uniformed services voter or overseas voter and the voter requests that the application be considered an application for an absentee ballot for each subsequent election for Federal office held in the State through the next regularly scheduled general election for Federal office (including any runoff elections which may occur as a result of the outcome of such general election) and any special elections for Federal office held in the State through the calendar year following such general election, the State shall provide an absentee ballot to the voter for each such subsequent election.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply with respect to either of the following:

''(A) VOTERS CHANGING REGISTRATION.—A voter removed from the list of official eligible voters in accordance with subparagraph (A), (B), or (C) of section 8(a)(3) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-6(a)).

''(B) UNDELIVERABLE BALLOTS.—A voter whose ballot is returned by mail to the State or local election officials as undeliverable or, in the case of a ballot delivered electronically, if the email sent to the voter was undeliverable or rejected due to an invalid email address.''.

(2) CONFORMING AMENDMENT.—The heading of section 104 of such Act is amended by striking ''**PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION**'' and inserting ''**TREATMENT OF BALLOT REQUESTS**''.

(3) REVISION TO POSTCARD FORM.—

(A) IN GENERAL.—The Presidential designee shall ensure that the official postcard form prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(2)) enables a voter using the form to—

(i) request an absentee ballot for each election for Federal office held in a State through the next regularly scheduled general election for Federal office (including any runoff elections which may occur as a result of the outcome of such general election) and any special elections for Federal office held in the State through the calendar year following such general election; or

(ii) request an absentee ballot for a specific election or elections for Federal office held in a State during the period described in paragraph (1).

(B) PRESIDENTIAL DESIGNEE.—For purposes of this paragraph, the term ''Presidential designee'' means the individual designated under section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(a)).

**SEC. 105. APPLICABILITY TO COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.**

Paragraph (6) and (8) of section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(6)) are each amended by striking ''and American Samoa'' and inserting ''American Samoa, and the Commonwealth of the Northern Mariana Islands''.

**SEC. 106. BIENNIAL REPORT ON THE EFFECTIVENESS OF ACTIVITIES OF THE FEDERAL VOTING ASSISTANCE PROGRAM AND COMPTROLLER GENERAL REVIEW.**

(a) IN GENERAL.—Section 105A(b) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-4a(b)) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''March 31 of each year'' and inserting ''June 30 of each odd-numbered year''; and

(B) by striking ''the following information'' and inserting ''the following information with respect to the Federal elections held during the 2 preceding calendar years'';

(2) in paragraph (1), by striking ''separate assessment'' each place it appears and inserting ''separate assessment and statistical analysis''; and

(3) in paragraph (2)—

(A) by striking ''section 1566a'' in the matter preceding subparagraph (A) and inserting ''sections 1566a and 1566b'';

(B) by striking ''such section'' each place it appears in subparagraphs (A) and (B) and inserting ''such sections''; and

(C) by adding at the end the following new subparagraphs:

''(C) The number of completed official postcard forms prescribed under section 101(b)(2) that were completed by absent uniformed services members and accepted and transmitted.

''(D) The number of absent uniformed services members who declined to register to vote under such sections.''.

(b) COMPTROLLER GENERAL REVIEWS.—Section 105A of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-4a) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

''(c) COMPTROLLER GENERAL REVIEWS.—

''(1) IN GENERAL.—

''(A) REVIEW.—The Comptroller General shall conduct a review of any reports submitted by the Presidential designee under subsection (b) with respect to elections occurring in calendar years 2014 through 2020.

''(B) REPORT.—Not later than 180 days after a report is submitted by the Presidential designee under subsection (b), the Comptroller General shall submit to the relevant committees of Congress a report containing the results of the review conducted under subparagraph (A).

''(2) MATTERS REVIEWED.—A review conducted under paragraph (1) shall assess—

''(A) the methodology used by the Presidential designee to prepare the report and to develop the data presented in the report, including the approach for designing, implementing, and analyzing the results of any surveys,

''(B) the effectiveness of any voting assistance covered in the report provided under subsection (b) and provided by the Presidential designee to absent overseas uniformed services voters and overseas voters who are not members of the uniformed services, including an assessment of—

''(i) any steps taken toward improving the implementation of such voting assistance; and

''(ii) the extent of collaboration between the Presidential designee and the States in providing such voting assistance; and

''(C) any other information the Comptroller General considers relevant to the review.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(A) by striking paragraph (6); and

(B) by redesignating paragraphs (7) through (11) as paragraphs (6) through (10), respectively.

(2) Section 102(a) of such Act (42 U.S.C. 1973ff-1(a)) is amended—

(A) in paragraph (5), by striking ''101(b)(7)'' and inserting ''101(b)(6)''; and

(B) in paragraph (11), by striking ''101(b)(11)'' and inserting ''101(b)(10)''.

(3) Section 105A(b) of such Act (42 U.S.C. 1973ff-4a(b)) is amended—

(A) by striking ''ANNUAL REPORT'' in the subsection heading and inserting ''BIENNIAL REPORT''; and

(B) by striking ''In the case of'' in paragraph (3) and all that follows through ''a description'' and inserting ''A description''.

**SEC. 107. EFFECTIVE DATE.**

The amendments made by this title shall apply with respect to the regularly scheduled general election for Federal office held in November 2014 and each succeeding election for Federal office.

## TITLE II—PROVISION OF VOTER ASSISTANCE TO MEMBERS OF THE ARMED FORCES

**SEC. 201. PROVISION OF ANNUAL VOTER ASSISTANCE.**

(a) ANNUAL VOTER ASSISTANCE.—

(1) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1566a the following new section:

**''§ 1556b. Annual voter assistance**

''(a) IN GENERAL.—The Secretary of Defense shall carry out the following activities:

''(1) In coordination with the Secretary of each military department—

''(A) affirmatively offer, on an annual basis, each member of the armed forces on active duty (other than active duty for training) the opportunity, through the online system developed under paragraph (2), to—

''(i) register to vote in an election for Federal office;

''(ii) update the member's voter registration information; or

''(iii) request an absentee ballot;

''(B) provide services to such members for the purpose of carrying out the activities in clauses (i), (ii), and (iii) of subparagraph (A); and

''(C) require any such member who declines the offer for voter assistance under subparagraph (A) to indicate and record that decision.

''(2) Implement an online system that, to the extent practicable, is integrated with the existing systems of each of the military departments and that—

''(A) provides an electronic means for carrying out the requirements of paragraph (1);

''(B) in the case of an individual registering to vote in a State that accepts electronic voter registration and operates its own electronic voter registration system using a form that meets the requirements for mail voter registration forms under section 9(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7(b)), directs such individual to that system; and

''(C) in the case of an individual using the official postcard form prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(2)) to register to vote and request an absentee ballot—

''(i) pre-populates such official postcard form with the personal information of such individual, and

''(ii)(I) produces the pre-populated form and a pre-addressed envelope for use in transmitting such official postcard form; or

''(II) transmits the completed official postcard form electronically to the appropriate State or local election officials.

''(3) Implement a system (either independently or in conjunction with the online system under paragraph (2)) by which any change of address by a member of the armed forces on active duty who is undergoing a permanent change of station, deploying overseas for at least six months, or returning from an overseas deployment of at least six months automatically triggers, through the

Defense Enrollment and Eligibility Registration System or related systems, a notification via electronic means to such member that—

''(A) indicates that such member's voter registration or absentee mailing address should be updated with the appropriate State or local election officials; and

''(B) includes instructions on how to update such voter registration using the online system developed under paragraph (2).

''(b) DATA COLLECTION.—The online system developed under subsection (a)(2) shall collect and store all data required to meet the reporting requirements of section 201(b) of the Safeguarding Elections for our Nation's Troops through Reforms and Improvements (SENTRI) Act and section 105A(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-4a(b)(2)) in a manner that complies with section 552a of title 5, United States Code, (commonly known as the Privacy Act of 1974) and imposes no new record management burden on any military unit or military installation.

''(c) TIMING OF VOTER ASSISTANCE.—To the extent practicable, the voter assistance under subsection (a)(1) shall be offered as a part of each service member's annual training.

''(d) REGULATIONS.—Not later than 1 year after the date of the enactment of this section, the Secretary of Defense shall prescribe regulations implementing the requirements of subsection (a). Such regulations shall include procedures to inform those members of the armed forces on active duty (other than active duty for training) experiencing a change of address about the benefits of this section and the timeframe for requesting an absentee ballot to ensure sufficient time for State delivery of the ballot.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 80 of such title is amended by inserting after the item relating to section 1566a the following new item:

''1556b. Annual voter assistance.''.

(b) REPORT ON STATUS OF IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the relevant committees of Congress a report on the status of the implementation of the requirements of section 1566b of title 10, United States Code, as added by subsection (a)(1).

(2) ELEMENTS.—The report under paragraph (1) shall include—

(A) a detailed description of any specific steps already taken towards the implementation of the requirements of such section 1566b;

(B) a detailed plan for the implementation of such requirements, including milestones and deadlines for the completion of such implementation;

(C) the costs expected to be incurred in the implementation of such requirements;

(D) a description of how the annual voting assistance and system under subsection (a)(3) of such section will be integrated with the Defense Enrollment and Eligibility Registration System or other Department of Defense personnel databases that track military service members' address changes;

(E) an estimate of how long it will take an average member to complete the voter assistance process required under subsection (a)(1) of such section;

(F) an explanation of how the Secretary of Defense will collect reliable data on the utilization of the online system under subsection (a)(2) of such section; and

(G) a summary of any objections, concerns, or comments made by State or local election officials regarding the implementation of such section.

(3) RELEVANT COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''relevant committees of Congress'' means—

(A) the Committees on Appropriations, Armed Services, and Rules and Administration of the Senate; and

(B) the Committees on Appropriations, Armed Services, and House Administration of the House of Representatives.

**TITLE III—ELECTRONIC VOTING SYSTEMS**

**SEC. 301. REPEAL OF ELECTRONIC VOTING DEMONSTRATION PROJECT.**

Section 1604 of the National Defense Authorization Act for Fiscal Year 2002 (42 U.S.C. 1973ff note) is repealed.

**TITLE IV—RESIDENCY OF MILITARY FAMILY MEMBERS**

**SEC. 401. EXTENDING GUARANTEE OF RESIDENCY FOR VOTING PURPOSES TO FAMILY MEMBERS OF ABSENT MILITARY PERSONNEL.**

(a) IN GENERAL.—Subsection (b) of section 705 of the Servicemembers Civil Relief Act (50 U.S.C. App. 595) is amended—

(1) by striking ''a person who is absent from a State because the person is accompanying the persons's spouse who is absent from that same State in compliance with military or naval orders shall not, solely by reason of that absence'' and inserting ''a dependent of a person who is absent from a State in compliance with military orders shall not, solely by reason of absence, whether or not accompanying that person''; and

(2) in the heading by striking ''SPOUSES'' and inserting ''DEPENDENTS''.

(b) CONFORMING AMENDMENT.—The heading of section 705 of such Act (50 U.S.C. App 595) is amended by striking ''**SPOUSES**'' and inserting ''**DEPENDENTS**''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to absences from States described in section 705(b) of the Servicemembers Civil Relief Act (50 U.S.C. App. 595(b)), as amended by subsection (a), after the date of the enactment of this Act, regardless of the date of the military orders concerned.

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By Ms. COLLINS:

S. 1730. A bill to reform the regulatory process to ensure that small businesses are free to compete and to create jobs, to clear unnecessary regulatory burdens, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today to introduce the Clearing Unnecessary Regulatory Burdens Act of 2013, or the ''CURB Act.'' This legislation is designed to help relieve the onerous regulatory burden on our Nation's job creators.

When I ask employers in Maine what we need to do to help them add jobs, they tell me that Washington must reduce the cost and complexity of the regulations imposed on them. And this is not just a concern voiced by Maine businesses. Earlier this year, a Gallup poll of small business owners found that the vast majority are not hiring new workers right now, and more than half pointed to government regulations as one of the reasons why. The National Federation of Independent Business found the same when it polled its members last year.

No business owner I know questions the legitimate role of regulation in protecting the health, safety, and well-being of employees and the public. But the public is not well-served by regulations that bury small businesses under a mountain of paperwork, driving up costs unnecessarily, and impeding growth and job creation. Proper regulation should be as efficient and simple as possible. At the very least, the benefits of a regulation should exceed its costs.

Unfortunately, the burden of Federal regulations continues to grow. Right now, Federal agencies are at work on nearly 2,500 new rules, at least 229 of which affect small businesses. One hundred thirty-nine are major rules, costing more than $100 million each. These rules will go on top of a pile of regulations now measured in the millions of pages.

Year-by-year, this pile of pages gets ever deeper. In the 1970s, the Federal Register, the compilation of Federal regulations, added some 450,000 pages. In the first decade of the 21st Century, more than 730,000 pages were added—a rate of 73,000 pages per year. The pace continues to accelerate. On average since 2010, the Federal Government has added more than 80,000 pages to the Federal Register each year. This cannot continue.

We are not in the fifth year of an economic ''recovery'' that has produced tepid economic growth and stubbornly high unemployment. The red-tape that is strangling our job creators is one of the chief reasons our economy has not fully recovered, and why millions of Americans still cannot find jobs. If we want to get our economy moving again and get Americans back to work, we must get serious about streamlining and reforming our regulatory system.

The CURB Act is designed to do that by requiring Federal agencies to take into account the impacts to small businesses and job growth before imposing new rules and regulations. It does this in four ways: first, by requiring Federal agencies to analyze the indirect costs of regulations, such as the impact on job creation, the cost of energy, and consumer prices; second, by requiring agencies to follow ''good guidance'' practices; third, by helping small businesses avoid unnecessary penalties for first-time, non-harmful paperwork violations; and fourth, by implementing reforms to the Regulatory Flexibility Act proposed by our former colleague, Senator Olympia Snowe. Let me explain each of these provisions in further detail.

First, as a general rule, Federal agencies are not required by statute to analyze the indirect costs regulations can have on the public, such as higher energy costs, higher prices, and the impact on job creation. However, Executive Order 12866, issued by President Clinton in 1993, obligates agencies to provide the Office of Information and Regulatory Affairs, OIRA, with an assessment of the indirect costs of proposed regulations. The CURB Act would essentially codify this provision of President Clinton's Executive Order.

Second, our bill obligates Federal agencies to comply with public notice

and comment requirements and prohibits them from circumventing these requirements by issuing unofficial rules as ''guidance documents.'' Let me explain why this is necessary:

After President Clinton issued Executive Order 12866, Federal agencies found it easier to issue so-called ''guidance documents,'' rather than formal rules. Although these guidance documents are merely an agency's interpretation of how the public can comply with a particular rule, and are not enforceable in court, as a practical matter they operate as if they are legally binding. Thus, they have been used by agencies to circumvent OIRA regulatory review and public notice and comment requirements.

In 2007, OMB issued a Bulletin which contained a provision closing this loophole by imposing ''Good Guidance Practices'' on Federal agencies. This requires agencies to provide public notice and comment for significant guidance documents. The CURB Act would essentially codify this OMB Bulletin.

Third, the CURB Act helps out the ''little guy'' trying to navigate our incredibly complex and burdensome regulatory environment. So many small businesses do not have a lot of capital on hand. When a small business inadvertently runs afoul of a Federal regulation for the first time, that first penalty could sink the business and the jobs it supports. The CURB Act directs agencies to search their files to determine whether a small business is facing a paperwork violation for the first time, and to offer to waive the penalty for that violation if no harm has come of it. It simply does not make sense to me to punish small businesses the first time they accidently fail to comply with paperwork requirements, so long as no harm comes from that failure.

Fourth, as I mentioned, my bill also includes reforms to the Regulatory Flexibility Act, RFA. These reforms would build on the RFA by expanding its requirements to include guidance documents and indirect costs, in a manner consistent with what I have already described. In addition, the reforms to the RFA would allow small businesses to challenge burdensome rules when they are proposed, instead of when the rules have become final, which is often too late.

Finally, these proposed reforms would put teeth into the RFA's requirement that agencies review their rules for possible savings at least once a decade. The bill directs each agency's Inspector General to notify the head of the agency if a rule has not been reviewed in the time required. Once this notification is received, the agency has 6 months to conduct the required review. If it fails to do so, the bill directs the IG to notify Congress, triggering the recission of one percent of the offending agency's personnel budget unless Congress intervenes.

Before I close, I want to note that many Members of this body, on both sides of the aisle, have offered serious regulatory reform proposals for our consideration in recent years. Indeed, even the President's own ''Jobs Council''—before it was disbanded—stressed the need for regulatory reform, and put forward ideas consistent with many of the proposals I and other Members of this body have submitted as legislation. Last session, the Homeland Security and Governmental Affairs Committee, under the leadership of then-Chairman Lieberman and myself, held a series of hearings on regulatory reform. But the Senate as a whole did not act on these proposals last session, or dedicate any time whatsoever to their consideration. I am hopeful this session will be different, and room will be made on the Senate's agenda to consider regulatory reform. As we do so, I would ask my colleagues to consider the approach I have proposed in the CURB Act.

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By Mr. DURBIN (for himself, Mr. BURR, Mr. GRASSLEY, Mr. HARKIN, and Mr. KIRK):

S. 1736. A bill to amend titles 5 and 38, United States Code, to clarify the veteran status of an individual based on the attendance of the individual at a preparatory school of a service academy, 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. 1736

*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 ''Support Earned Recognition for Veterans Act'' or the ''SERVe Act''.

**SEC. 2. CLARIFICATION OF VETERAN STATUS.**

(a) CLARIFICATION OF DEFINITION OF MILITARY SERVICE.—Section 101 of title 38, United States Code, is amended—

(1) in paragraph (21)(D), by inserting after ''Naval Academy'' the following: ''(but, except for purposes of chapter 17 of this title in accordance with section 107(e)(2), does not include any service performed by a student at a preparatory school of a service academy who is not otherwise a member of the Armed Forces)'';

(2) in paragraph (22), by inserting before the period at the end the following: '' or, except for purposes of chapter 17 of this title in accordance with section 107(e)(2), duty performed by a student at a preparatory school of a service academy who is not otherwise a member of the Armed Forces''; and

(3) in paragraph (23), by adding after the period at the end the following: ''Except for purposes of chapter 17 of this title in accordance with section 107(e)(2), such term does not include duty performed by a student at a preparatory school of a service academy who is not otherwise a member of the Armed Forces.''.

(b) SERVICE DEEMED NOT TO BE ACTIVE SERVICE.—Section 107 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) Except as provided by paragraph (2), duty performed by a student at a preparatory school of a service academy who is not otherwise a member of the Armed Forces shall not be deemed to have been active military, naval, or air service for the purposes of any of the laws administered by the Secretary, regardless of whether the student was injured or disabled as a result of such duty.

''(2) Chapter 17 of this title shall apply to an individual described in paragraph (1) with respect to furnishing hospital care and medical services solely for an injury or disability incurred by the individual as a result of military training related to future active duty service performed as a student during the course of required training at a preparatory school of a service academy. An individual who receives such care and services under this paragraph may not be treated as a veteran for the purposes of any other provision of law solely by reason of receiving such care and services under this paragraph.''.

(c) SMALL BUSINESS CONCERNS.—Section 8127(l) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(3) The term 'veteran', in accordance with sections 101 and 107 of this title, does not include an individual whose veteran status is based solely on the attendance of the individual as a student at a preparatory school of a service academy, regardless of whether the individual was injured or disabled as a result of duty performed as such a student.''.

(d) PREFERENCE ELIGIBLE.—Section 2108 of title 5, United States Code, is amended—

(1) in paragraph (4)(B), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(6) an individual whose veteran status is based solely on the attendance of the individual as a student at a preparatory school of a service academy, regardless of whether the individual was injured or disabled as a result of duty performed as such a student, may not be treated as a 'veteran', 'disabled veteran', or 'preference eligible'.''.

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By Mr. CORNYN (for himself, Mr. WYDEN, Mr. KIRK, Ms. KLOBUCHAR, and Mr. RUBIO):

S. 1738. A bill to provide justice for the victims of trafficking; to the Committee on the Judiciary.

Mr. CORNYN. 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. 1738

*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 ''Justice for Victims of Trafficking Act of 2013''.

**SEC. 2. DOMESTIC TRAFFICKING VICTIMS' FUND.**

(a) IN GENERAL.—Chapter 201 of title 18, United States Code, is amended by adding at the end the following:

**''§ 3014. Additional special assessment**

''(a) In addition to the assessment imposed under section 3013, the court shall assess an amount of $5,000 on any person or entity convicted of an offense under—

''(1) chapter 77 (relating to peonage, slavery, and trafficking in persons);

''(2) chapter 109A (relating to sexual abuse);

''(3) chapter 110 (relating to sexual exploitation and other abuse of children);

''(4) chapter 117 (relating to transportation for illegal sexual activity and related crimes); or

''(5) section 274 of the Immigration and Nationality Act (8 U.S.C. 1324) (relating to human smuggling), unless the person induced, assisted, abetted, or aided only an individual who at the time of such action was the alien's spouse, parent, son, or daughter (and no other individual) to enter the United States in violation of law.

''(b) An assessment under subsection (a) shall not be payable until the person subject to the assessment has satisfied all outstanding court-ordered fines and orders of restitution arising from the criminal convictions on which the special assessment is based.

''(c) There is established in the Treasury of the United States a fund, to be known as the 'Domestic Trafficking Victims' Fund' (referred to in this section as the 'Fund'), to be administered by the Attorney General, in consultation with the Secretary of Homeland Security and the Secretary of Health and Human Services.

''(d) Notwithstanding section 3302 of title 31, United States Code, or any other law regarding the crediting of money received for the Government, there shall be deposited in the Fund an amount equal to the amount of the assessments collected under this section, which shall remain available until expended.

''(e)(1) From amounts in the Fund, and without further appropriation, the Attorney General, in coordination with the Secretary of Health and Human Services shall, for each of fiscal years 2015 through 2019, use amounts available in the Fund to award grants or enhance victims' programming under—

''(A) sections 202, 203, and 204 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044a, 14044b, and 14044c);

''(B) subsections (b)(2) and (f) of section 107 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105); and

''(C) section 214(b) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13002(b)).

''(2) Of the amounts in the Fund used under paragraph (1), not less than $2,000,000 shall be used for grants to provide services for child pornography victims under section 214(b) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13002(b)).

''(f)(1) Effective on the day after the date of enactment of the Justice for Victims of Trafficking Act of 2013, on September 30 of each fiscal year, all unobligated balances in the Fund shall be transferred to the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).

''(2) Amounts transferred under paragraph (1)—

''(A) shall be available for any authorized purpose of the Crime Victims Fund; and

''(B) shall remain available until expended.

''(g) The amount assessed under subsection (a) shall, subject to subsection (b), be collected in the manner that fines are collected in criminal cases.

''(h) The obligation to pay an assessment imposed on or after the date of enactment of the Justice for Victims of Trafficking Act of 2013 shall not cease until the assessment is paid in full.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 201 of title 18, United States Code, is amended by inserting after the item relating to section 3013 the following:

''3014. Additional special assessment.''.

**SEC. 3. OFFICIAL RECOGNITION OF AMERICAN VICTIMS OF HUMAN TRAFFICKING.**

Section 107(f) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105) is amended by adding at the end the following:

''(4) OFFICIAL RECOGNITION OF AMERICAN VICTIMS OF HUMAN TRAFFICKING.—

''(A) IN GENERAL.—Upon receiving credible information that establishes by a preponderance of the evidence that a covered individual is a victim of a severe form of trafficking and at the request of the covered individual, the Secretary of Health and Human Services shall promptly issue a determination that the covered individual is a victim of a severe form of trafficking. The Secretary shall have exclusive authority to make such a determination.

''(B) COVERED INDIVIDUAL DEFINED.—In this subsection, the term 'covered individual' means—

''(i) a citizen of the United States; or

''(ii) an alien lawfully admitted for permanent residence (as that term is defined in section 101(20) of the Immigration and Nationality Act (8 U.S.C. 1101(20)).

''(C) PROCEDURE.—For purposes of this paragraph, in determining whether a covered individual has provided credible information that the covered individual is a victim of a severe form of trafficking, the Secretary of Health and Human Services shall consider all relevant and credible evidence, and if appropriate, consult with the Attorney General, the Secretary of Homeland Security, or the Secretary of Labor.

''(D) PRESUMPTIVE EVIDENCE.—For purposes of this paragraph, the following forms of evidence shall receive deference in determining whether a covered individual has established that the covered individual is a victim of a severe form of trafficking:

''(i) A sworn statement by the covered individual or a representative of the covered individual if the covered individual is present at the time of such statement but not able to competently make such sworn statement.

''(ii) Police, government agency, or court records or files.

''(iii) Documentation from a social services, trafficking, or domestic violence program, child welfare or runaway and homeless youth program, or a legal, clinical, medical, or other professional from whom the covered individual has sought assistance in dealing with the crime.

''(iv) A statement from any other individual with knowledge of the circumstances that provided the basis for the claim.

''(v) Physical evidence.

''(E) REGULATIONS REQUIRED.—Not later than 180 days after the date of enactment of the Justice for Victims of Trafficking Act of 2013, the Secretary of Health and Human Services shall adopt regulations to implement this paragraph.

''(F) RULE OF CONSTRUCTION; OFFICIAL RECOGNITION OPTIONAL.—Nothing in this paragraph shall be construed to require a covered individual to obtain a determination under this paragraph in order to be defined or classified as a victim of a severe form of trafficking under this section.''.

**SEC. 4. VICTIM-CENTERED HUMAN TRAFFICKING DETERRENCE BLOCK GRANT PROGRAM.**

(a) IN GENERAL.—Section 203 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044b) is amended to read as follows:

**''SEC. 203. VICTIM-CENTERED CHILD HUMAN TRAFFICKING DETERRENCE BLOCK GRANT PROGRAM.**

''(a) GRANTS AUTHORIZED.—The Attorney General may make block grants to an eligible entity to develop, improve, or expand comprehensive domestic child human trafficking deterrence programs that assist law enforcement officers, prosecutors, judicial officials, and qualified victims' services organizations in collaborating to rescue and restore the lives of victims, while investigating and prosecuting offenses involving child human trafficking.

''(b) AUTHORIZED ACTIVITIES.—Grants awarded under subsection (a) may be used for—

''(1) the establishment or enhancement of specialized training programs for law enforcement officers, first responders, health care officials, child welfare officials, juvenile justice personnel, prosecutors, and judicial personnel to—

''(A) identify victims and acts of child human trafficking;

''(B) address the unique needs of child victims of human trafficking;

''(C) facilitate the rescue of child victims of human trafficking;

''(D) investigate and prosecute acts of human trafficking, including the soliciting, patronizing, or purchasing of commercial sex acts from children, as well as training to build cases against complex criminal networks involved in child human trafficking;

''(E) use laws that prohibit acts of child human trafficking, child sexual abuse, and child rape, and to assist in the development of State and local laws to prohibit, investigate, and prosecute acts of child human trafficking; and

''(F) implement and provide education on safe harbor laws enacted by States, aimed at preventing the criminalization and prosecution of child sex trafficking victims for prostitution offenses;

''(2) the establishment or enhancement of dedicated anti-trafficking law enforcement units and task forces to investigate child human trafficking offenses and to rescue victims, including—

''(A) funding salaries, in whole or in part, for law enforcement officers, including patrol officers, detectives, and investigators, except that the percentage of the salary of the law enforcement officer paid for by funds from a grant awarded under this section shall not be more than the percentage of the officer's time on duty that is dedicated to working on cases involving child human trafficking; and

''(B) investigation expenses for cases involving child human trafficking, including—

''(i) wire taps;

''(ii) consultants with expertise specific to cases involving child human trafficking;

''(iii) travel; and

''(iv) other technical assistance expenditures;

''(C) dedicated anti-trafficking prosecution units, including the funding of salaries for State and local prosecutors, including assisting in paying trial expenses for prosecution of child human trafficking offenders, except that the percentage of the total salary of a State or local prosecutor that is paid using an award under this section shall be not more than the percentage of the total number of hours worked by the prosecutor that is spent working on cases involving child human trafficking;

''(D) the establishment of child human trafficking victim witness safety, assistance, and relocation programs that encourage cooperation with law enforcement investigations of crimes of child human trafficking by leveraging existing resources and delivering child human trafficking victims' services through coordination with—

''(i) child advocacy centers;

''(ii) social service agencies;

''(iii) State governmental health service agencies;

''(iv) housing agencies;

''(v) legal services agencies; and

''(vi) non-governmental organizations and shelter service providers with substantial experience in delivering comprehensive services to victims of child human trafficking; and

''(3) the establishment or enhancement of problem solving court programs for trafficking victims that include—

''(A) mandatory and regular training requirements for judicial officials involved in the administration or operation of the court program described under this paragraph;

''(B) continuing judicial supervision of victims of child human trafficking who have been identified by a law enforcement or judicial officer as a potential victim of child human trafficking, regardless of whether the victim has been charged with a crime related to human trafficking;

''(C) the development of a specialized and individualized, court-ordered treatment program for identified victims of child human trafficking, including—

''(i) State-administered outpatient treatment;

''(ii) life skills training;

''(iii) housing placement;

''(iv) vocational training;

''(v) education;

''(vi) family support services; and

''(vii) job placement;

''(D) centralized case management involving the consolidation of all of each child human trafficking victim's cases and offenses, and the coordination of all trafficking victim treatment programs and social services;

''(E) regular and mandatory court appearances by the victim during the duration of the treatment program for purposes of ensuring compliance and effectiveness;

''(F) the ultimate dismissal of relevant non-violent criminal charges against the victim, where such victim successfully complies with the terms of the court-ordered treatment program; and

''(G) collaborative efforts with child advocacy centers, child welfare agencies, shelters, and non-governmental organizations to provide comprehensive services to victims and encourage cooperation with law enforcement.

''(c) APPLICATION.—

''(1) IN GENERAL.—An eligible entity shall submit an application to the Attorney General for a grant under this section in such form and manner as the Attorney General may require.

''(2) REQUIRED INFORMATION.—An application submitted under this subsection shall—

''(A) describe the activities for which assistance under this section is sought;

''(B) include a detailed plan for the use of funds awarded under the grant; and

''(C) provide such additional information and assurances as the Attorney General determines to be necessary to ensure compliance with the requirements of this section.

''(3) PREFERENCE.—In reviewing applications submitted in accordance with paragraphs (1) and (2), the Attorney General shall give preference to grant applications if—

''(A) the application includes a plan to use awarded funds to engage in all activities described under paragraphs (1) through (3) of subsection (b); or

''(B) the application includes a plan by the State or unit of local government to continue funding of all activities funded by the award after the expiration of the award.

''(d) DURATION AND RENEWAL OF AWARD.—

''(1) IN GENERAL.—A grant under this section shall expire 1 year after the date of award of the grant.

''(2) RENEWAL.—A grant under this section shall be renewable not more than 3 times and for a period of not greater than 1 year.

''(e) EVALUATION.—The Attorney General shall enter into a contract with an academic or non-profit organization that has experience in issues related to child human trafficking and evaluation of grant programs to conduct an annual evaluation of grants made under this section to determine the impact and effectiveness of programs funded with grants awarded under this section.

''(f) MANDATORY EXCLUSION.—An eligible entity awarded funds under this section that is found to have used grant funds for any unauthorized expenditure or otherwise unallowable cost shall not be eligible for any grant funds awarded under the block grant for 2 fiscal years following the year in which the unauthorized expenditure or unallowable cost is reported.

''(g) COMPLIANCE REQUIREMENT.—An eligible entity shall not be eligible to receive a grant under this section if within the 5 fiscal years before submitting an application for a grant under this section, the grantee has been found to have violated the terms or conditions of a Government grant program by utilizing grant funds for unauthorized expenditures or otherwise unallowable costs.

''(h) ADMINISTRATIVE CAP.—The cost of administering the grants authorized by this section shall not exceed 3 percent of the total amount appropriated to carry out this section.

''(i) FEDERAL SHARE.—The Federal share of the cost of a program funded by a grant awarded under this section shall be—

''(1) 70 percent in the first year;

''(2) 60 percent in the second year; and

''(3) 50 percent in the third year.

''(j) AUTHORIZATION OF FUNDING; FULLY OFFSET.—For purposes of carrying out this section, the Attorney General, in consultation with the Secretary of Health and Human Services, is authorized to award not more than $7,000,000 of the funds available in the Domestic Trafficking Victims' Fund, established under section 3014 of title 18, United States Code, for each of fiscal years 2015 through 2019.

''(k) DEFINITIONS.—In this section—

''(1) the term 'child' means a person under the age of 18;

''(2) the term 'child advocacy center' means a center created under subtitle A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.);

''(3) the term 'child human trafficking' means 1 or more severe forms of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102))involving a victim who is a child; and

''(4) the term 'eligible entity' means a State or unit of local government that—

''(A) has significant criminal activity involving child human trafficking;

''(B) has demonstrated cooperation between Federal, State, local, and, where applicable, tribal law enforcement agencies, prosecutors, and social service providers in addressing child human trafficking;

''(C) has developed a workable, multi-disciplinary plan to combat child human trafficking, including—

''(i) the establishment of a shelter for victims of child human trafficking, through existing or new facilities;

''(ii) the provision of trauma-informed, gender-responsive rehabilitative care to victims of child human trafficking;

''(iii) the provision of specialized training for law enforcement officers and social service providers for all forms of human trafficking, with a focus on domestic child human trafficking;

''(iv) prevention, deterrence, and prosecution of offenses involving child human trafficking, including soliciting, patronizing, or purchasing human acts with children;

''(v) cooperation or referral agreements with organizations providing outreach or other related services to runaway and homeless youth;

''(vi) law enforcement protocols or procedures to screen all individuals arrested for prostitution, whether adult or child, for victimization by sex trafficking and by other crimes, such as sexual assault and domestic violence; and

''(vii) cooperation or referral agreements with State child welfare agencies and child advocacy centers;

''(D) has a victim certification process for eligibility and access to State-administered medical care to ensure that minor victims of human trafficking who are not eligible for interim assistance under section 107(b)(1)(F) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)(F)) are granted eligibility for, and have access to, State-administered medical care immediately upon certification as such a victim, or as soon as practicable thereafter but not later than the period determined by the Assistant Attorney General in consultation with the Assistant Secretary for Children and Families of the Department; and

''(E) provides an assurance that, under the plan under subparagraph (C), a victim of child human trafficking shall not be required to collaborate with law enforcement officers to have access to any shelter or services provided with a grant under this section.

''(l) GRANT ACCOUNTABILITY; SPECIALIZED VICTIMS' SERVICE REQUIREMENT.—No grant funds under this section may be awarded or transferred to any entity unless such entity has demonstrated substantial experience providing services to victims of human trafficking or related populations (such as runaway and homeless youth), or employs staff specialized in the treatment of human trafficking victims.''.

(b) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Trafficking Victims Protection Reauthorization Act of 2005 (22 U.S.C. 7101 note) is amended by striking the item relating to section 203 and inserting the following:

''Sec. 203. Victim-centered child human trafficking deterrence block grant program.''.

**SEC. 5. DIRECT SERVICES FOR VICTIMS OF CHILD PORNOGRAPHY.**

The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(1) in section 212(5) (42 U.S.C. 13001a(5)), by inserting '', including human trafficking and the production of child pornography'' before the semicolon at the end; and

(2) in section 214 (42 U.S.C. 13002)—

(A) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(B) by inserting after subsection (a) the following:

''(b) DIRECT SERVICES FOR VICTIMS OF CHILD PORNOGRAPHY.—The Administrator, in coordination with the Director and with the Director of the Office of Victims of Crime, may make grants to develop and implement specialized programs to identify and provide direct services to victims of child pornography.''.

**SEC. 6. INCREASING RESTITUTION FOR TRAFFICKING VICTIMS.**

(a) TITLE 18 AMENDMENTS.—Section 1594 of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''that was used or'' and inserting ''that was involved in, used, or'';

(ii) by inserting ''or any property traceable to such property'' after ''such violation''; and

(iii) in paragraph (2), by inserting '', or any property traceable to such property'' after ''such violation''; and

(B) in subsection (e)(1)(A)—

(i) by striking ''Any property, real or personal, used or'' and inserting ''Any property, real or personal, involved in, used, or''; and

(ii) by inserting '', or any property traceable to such property'' after ''any violation of this chapter'';

(2) by redesignating subsection (f) as subsection (g); and

(3) by inserting after subsection (e) the following:

''(f) Notwithstanding any other provision of law, the Attorney General shall transfer assets forfeited pursuant to this section, or the proceeds derived from the sale thereof, to satisfy victim restitution orders arising from violations of this chapter. Such transfers shall have priority over any other claims to the assets or their proceeds.''.

(b) TITLE 28 AMENDMENT.—Section 524(c)(1)(B) of title 28, United States Code, is amended by inserting ''chapter 77 of title 18,'' after ''criminal drug laws of the United States or of''.

(c) TITLE 31 AMENDMENT.—Section 9703(a)(2)(B) of title 31, United States Code, (relating to the Department of the Treasury Forfeiture Fund) is amended—

(1) in clause (iii)(III), by striking ''and'' at the end;

(2) in clause (iv), by striking the period at the end and inserting ''; and''; and

(3) by inserting after clause (iv) the following:

''(v) the United States Immigration and Customs Enforcement with respect to a violation of chapter 77 of title 18 (relating to human trafficking).''.

**SEC. 7. STREAMLINING STATE AND LOCAL HUMAN TRAFFICKING INVESTIGATIONS.**

Section 2516(2) of title 18, United States Code, is amended by inserting ''human trafficking, child sexual exploitation, child pornography production,'' after ''kidnapping,''.

**SEC. 8. FIGHTING COMPLEX CRIMINAL ENTERPRISES ENGAGED IN HUMAN TRAFFICKING.**

(a) IN GENERAL.—Chapter 96 of title 18, United States Code, is amended by adding at the end the following:

**''SEC. 1969. AGGRAVATED HUMAN TRAFFICKING RACKETEERING.**

''(a) DEFINITIONS.—In this section—

''(1) the term 'aggravated human-trafficking racketeering activity' means any activity that—

''(A) is a racketeering activity (as defined in section 1961(1)); and

''(B) includes—

''(i) any act or threat involving murder, kidnapping, human trafficking, sexual exploitation, coerced prostitution, or the production of child pornography, which is chargeable under State law and punishable by imprisonment for more than 1 year (as amended or revised as of the date on which the activity occurred or, in the instance of a continuing offense, the date on which the charges under this section are filed in a particular matter); or

''(ii) any act that is indictable under (as amended or revised as of the date on which the activity occurred or, in the instance of a continuing offense, the date on which charges under this section are filed in a particular matter)—

''(I) sections 1581 through 1592 (relating to peonage, slavery, and trafficking in persons);

''(II) section 1958 (relating to use of interstate commerce facilities in the commission of murder-for-hire);

''(III) section 1959 (relating to violent crimes in aid of racketeering);

''(IV) section 2251, 2251A, 2252, or 2260 (relating to sexual exploitation of children); or

''(V) sections 2421 through 2424 (relating to slave traffic); and

''(2) the term 'enterprise' has the meaning given the term in section 1961.

''(b) PROHIBITED ACTIVITIES.—It shall be unlawful for any person to participate, directly or indirectly, in or relating to the affairs of any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, if—

''(1)(A) such participation within the enterprise includes committing or causing to be committed 2 or more acts of aggravated human-trafficking racketeering activity in or relating to the affairs of the enterprise; or

''(B) such participation within the enterprise includes any act of participation with the intention that some known or unknown participant or participants within the enterprise would commit, or would cause to be committed, individually or collectively, 2 or more acts of aggravated human-trafficking racketeering activity in or relating to the affairs of the enterprise.

''(c) CONSPIRACY.—It shall be unlawful for any person to conspire to violate subsection (b).

''(d) CRIMINAL PENALTIES.—

''(1) IN GENERAL.—Whoever violates this section shall be punished in accordance with section 1963.

''(2) CLARIFICATION OF PUNISHABLE OFFENSES.—Any person prosecuted under this section may be both convicted and sentenced in any court of competent jurisdiction for any combination of the following:

''(A) The offense of conspiring to violate this section, and for any other particular offense or offenses that may be an object of the conspiracy.

''(B) Any violation of this section.

''(C) Any aggravated human-trafficking racketeering activity.''.

(b) PENALTIES.—Section 1963 of title 18, United States Code, is amended by inserting ''or section 1969'' after ''section 1962'' each place it appears.

(c) VIOLENT CRIMES IN AID OF RACKETEERING.—Section 1959 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting ''or aggravated human-trafficking racketeering activity'' before '', or for the purpose''; and

(B) by striking ''murders, kidnaps, maims'' and inserting ''aggravated human trafficking racketeering activity, murders, kidnaps, human trafficking, sexual exploitation, coerced prostitution, maims''; and

(2) in subsection (b)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(B) by inserting before paragraph (2), as redesignated, the following:

''(1) 'aggravated human-trafficking racketeering activity' has the meaning given the term in section 1969;''.

(d) TABLE OF SECTIONS.—The table of sections for chapter 96 of title 18, United States Code, is amended by inserting after the item relating to section 1968 the following:

''1969. Aggravated human trafficking racketeering.''.

**SEC. 9. ENHANCING HUMAN TRAFFICKING REPORTING.**

(a) IN GENERAL.—Section 505 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) is amended by adding at the end the following:

''(i) PART 1 VIOLENT CRIMES TO INCLUDE HUMAN TRAFFICKING.—For purposes of this section, the term 'part 1 violent crimes' shall include severe forms of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).''.

(b) CRIME CONTROL ACT AMENDMENTS.—Section 3702 of the Crime Control Act of 1990 (42 U.S.C. 5780) is amended—

(1) in paragraph (2), by striking ''and'' at the end; and

(2) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking ''paragraph (2)'' and inserting ''paragraph (3)'';

(B) in subparagraph (A), by inserting ''and a photograph taken within the previous 180 days'' after ''dental records'';

(C) in subparagraph (B), by striking ''and'' at the end;

(D) by redesignating subparagraph (C) as subparagraph (D); and

(E) by inserting after subparagraph (B) the following:

''(C) notify the National Center for Missing and Exploited Children of each report received relating to a child reported missing from a foster care family home or childcare institution; and''.

**SEC. 10. REDUCING DEMAND FOR SEX TRAFFICKING.**

(a) IN GENERAL.—Section 1591 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking ''or maintains'' and inserting ''maintains, patronizes, or solicits'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''or obtained'' and inserting ''obtained, patronized, or solicited''; and

(B) in paragraph (2), by striking ''or obtained'' and inserting ''obtained, patronized, or solicited''; and

(3) in subsection (c)—

(A) by striking ''or maintained'' and inserting '', maintained, patronized, or solicited''; and

(B) by striking ''knew that the person'' and inserting ''knew, or recklessly disregarded the fact, that the person''.

(b) DEFINITION AMENDED.—Section 103(10) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(10)) is amended by striking ''or obtaining'' and inserting ''obtaining, patronizing, or soliciting''.

**SEC. 11. USING EXISTING TASK FORCES TO TARGET OFFENDERS WHO EXPLOIT CHILDREN.**

Not later than 180 days after the date of enactment of this Act, the Attorney General shall ensure that all task forces and working groups within the Innocence Lost National Initiative engage in activities, programs, or operations to increase the investigative capabilities of State and local law enforcement officers in the detection, investigation, and prosecution of persons who patronize, or solicit children for sex.

**SEC. 12. ENHANCED PENALTIES FOR HUMAN TRAFFICKING, CHILD EXPLOITATION, AND REPEAT OFFENDERS.**

Part 1 of title 18, United States Code, is amended—

(1) in chapter 77—

(A) in section 1583(a), in the flush text following paragraph (3), by striking ''not more than 20 years'' and inserting ''not more than 30 years'';

(B) in section 1587, by striking ''four years'' and inserting ''10 years''; and

(C) in section 1591(d), by striking ''20 years'' and inserting ''25 years''; and

(2) in section 2426(a), by striking ''twice'' and inserting ''3 times''.

**SEC. 13. HOLDING SEX TRAFFICKERS ACCOUNTABLE.**

Section 2423(g) of title 18, United States Code, is amended by striking ''a preponderance of the evidence'' and inserting ''clear and convincing evidence''.

**SEC. 14. COMBATING SEX TOURISM.**

Section 2423 of title 18, United States Code is amended—

(1) in subsection (b), by striking ''for the purpose'' and inserting ''with a motivating purpose of''; and

(2) in subsection (d), by striking ''for the purpose of engaging'' and inserting ''with a motivating purpose of engaging''.

**SEC. 15. GRANT ACCOUNTABILITY.**

(a) DEFINITION.—In this section, the term ''covered grant'' means a grant awarded by

the Attorney General under section 203 of the Trafficking Victims Protection Reauthorization Act (42 U.S.C. 14044b).

(b) ACCOUNTABILITY.—All covered grants shall be subject to the following accountability provisions:

(1) AUDIT REQUIREMENT.—

(A) DEFINITION.—In this paragraph, the term ''unresolved audit finding'' means an audit report finding in the final audit report of the Inspector General of the Department of Justice that the grantee has used grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved during the 12-month period beginning on the date on which the final audit report is issued.

(B) REQUIREMENT.—Beginning in the first fiscal year beginning after the date of enactment of this Act, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of covered grants to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

(C) MANDATORY EXCLUSION.—A recipient of a covered grant that is found to have an unresolved audit finding shall not be eligible to receive a covered grant during the first 2 fiscal years beginning after the end of the 12-month period described in subparagraph (A).

(D) PRIORITY.—In awarding covered grants, the Attorney General shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for a covered grant.

(E) REIMBURSEMENT.—If an entity is awarded a covered grant during the 2-fiscal-year period during which the entity is barred from receiving grants under subparagraph (C), the Attorney General shall—

(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

(ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(2) NONPROFIT ORGANIZATION REQUIREMENTS.—

(A) DEFINITION.—For purposes of this paragraph and covered grants, the term ''nonprofit organization'' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(B) PROHIBITION.—The Attorney General may not award a covered grant to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

(C) DISCLOSURE.—Each nonprofit organization that is awarded a covered grant and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subparagraph available for public inspection.

(3) CONFERENCE EXPENDITURES.—

(A) LIMITATION.—No amounts authorized to be appropriated to the Department of Justice under this Act may be used by the Attorney General, or by any individual or entity awarded discretionary funds through a cooperative agreement under this Act or an Act amended by this Act, to host or support any expenditure for conferences that uses more than $20,000 in funds made available to the Department of Justice, unless the Deputy Attorney General or the appropriate Assistant Attorney General, Director, or principal deputy (as designated by the Deputy Attorney General) provides prior written authorization that the funds may be expended to host the conference.

(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved under this paragraph.

(4) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of enactment of this Act, the Attorney General shall submit, to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, an annual certification indicating whether—

(A) all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

(B) all mandatory exclusions required under paragraph (1)(C) have been issued;

(C) all reimbursements required under paragraph (1)(E) have been made; and

(D) includes a list of any grant recipients excluded under paragraph (1) from the previous year.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 299—CONGRATULATING THE AMERICAN JEWISH JOINT DISTRIBUTION COMMITTEE ON THE CELEBRATION OF ITS 100TH ANNIVERSARY AND COMMENDING ITS SIGNIFICANT CONTRIBUTION TO EMPOWER AND REVITALIZE DEVELOPING COMMUNITIES AROUND THE WORLD

Mr. SCHUMER (for himself and Mrs. GILLIBRAND) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 299

Whereas the American Jewish Joint Distribution Committee (referred to in this preamble as the ''JDC''), the leading Jewish humanitarian assistance organization in the world, provides economic relief to communities facing hardship and builds the foundation for self-sustaining Jewish community life;

Whereas when the JDC was founded in 1914, the organization initiated relief projects in communities primarily in Eastern Europe and the Middle East, and, as of November 2013, the JDC works in 70 countries worldwide and touches more than 1,000,000 lives each year;

Whereas the JDC has pioneered high-impact programs that provide access to education, health care, food, shelter, and assistance with job training and placement for governments and other organizations to utilize;

Whereas the JDC has developed and implemented initiatives in Israeli society aimed at meeting the needs of the most disadvantaged citizens in the State of Israel, including children and youth at risk, the chronically unemployed (including ultra-Orthodox Jews, people with disabilities, and Israeli Arabs), and the elderly;

Whereas the JDC received the Israel Prize in 2007 for its lifetime achievements and special contributions to society and the State of Israel for developing innovative, scalable solutions to meet the needs of the most disadvantaged citizens in the State of Israel;

Whereas the JDC has helped transform the lives of women and girls throughout the world, through initiatives that provide access to health care and education to girls, encouraging them to overcome gender barriers, receive an education, and become community leaders;

Whereas the JDC is engaging many young individuals in the United States to participate in rescue, renewal, and revitalization work through service and volunteer programs around the world;

Whereas the JDC and the United States Government have a historic and enduring relationship that has evolved from cooperating in life-saving work in Europe through the American Relief Administration following World War I and the War Refugee Board during World War II to the more recent partnerships between the JDC and the Department of Agriculture, the Department of State, and the United States Agency for International Development;

Whereas the JDC mobilizes its expert professionals and network of local, United States, Israeli, and global partners, including the Jewish Coalition for Disaster Relief, to provide immediate relief and long-term assistance in the aftermath of natural disasters, such as by providing emergency supplies and medical assistance following the earthquake and tsunami in Japan in 2011 and the earthquake in Haiti in 2010; and

Whereas the JDC creates programs and solutions that benefit the neediest populations in communities around the world and confronts the most difficult challenges, such as natural disasters, extreme poverty, political instability, and genocide: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes and celebrates the 100th anniversary of the founding of the American Jewish Joint Distribution Committee; and

(2) commends the American Jewish Joint Distribution Committee on its valuable work around the world and wishes the organization success in its future efforts.

### SENATE RESOLUTION 300—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

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

S. RES. 300

Whereas, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs conducted an investigation into JP Morgan Chase's ''whale trades'' and risks and abuses of derivatives;

Whereas, the Subcommittee has received a request from a federal law enforcement agency for access to records of the Subcommittee's investigation;

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

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privilege of the Senate: Now, therefore, be it

*Resolved,* That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's investigation into JP Morgan Chase's ''whale trades'' and risks and abuses of derivatives.

## SENATE RESOLUTION 301—RECOGNIZING AND SUPPORTING THE GOALS AND IMPLEMENTATION OF THE NATIONAL ALZHEIMER'S PROJECT ACT AND THE NATIONAL PLAN TO ADDRESS ALZHEIMER'S DISEASE

Mr. DURBIN (for himself, Ms. COLLINS, Ms. MIKULSKI, Mr. JOHNSON of South Dakota, Mr. MENENDEZ, Mr. WICKER, Mr. MORAN, and Mr. MARKEY) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 301

Whereas more than 5,000,000 individuals in the United States live with Alzheimer's disease, and, based on current projections, as many as 16,000,000 individuals in the United States will have Alzheimer's disease by 2050;

Whereas 1 in every 9 individuals in the United States over the age of 65 lives with Alzheimer's disease;

Whereas another individual in the United States develops Alzheimer's disease every 68 seconds, and, by 2050, another individual in the United States will develop the disease every 33 seconds;

Whereas, in 2013, an estimated 450,000 people in the United States will die from Alzheimer's disease, making it the sixth-leading cause of death in the United States;

Whereas, between 2000 and 2010, deaths attributed to Alzheimer's disease increased by 68 percent;

Whereas Alzheimer's disease is devastating physically, emotionally, and financially;

Whereas Alzheimer's disease creates an enormous financial strain on the health care system, families, and Federal and State budgets;

Whereas, according to an independent study supported by the National Institutes of Health, Alzheimer's disease is already the costliest disease in the United States and is expected to become even more costly in the future;

Whereas, in 2013, the total direct cost of caring for individuals in the United States with Alzheimer's disease is estimated to be $203,000,000,000, including $107,000,000,000 in costs to Medicare and $35,000,000,000 to Medicaid;

Whereas, if nothing is done to change the trajectory of the disease, the total direct cost of caring for individuals in the United States with Alzheimer's disease is expected to rise to $1,200,000,000,000 by 2050;

Whereas the average cost to Medicare for beneficiaries with Alzheimer's disease is 3 times higher than for those without the condition;

Whereas a Federal commitment to fighting Alzheimer's disease can lower costs and improve health outcomes for people living with the disease today and in the future;

Whereas, by making Alzheimer's disease a national priority, we can replicate the successes that have been achieved in fighting other diseases;

Whereas leadership from the Federal Government has helped lower the number of deaths from other major diseases and health problems such as HIV/AIDS, cancer, heart disease, and stroke;

Whereas, in 2010, Congress unanimously passed the National Alzheimer's Project Act;

Whereas the National Alzheimer's Project Act requires the Secretary of Health and Human Services to create and annually update a National Plan to Address Alzheimer's Disease;

Whereas the National Plan to Address Alzheimer's Disease establishes goals and action steps to combat the disease in the areas of research, care, support, and public awareness; and

Whereas the National Plan to Address Alzheimer's Disease has resulted in some notable accomplishments, including the creation of a blueprint for Alzheimer's research by the National Institutes of Health: Now, therefore, be it

*Resolved,* That the Senate—

(1) recognizes that additional focus, research, and resources are needed to overcome Alzheimer's disease;

(2) acknowledges the impact that Alzheimer's disease has on individuals with the disease, their caregivers and loved ones, and the United States as a whole; and

(3) supports the goals and implementation of the National Alzheimer's Project Act and the National Plan to Address Alzheimer's Disease.

Mr. DURBIN. Mr. President, we all know someone who has been affected by Alzheimer's disease or someone else who has.

Everyone has occasional memory lapses, and it's normal to forget names of an acquaintance or forget where you put your keys.

But Alzheimer's is so much more than just memory loss.

It is a debilitating disease that only gets worse as it progresses.

People living with the disease often forget conversations, appointments, and eventually forget the names of close friends and may no longer recognize their spouse or their children.

They struggle to recall the words to identify objects, and eventually lose the ability to read and write.

Alzheimer's makes everyday activities like keeping track of bills and cooking a meal extremely challenging and frustrating.

Although the disease develops differently for every individual, it eventually leads to loss of memory, thinking and reasoning skills.

This year, approximately 450,000 people in the United States will die from Alzheimer's disease.

Currently, more than 5 million Americans are living with the disease, including 210,000 people in Illinois.

But with a new person being diagnosed with Alzheimer's every 68 seconds, the number of people with Alzheimer's will rise to 16 million by 2050.

If nothing is done to change the trajectory of the disease, more people and families will suffer and federal spending linked to the disease will soar.

In 2013, the cost of caring for those with Alzheimer's disease will total an estimated $203 billion for Medicaid and Medicare.

If we stay on this path, the total cost of caring for individuals with Alzheimer's disease is expected to rise to 1.2 trillion by 2050—an increase of more than 500 percent.

But this is a problem that we can solve.

In 2010, Congress recognized the need for additional resources and research to overcome Alzheimer's disease and unanimously passed the National Alzheimer's Project Act.

The National Alzheimer's Project Act created a national strategic plan, which establishes goals and action steps to combat the disease in the areas of research, care, support, and public awareness.

The plan has already resulted in some notable achievements.

In 2012, the National Institutes of Health dedicated an additional $50 million for Alzheimer's research.

The Health Resources and Services Administration invested $2 million to improve the quality of care for people with Alzheimer's.

But more needs to be done and the success of the National Alzheimer's Plan requires continued federal investments for biomedical research and resources for people with Alzheimer's.

President Obama's fiscal year 2014 budget proposed $100 million in new NIH funding for Alzheimer's research.

The Senate Labor, Health, and Human Services appropriations bill which passed the Appropriations Committee adds $84 million to the NIH's National Institute of Aging for Alzheimer's research.

The bill also provides $40 million for the new Brain Initiative, which will help us better understand the brain and Alzheimer's.

These federal investments to fight Alzheimer's disease can lower costs and improve health outcomes for people living with the disease.

People like Janet Dever.

Janet Dever, 73 years old, was diagnosed with Alzheimer's disease five years ago.

She does her best to not dwell on the negatives or sink into depression.

But she says that the hardest part of the disease is watching her family and friends suffer along with her.

The part of the disease that upsets her the most is that many people don't know how to interact with her anymore, so they have stayed away.

But Janet and her husband Bill aren't giving up. And we shouldn't give up either.

To reinforce the initial steps toward greater investment in finding answers,

I am submitting this resolution, along with Senators COLLINS, MIKULSKI, TIM JOHNSON, MENENDEZ, WICKER, MORAN, and MARKEY, supporting the goals and implementation of the National Alzheimer's Project Act and the National Plan to Address Alzheimer's Disease.

But to achieve these goals, the Plan needs federal funding to be fully implemented.

I urge my colleagues to support this Resolution and reinforce our national commitment to turning around the seeming inevitability of this terrible brain disease.

I look forward to working with my colleagues to ensure investments are made in Alzheimer's research and to make the goal of preventing and effectively treating Alzheimer's disease by 2050 a reality.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 2148. Mr. BENNET (for himself, Mr. COBURN, Mr. CARPER, and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2149. Mrs. HAGAN submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2150. Mrs. HAGAN (for herself and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2151. Mrs. HAGAN (for herself, Mr. UDALL of Colorado, Mr. BAUCUS, Mr. WYDEN, and Mr. NELSON) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2152. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2153. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2154. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2155. Mr. COBURN (for himself, Mr. MANCHIN, Mr. GRASSLEY, Mr. PAUL, Mr. CHAMBLISS, Mr. JOHNSON of Wisconsin, Mr. CORNYN, Mr. WYDEN, and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2156. Mr. COBURN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2157. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2158. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2159. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2160. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2161. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2162. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2163. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2164. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2165. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2166. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2167. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2168. Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2169. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2170. Mrs. MCCASKILL (for herself, Ms. AYOTTE, Mrs. FISCHER, Ms. COLLINS, and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2171. Mrs. MCCASKILL (for herself, Mr. MCCAIN, and Ms. AYOTTE) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2172. Mr. CASEY (for himself, Ms. AYOTTE, Mr. WARNER, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2173. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2174. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2175. Mr. LEVIN (for himself, Mr. MCCAIN, Mrs. FEINSTEIN, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 1197, supra.

SA 2176. Mr. RISCH (for himself, Mr. RUBIO, Mr. CORNYN, Mr. BLUNT, Mr. MORAN, Ms. AYOTTE, Mr. VITTER, Mrs. FISCHER, Mr. JOHNSON of Wisconsin, Mr. CRAPO, and Mr. HOEVEN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2177. Mr. HELLER (for himself and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2178. Mr. FLAKE (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2179. Mr. FLAKE (for himself, Mr. COBURN, Mr. SCOTT, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2180. Mr. FLAKE (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2181. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2182. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2183. Mr. VITTER (for himself, Mr. RISCH, Mr. LEE, and Mrs. FISCHER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2184. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2185. Mr. WICKER (for himself, Mr. LEE, Mrs. FISCHER, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2186. Mr. KIRK (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. DURBIN, Mr. BOOZMAN, Mrs. GILLIBRAND, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2187. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2188. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2189. Mr. RUBIO (for himself, Mr. CRUZ, Mr. ROBERTS, Mr. HATCH, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2190. Mr. RUBIO (for himself, Mr. TESTER, and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2191. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2192. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2193. Mrs. MCCASKILL (for herself and Mr. MCCAIN) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2194. Mrs. MCCASKILL (for herself and Mr. MCCAIN) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2195. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2196. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2197. Mr. KAINE (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2198. Mr. WHITEHOUSE (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2199. Ms. HEITKAMP submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2200. Mr. NELSON submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2201. Mr. NELSON (for himself, Mr. BLUMENTHAL, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2202. Mr. NELSON (for himself, Ms. COLLINS, Mr. WYDEN, Mrs. HAGAN, and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2203. Ms. MIKULSKI (for herself and Mr. COATS) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2204. Mr. LEVIN (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2205. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2206. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2207. Mr. BLUMENTHAL (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2208. Mr. CASEY (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2209. Ms. KLOBUCHAR (for herself, Mr. SCHATZ, Mr. PRYOR, and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2210. Ms. KLOBUCHAR (for herself, Mr. SCHATZ, and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2211. Ms. KLOBUCHAR (for herself and Mr. DONNELLY) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2212. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2213. Ms. KLOBUCHAR (for herself and Mr. ENZI) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2214. Ms. KLOBUCHAR (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2215. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2216. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2217. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2218. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2219. Mr. MENENDEZ (for himself, Mr. ISAKSON, Ms. LANDRIEU, Mr. SCHUMER, Mr. VITTER, Mr. NELSON, Mrs. GILLIBRAND, Mr. COCHRAN, Ms. HEITKAMP, Ms. WARREN, Mr. MARKEY, Mr. SCHATZ, Mr. MANCHIN, Mr. BOOKER, Mr. BEGICH, Mr. CASEY, Mr. HOEVEN, Mrs. HAGAN, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2220. Mr. TOOMEY (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2221. Mr. BURR (for himself, Mr. KIRK, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2222. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2223. Mr. PAUL (for himself, Mr. WYDEN, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2224. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2225. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2226. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2227. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2228. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2229. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2230. Mr. PORTMAN (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2231. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2232. Mr. FLAKE (for himself, Mr. MCCAIN, Mr. ALEXANDER, Mr. HATCH, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2233. Mr. KIRK (for himself, Mr. COONS, Mr. BLUNT, Mr. BROWN, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2234. Ms. AYOTTE (for herself, Mrs. SHAHEEN, Mr. BLUMENTHAL, and Mr. MURPHY) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2235. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2236. Mr. BLUMENTHAL (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2237. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2238. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 2100 submitted by Mr. WYDEN (for himself and Mr. HEINRICH) and intended to be proposed to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2239. Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2240. Mr. HEINRICH (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2241. Mr. HEINRICH (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2242. Mr. HEINRICH (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2243. Mr. HEINRICH (for himself, Mr. UDALL of New Mexico, and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2244. Mr. HEINRICH (for himself, Mr. SHELBY, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2245. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2246. Mr. FRANKEN (for himself and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2247. Mr. SCHATZ (for himself, Mr. BARRASSO, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2248. Mr. KING (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2249. Mr. TESTER (for himself, Mr. CHAMBLISS, Mr. BEGICH, Mr. BLUMENTHAL, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2250. Mr. TESTER (for himself, Mr. BLUMENTHAL, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2251. Mr. MANCHIN (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2252. Mr. MANCHIN (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2253. Mr. MANCHIN (for himself, Mrs. BOXER, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2254. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2255. Ms. AYOTTE (for herself, Mr. CHAMBLISS, Mr. INHOFE, Mrs. FISCHER, Mr. ENZI, Mr. RUBIO, and Mr. BARRASSO) submitted an amendment intended to be proposed by her to the bill S. 1197, supra.

SA 2256. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2257. Mr. MCCAIN (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2258. Mr. MCCAIN (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2259. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2260. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2261. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2262. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2263. Mr. FLAKE (for himself, Mr. MCCAIN, and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2264. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2265. Mrs. MURRAY (for herself, Mrs. GILLIBRAND, Mr. HARKIN, Mr. WYDEN, Mr. SCHATZ, Mr. DONNELLY, Mr. BROWN, Mr. MENENDEZ, Mr. BLUMENTHAL, Ms. HIRONO, and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2266. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2267. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2268. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2269. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2270. Mr. MURPHY (for himself, Mr. BLUMENTHAL, Mr. MERKLEY, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2271. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2272. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2273. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2274. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2275. Mr. BROWN (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2276. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2277. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2278. Mr. DURBIN (for himself, Mr. BOOZMAN, Mr. COONS, Mr. KIRK, Mr. GRAHAM, Mrs. SHAHEEN, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2279. Mr. DURBIN (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2280. Mr. DURBIN (for himself, Mrs. HAGAN, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2281. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2282. Mr. WYDEN (for himself, Ms. MURKOWSKI, Mr. UDALL of New Mexico, Mr. BLUMENTHAL, and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2283. Mrs. GILLIBRAND (for herself and Mr. KIRK) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2284. Mr. DONNELLY (for himself, Mr. CRUZ, Mr. LEAHY, Mr. BLUNT, Mr. BEGICH, Mr. PRYOR, Mr. SCHATZ, Mr. BENNET, Mr. JOHANNS, Mr. MENENDEZ, Mr. BOOZMAN, Ms. HEITKAMP, Mr. CHAMBLISS, and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2285. Mr. WARNER (for himself, Ms. COLLINS, Mr. KAINE, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2286. Mr. COONS (for himself and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2287. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2288. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2289. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2290. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2291. Mr. MANCHIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2292. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2293. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2294. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2295. Mr. KIRK (for himself, Mr. MCCONNELL, Mr. CORNYN, Mr. RUBIO, Mr. GRAHAM, Ms. AYOTTE, and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2296. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2297. Mr. CHAMBLISS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2298. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2299. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2300. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2301. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2302. Mr. CORNYN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2303. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2304. Mr. BOOZMAN (for himself, Mr. MANCHIN, and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2305. Mr. REID proposed an amendment to the bill S. 1197, supra.

SA 2306. Mr. REID proposed an amendment to amendment SA 2305 proposed by Mr. REID to the bill S. 1197, supra.

SA 2307. Mr. REID proposed an amendment to amendment SA 2306 proposed by Mr. REID to the amendment SA 2305 proposed by Mr. REID to the bill S. 1197, supra.

SA 2308. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2309. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2310. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2311. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2312. Mr. ALEXANDER (for himself and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2313. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2314. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2315. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2316. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2317. Mr. VITTER submitted an amendment intended to be proposed by him to the

bill S. 1197, supra; which was ordered to lie on the table.

SA 2318. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2319. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2320. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2321. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2322. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2323. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2324. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2325. Mr. REED (for himself, Mr. ROCKEFELLER, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2326. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2327. Mr. MANCHIN (for himself, Mr. KIRK, and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2328. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2329. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2330. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2331. Mr. MENENDEZ (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2332. Mr. CASEY (for himself, Mr. BROWN, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2333. Mr. PRYOR (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2334. Mr. PRYOR (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2335. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2336. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2337. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2338. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2339. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2340. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2341. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2342. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2343. Mr. MERKLEY (for himself, Mr. PAUL, Mr. LEE, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2344. Mr. DONNELLY (for Mr. BROWN) proposed an amendment to the bill S. 381, to award a Congressional Gold Medal to the World War II members of the ''Doolittle Tokyo Raiders'', for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo.

SA 2345. Mr. DONNELLY (for Mr. LEVIN) proposed an amendment to the bill H.R. 3304, to authorize the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor.

SA 2346. Mr. DONNELLY (for Mr. LEVIN) proposed an amendment to the bill H.R. 3304, supra.

SA 2347. Mrs. FISCHER (for herself and Mr. HOEVEN) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2348. Mr. JOHANNS (for himself and Mrs. FISCHER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 2148.** Mr. BENNET (for himself, Mr. COBURN, Mr. CARPER, and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 93, strike lines 17 through 19, and insert the following:

**SEC. 334. FEDERAL DATA CENTER CONSOLIDATION.**

(a) SHORT TITLE.—This section may be cited as the ''Data Center Consolidation Act of 2013''.

(b) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator for the Office of E-Government and Information Technology within the Office of Management and Budget.

(2) COVERED AGENCY.—The term ''covered agency'' means the following (including all associated components of the agency):

(A) Department of Agriculture;
(B) Department of Commerce;
(C) Department of Defense;
(D) Department of Education;
(E) Department of Energy;
(F) Department of Health and Human Services;
(G) Department of Homeland Security;
(H) Department of Housing and Urban Development;
(I) Department of the Interior;
(J) Department of Justice;
(K) Department of Labor;
(L) Department of State;
(M) Department of Transportation;
(N) Department of Treasury;
(O) Department of Veterans Affairs;
(P) Environmental Protection Agency;
(Q) General Services Administration;
(R) National Aeronautics and Space Administration;
(S) National Science Foundation;
(T) Nuclear Regulatory Commission;
(U) Office of Personnel Management;
(V) Small Business Administration;
(W) Social Security Administration; and
(X) United States Agency for International Development.

(3) FDCCI.—The term ''FDCCI'' means the Federal Data Center Consolidation Initiative described in the Office of Management and Budget Memorandum on the Federal Data Center Consolidation Initiative, dated February 26, 2010, or any successor thereto.

(4) GOVERNMENT-WIDE DATA CENTER CONSOLIDATION AND OPTIMIZATION METRICS.—The term ''Government-wide data center consolidation and optimization metrics'' means the metrics established by the Administrator under subsection (c)(2)(G).

(c) FEDERAL DATA CENTER CONSOLIDATION INVENTORIES AND STRATEGIES.—

(1) IN GENERAL.—

(A) ANNUAL REPORTING.—Each year, beginning in the first fiscal year after the date of enactment of this Act and each fiscal year thereafter, the head of each covered agency, assisted by the Chief Information Officer of the agency, shall submit to the Administrator—

(i) a comprehensive inventory of the data centers owned, operated, or maintained by or on behalf of the agency; and

(ii) a multi-year strategy to achieve the consolidation and optimization of the data centers inventoried under clause (i), that includes—

(I) performance metrics—

(aa) that are consistent with the Government-wide data center consolidation and optimization metrics; and

(bb) by which the quantitative and qualitative progress of the agency toward the goals of the FDCCI can be measured;

(II) a timeline for agency activities to be completed under the FDCCI, with an emphasis on benchmarks the agency can achieve by specific dates;

(III) year-by-year calculations of investment and cost savings for the period beginning on the date of enactment of this Act and ending on the date described in subsection (f), broken down by each year, including a description of any initial costs for data center consolidation and optimization and life cycle cost savings and other improvements, with an emphasis on—

(aa) meeting the Government-wide data center consolidation and optimization metrics; and

(bb) demonstrating the amount of agency-specific cost savings each fiscal year achieved through the FDCCI; and

(IV) any additional information required by the Administrator.

(B) USE OF OTHER REPORTING STRUCTURES.—The Administrator may require a covered agency to include the information required to be submitted under this subsection through reporting structures determined by the Administrator to be appropriate.

(C) STATEMENT.—Each year, beginning in the first fiscal year after the date of enactment of this Act and each fiscal year thereafter, the head of each covered agency, acting through the Chief Information Officer of the agency, shall—

(i)(I) submit a statement to the Administrator stating whether the agency has complied with the requirements of this section; and

(II) make the statement submitted under subclause (I) publically available; and

(ii) if the agency has not complied with the requirements of this section, submit a statement to the Administrator explaining the reasons for not complying with such requirements.

(D) AGENCY IMPLEMENTATION OF STRATEGIES.—Each covered agency, under the direction of the Chief Information Officer of the agency, shall—

(i) implement the strategy required under subparagraph (A)(ii); and

(ii) provide updates to the Administrator, on a quarterly basis, of —

(I) the completion of activities by the agency under the FDCCI;

(II) any progress of the agency towards meeting the Government-wide data center consolidation and optimization metrics; and

(III) the actual cost savings and other improvements realized through the implementation of the strategy of the agency.

(E) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the reporting of information by a covered agency to the Administrator, the Director of the Office of Management and Budget, or Congress.

(2) ADMINISTRATOR RESPONSIBILITIES.—The Administrator shall—

(A) establish the deadline, on an annual basis, for covered agencies to submit information under this section;

(B) establish a list of requirements that the covered agencies must meet to be considered in compliance with paragraph (1);

(C) ensure that information relating to agency progress towards meeting the Government-wide data center consolidation and optimization metrics is made available in a timely manner to the general public;

(D) review the inventories and strategies submitted under paragraph (1) to determine whether they are comprehensive and complete;

(E) monitor the implementation of the data center strategy of each covered agency that is required under paragraph (1)(A)(ii);

(F) update, on an annual basis, the cumulative cost savings realized through the implementation of the FDCCI; and

(G) establish metrics applicable to the consolidation and optimization of data centers Government-wide, including metrics with respect to—

(i) costs;

(ii) efficiencies, including at least server efficiency; and

(iii) any other metrics the Administrator establishes under this subparagraph.

(3) COST SAVING GOAL AND UPDATES FOR CONGRESS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall develop, and make publically available, a goal, broken down by year, for the amount of planned cost savings and optimization improvements achieved through the FDCCI during the period beginning on the date of enactment of this Act and ending on the date described in subsection (f).

(B) ANNUAL UPDATE.—

(i) IN GENERAL.—Not later than 1 year after the date on which the goal described in subparagraph (A) is made publically available, and each year thereafter, the Administrator shall aggregate the reported cost savings of each covered agency and optimization improvements achieved to date through the FDCCI and compare the savings to the projected cost savings and optimization improvements developed under subparagraph (A).

(ii) UPDATE FOR CONGRESS.—The goal required to be developed under subparagraph (A) shall be submitted to Congress and shall be accompanied by a statement describing—

(I) whether each covered agency has in fact submitted a comprehensive asset inventory, including an assessment broken down by agency, which shall include the specific numbers, utilization, and efficiency level of data centers; and

(II) whether each covered agency has submitted a comprehensive consolidation strategy with the key elements described in paragraph (1)(A)(ii).

(4) GAO REVIEW.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Comptroller General of the United States shall review and verify the quality and completeness of the asset inventory and strategy of each covered agency required under paragraph (1)(A).

(B) REPORT.—The Comptroller General of the United States shall, on an annual basis, publish a report on each review conducted under subparagraph (A).

(d) ENSURING CYBERSECURITY STANDARDS FOR DATA CENTER CONSOLIDATION AND CLOUD COMPUTING.—

(1) IN GENERAL.—In implementing a data center consolidation and optimization strategy under this section, a covered agency shall do so in a manner that is consistent with Federal guidelines on cloud computing security, including—

(A) applicable provisions found within the Federal Risk and Authorization Management Program (FedRAMP); and

(B) guidance published by the National Institute of Standards and Technology.

(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of the Director of the Office of Management and Budget to update or modify the Federal guidelines on cloud computing security.

(e) WAIVER OF DISCLOSURE REQUIREMENTS.—The Director of National Intelligence may waive the applicability to any element (or component of an element) of the intelligence community of any provision of this section if the Director of National Intelligence determines that such waiver is in the interest of national security. Not later than 30 days after making a waiver under this subsection, the Director of National Intelligence shall submit to the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate and the Committee on Oversight and Government Reform and the Permanent Select Committee on Intelligence of the House of Representatives a statement describing the waiver and the reasons for the waiver.

(f) SUNSET.—This section is repealed effective on October 1, 2018.

**SEC. 335. MODIFICATION OF ANNUAL CORROSION CONTROL AND PREVENTION REPORTING REQUIREMENTS.**

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**SA 2149.** Mrs. HAGAN submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1066. REPORT ON DEPARTMENT OF DEFENSE SUPPORT OF CANINES USED IN STAND-OFF DETECTION OF EXPLOSIVES AND EXPLOSIVES PRECURSORS.**

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the plans of the Department of Defense to develop and maintain the capability and infrastructure required to support canines used for stand-off detection of explosives and explosives precursors to support combat, combat support, and combat service support dismounted forces.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the plans of the Department, and each Armed Force, to develop and maintain the capability and infrastructure required to support canines for stand-off detection of explosives and explosives precursors to support combat, combat support, and combat service support dismounted forces.

(2) A specification of each of the following:

(A) The acquisition, production, and procurement process for canines for stand-off detection of explosives and explosives precursors.

(B) The testing and evaluation procedures of the Department to ensure that canines reach or exceed current detection capabilities and standards for detection canines with respect to explosives and explosives precursors.

(C) The timeframe for procuring, training, and certifying canines capable of providing stand-off detection of explosives and explosives precursors in the event of a surge requirement.

(3) A description of the plans of the Department to continue research and development in the field of improvised explosive device (IED) detection for dismounted forces using canines for stand-off detection of explosives and explosives precursors.

(4) A description of the technologies, if any, capable of replacing canines as a stand-off detection of explosives and explosives precursors capability for dismounted forces that will be or are expected to be available during the 2-year period beginning on the date of the report.

(5) A description of the current work of the Department with other Federal, State, and local agencies, institutions of higher education, nonprofit organizations, other elements of the private sector, and international allies in the research, development, training, and coordination of the use of canines for stand-off detection of explosives and explosives precursors.

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**SA 2150.** Mrs. HAGAN (for herself and Mr. COBURN) submitted an amendment intended to be proposed by her to the

bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

**SEC. 1109. LIMITATION ON PAY INCREASE OR BONUSES FOR FOREIGN NATIONALS EMPLOYED BY THE DEPARTMENT OF DEFENSE.**

(a) IN GENERAL.—Except as provided in subsection (b), and notwithstanding any other provision of law, the Secretary of Defense may not increase the pay of any foreign national employed by the Department of Defense, or pay such a foreign national any employment-related bonus or award, until the later of—

(1) the effective date of the first adjustment under section 5303 of title 5, United States Code made after the date of enactment of this Act; or

(2) the date on which the Secretary of Defense determines that the discretionary spending limit under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) for the revised security category (as defined under section 251A(1) of such Act (2 U.S.C. 901a(1))) for the fiscal year during which the determination is made, and each fiscal year thereafter through fiscal year 2021, has been increased by an Act of Congress over the otherwise applicable discretionary spending limit, which shall be based on the amounts of such discretionary spending limits after the application of each calculation, reduction, and other adjustment required under section 251A of such Act.

(b) WAIVER.—The Secretary of Defense may waive the limitation under subsection (a), in whole or in part, if the Secretary determines the waiver is in the interest of national security.

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**SA 2151.** Mrs. HAGAN (for herself, Mr. UDALL of Colorado, Mr. BAUCUS, Mr. WYDEN, and Mr. NELSON) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

**SEC. 529. MINIMUM AMOUNTS OF EXPENDITURES ON TUITION ASSISTANCE PROGRAMS FOR MEMBERS OF THE ARMED FORCES DURING FISCAL YEAR 2014.**

The minimum amount used by the Secretary of a military department for tuition assistance for members of an Armed Force under the jurisdiction of that Secretary during fiscal year 2014 shall be not less than—

(1) the amount authorized to be appropriated for fiscal year 2014 by this Act for tuition assistance programs for members of that Armed Force, minus

(2) an amount that is not more than the percentage of the reduction required to the Operation and Maintenance account for that Armed Force for fiscal year 2014 by the budget sequester required by section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985.

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**SA 2152.** Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXXI, add the following:

**SEC. 3119. MODIFICATION OF SUBMITTAL DATE OF COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON THE PROGRAM ON SCIENTIFIC ENGAGEMENT FOR NONPROLIFERATION.**

Section 3122 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2176; 50 U.S.C. 2562) is amended—

(1) in subsection (b)(1), by inserting ‘‘, and to the Comptroller General of the United States,’’ after ‘‘the appropriate congressional committees’’; and

(2) in subsection (e)(1), by striking ‘‘two years after the date of the enactment of this Act’’ and inserting ‘‘18 months after the date of the submittal of the report described in subsection (b)(1)’’.

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**SA 2153.** Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1237. REPORT ON ACTIVITIES BEING UNDERTAKEN BY THE PEOPLE'S REPUBLIC OF CHINA TO SUSTAIN THE ECONOMY OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.**

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a report on the activities being undertaken by the People's Republic of China to sustain the economy of the Democratic People's Republic of Korea.

(2) ELEMENTS.—The report shall include the following:

(A) A description of the activities of the People's Liberation Army (PLA) and Politburo members of the People's Republic of China in government and non-government bilateral trade, banking, investment, economic development, and infrastructure projects between the People's Republic of China and the Democratic People's Republic of Korea at the national, provincial, and local level.

(B) A description of the financial resources, transactions, and structures of the entities and individuals of the People's Republic of China engaged in the activities described under subparagraph (A).

(C) An assessment of the impact of the activities described under subparagraph (A) on the weapons of mass destruction program and the ballistic missile program of the Democratic People's Republic of Korea.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘‘appropriate committees of Congress’’ means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

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**SA 2154.** Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, strike lines 23 and 24 and insert the following:

181; 122 Stat. 32), is amended by inserting ‘‘conventional’’ after ‘‘common’’.

(b) LIMITATION.—No modification of B–52 aircraft for the purpose of complying with the terms of the New START Treaty MAY be made until the Secretary of Defense submits to Congress the report required under section 1042(a) of the National Defense Authorization Act of Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1575).

(c) NEW START TREATY DEFINED.—In this section, the term ‘‘New START Treaty’’ means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.

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**SA 2155.** Mr. COBURN (for himself, Mr. MANCHIN, Mr. GRASSLEY, Mr. PAUL, Mr. CHAMBLISS, Mr. JOHNSON of Wisconsin, Mr. CORNYN, Mr. WYDEN, and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

**TITLE XVI—AUDIT OF THE DEPARTMENT OF DEFENSE**

**SEC. 1601. SHORT TITLE.**

This title may be cited as the ‘‘Audit the Pentagon Act of 2013’’.

**SEC. 1602. FINDINGS.**

Congress makes the following findings:

(1) Section 9 of Article I of the Constitution of the United States requires all agencies of the Federal Government, including the Department of Defense, to publish ‘‘a regular statement and account of the receipts and expenditures of all public money’’.

(2) Section 3515 of title 31, United States Code, requires the agencies of the Federal Government, including the Department of Defense, to present auditable financial statements beginning not later than March 1, 1997. The Department has not complied with this law.

(3) The Federal Financial Management Improvement Act of 1996 (31 U.S.C. 3512 note) requires financial systems acquired by the Federal Government, including the Department of Defense, to be able to provide information to leaders to manage and control the cost of Government. The Department has not complied with this law.

(4) The financial management of the Department of Defense has been on the ''High-Risk'' list of the Government Accountability Office, which means that the Department is not consistently able to ''control costs; ensure basic accountability; anticipate future costs and claims on the budget; measure performance; maintain funds control; [and] prevent and detect fraud, waste, and abuse''.

(5) The National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107) requires the Secretary of Defense to report to Congress annually on the reliability of the financial statements of the Department of Defense, to minimize resources spent on producing unreliable financial statements, and to use resources saved to improve financial management policies, procedures, and internal controls.

(6) In 2005, the Department of Defense created a Financial Improvement and Audit Readiness (FIAR) Plan, overseen by a directorate within the office of the Under Secretary of Defense (Comptroller), to improve Department business processes with the goal of producing timely, reliable, and accurate financial information that could generate an audit-ready annual financial statement. In December 2005, that directorate, known as the FIAR Directorate, issued the first of a series of semiannual reports on the status of the Financial Improvement and Audit Readiness Plan.

(7) The National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) requires regular status reports on the Financial Improvement and Audit Readiness Plan described in paragraph (6), and codified as a statutory requirement the goal of the Plan in ensuring that Department of Defense financial statements are validated as ready for audit not later than September 30, 2017. In addition, the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239) requires that the statement of budgetary resources of the Department of Defense be validated as ready for audit by not later than September 30, 2014.

(8) At a September 2010 hearing of the Senate, the Government Accountability Office stated that past expenditures by the Department of Defense of $5,800,000,000 to improve financial information, and billions of dollars more of anticipated expenditures on new information technology systems for that purpose, may not suffice to achieve full audit readiness of the financial statement of the Department. At that hearing, the Government Accountability Office could not predict when the Department would achieve full audit readiness of such statements.

(9) At a 2013 hearing of the Senate, Secretary of Defense Chuck Hagel affirmed his commitment to audit-ready budget statements for the Department of Defense by the end of 2014, and stated that he ''will do everything he can to fulfill this commitment''. At that hearing, Secretary Hagel noted that auditable financial statements were essential to the Department not only for improving the quality of its financial information, but also for reassuring the public and Congress that it is a good steward of public funds.

**SEC. 1603. CESSATION OF APPLICABILITY OF REPORTING REQUIREMENTS REGARDING THE FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE.**

(a) CESSATION OF APPLICABILITY.—

(1) MILITARY DEPARTMENTS.—The financial statements of a military department shall cease to be covered by the reporting requirements specified in subsection (b) upon the issuance of an unqualified audit opinion on such financial statements.

(2) DEPARTMENT OF DEFENSE.—The reporting requirements specified in subsection (b) shall cease to be effective when an unqualified audit opinion is issued on the financial statements of the Department of Defense, including each of the military departments and the other reporting entities defined by the Office of Management and Budget.

(b) REPORTING REQUIREMENTS.—The reporting requirements specified in this subsection are the following:

(1) The requirement for annual reports in section 892(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4311; 10 U.S.C. 2306a note).

(2) The requirement for semi-annual reports in section 1003(b) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2440; 10 U.S.C. 2222 note).

(3) The requirement for annual reports in section 817(d) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2306a note).

(4) The requirement for annual reports in section 1008(a) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1204; 10 U.S.C. 113 note).

(5) The requirement for periodic reports in section 908(b) of the Defense Acquisition Improvement Act of 1986 (Public Law 99–500; 100 Stat. 1783–140; 10 U.S.C. 2326 note) and duplicate requirements as provided for in section 6 of the Defense Technical Corrections Act of 1987 (Public Law 100–26; 101 Stat. 274; 10 U.S.C. 2302 note).

**SEC. 1604. ENHANCED REPROGRAMMING AUTHORITY FOLLOWING ACHIEVEMENT BY DEPARTMENT OF DEFENSE AND MILITARY DEPARTMENTS OF AUDIT WITH UNQUALIFIED OPINION OF STATEMENT OF BUDGETARY RESOURCES FOR FISCAL YEARS AFTER FISCAL YEAR 2014.**

(a) DEPARTMENT OF DEFENSE GENERALLY.—Subject to section 1606(1), if the Department of Defense obtains an audit with an unqualified opinion on its statement of budgetary resources for any fiscal year after fiscal year 2014, the limitation on the total amount of authorizations that the Secretary of Defense may transfer pursuant to general transfer authority available to the Secretary in the national interest in the succeeding fiscal year shall be $8,000,000,000.

(b) MILITARY DEPARTMENTS, DEFENSE AGENCIES, AND DEFENSE FIELD ACTIVITIES.—Subject to section 1607(a), if a military department, Defense Agency, or defense field activity obtains an audit with an unqualified opinion on its statement of budgetary resources for any fiscal year after fiscal year 2014, the thresholds for reprogramming of funds of such military department, Defense Agency, or defense field activity, as the case may be, without prior notice to Congress for the succeeding fiscal year shall be deemed to be the thresholds as follows:

(1) In the case of an increase or decrease to the program base amount for a procurement program, $60,000,000.

(2) In the case of an increase or decrease to the program base amount for a research program, $30,000,000.

(3) In the case of an increase or decrease to the amount for a budget activity for operation and maintenance, $45,000,000.

(4) In the case of an increase or decrease to the amount for a budget activity for military personnel, $30,000,000.

(c) CONSTRUCTION.—Nothing in this section shall be construed to alter or revise any requirement (other than a threshold amount) for notice to Congress on transfers covered by subsection (a) or reprogrammings covered by subsection (b) under any other provision of law.

(d) DEFINITIONS.—In this section, the terms ''program base amount'', ''procurement program'', ''research program'', and ''budget activity'' have the meanings given such terms in chapter 6 of volume 3 of the Financial Management Regulation of the Department of Defense (DoD 7000.14R), dated March 2011, or any successor document.

**SEC. 1605. FAILURE TO OBTAIN AUDITS WITH UNQUALIFIED OPINION OF FISCAL YEAR 2015 GENERAL FUND STATEMENT OF BUDGETARY RESOURCES OF THE DEPARTMENT OF DEFENSE.**

(a) IN GENERAL.—If the Department of Defense fails to obtain an audit with an unqualified opinion on its general fund statement of budgetary resources for fiscal year 2015 by December 31, 2015, the following shall take effect on January 1, 2016:

(1) ADDITIONAL QUALIFICATIONS AND DUTIES OF USD (COMPTROLLER).—

(A) QUALIFICATIONS.—Any individual nominated for appointment to the position of Under Secretary of Defense (Comptroller) under section 135 of title 10, United States Code, shall be an individual who has served—

(i) as the chief financial officer or equivalent position of a Federal or State agency that has received an audit with an unqualified opinion on such agency's financial statements during the time of such individual's service; or

(ii) as the chief financial officer or equivalent position of a public company that has received an audit with an unqualified opinion on such company's financial statements during the time of such individual's service.

(B) DUTIES AND POWERS.—The duties and powers of the individual serving as Under Secretary of Defense (Comptroller) shall include, in addition to the duties and powers specified in section 135(c) of title 10, United States Code, such duties and powers with respect to the financial management of the Department of Defense as the Deputy Secretary of Defense (acting in the capacity of Chief Management Officer of the Department of Defense) or a successor official in the Department of Defense (acting in such capacity) may prescribe.

(2) ADDITIONAL QUALIFICATIONS AND RESPONSIBILITIES OF ASA FOR FINANCIAL MANAGEMENT.—

(A) QUALIFICATIONS.—Any individual nominated for appointment to the position of Assistant Secretary of the Army for Financial Management under section 3016 of title 10, United States Code, shall be an individual who has served—

(i) as the chief financial officer or equivalent position of a Federal or State agency that has received an audit with an unqualified opinion on such agency's financial statements during the time of such individual's service; or

(ii) as the chief financial officer or equivalent position of a public company that has received an audit with an unqualified opinion on such company's financial statements during the time of such individual's service.

(B) RESPONSIBILITIES.—The responsibilities of the individual serving as Assistant Secretary of the Army for Financial Management shall include, in addition to the responsibilities specified in section 3016(b)(4) of title 10, United States Code, such responsibilities as the Deputy Secretary of Defense (acting in the capacity of Chief Management Officer of the Department of Defense) or a successor official in the Department of Defense (acting in such capacity) may prescribe.

(3) ADDITIONAL QUALIFICATIONS AND RESPONSIBILITIES OF ASN FOR FINANCIAL MANAGEMENT.—

(A) QUALIFICATIONS.—Any individual nominated for appointment to the position of Assistant Secretary of the Navy for Financial Management under section 5016 of title 10,

United States Code, shall be an individual who has served—

(i) as the chief financial officer or equivalent position of a Federal or State agency that has received an audit with an unqualified opinion on such agency's financial statements during the time of such individual's service; or

(ii) as the chief financial officer or equivalent position of a public company that has received an audit with an unqualified opinion on such company's financial statements during the time of such individual's service.

(B) RESPONSIBILITIES.—The responsibilities of the individual serving as Assistant Secretary of the Navy for Financial Management shall include, in addition to the responsibilities specified in section 5016(b)(4) of title 10, United States Code, such responsibilities as the Deputy Secretary of Defense (acting in the capacity of Chief Management Officer of the Department of Defense) or a successor official in the Department of Defense (acting in such capacity) may prescribe.

(4) ADDITIONAL QUALIFICATIONS AND RESPONSIBILITIES OF ASAF FOR FINANCIAL MANAGEMENT.—

(A) QUALIFICATIONS.—Any individual nominated for appointment to the position of Assistant Secretary of the Air Force for Financial Management under section 8016 of title 10, United States Code, shall be an individual who has served—

(i) as the chief financial officer or equivalent position of a Federal or State agency that has received an audit with an unqualified opinion on such agency's financial statements during the time of such individual's service; or

(ii) as the chief financial officer or equivalent position of a public company that has received an audit with an unqualified opinion on such company's financial statements during the time of such individual's service.

(B) RESPONSIBILITIES.—The responsibilities of the individual serving as Assistant Secretary of the Air Force for Financial Management shall include, in addition to the responsibilities specified in section 8016(b)(4) of title 10, United States Code, such responsibilities as the Deputy Secretary of Defense (acting in the capacity of Chief Management Officer of the Department of Defense) or a successor official in the Department of Defense (acting in such capacity) may prescribe.

(b) PUBLIC COMPANY DEFINED.—In this section, the term ''public company'' has the meaning given the term ''issuer'' in section 2(a)(7) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201(a)(7)).

**SEC. 1606. FAILURE OF THE DEPARTMENT OF DEFENSE TO OBTAIN AUDITS WITH UNQUALIFIED OPINION OF FISCAL YEAR 2018 FINANCIAL STATEMENTS.**

If the Department of Defense fails to obtain an audit with an unqualified opinion on its general fund statement of budgetary resources for fiscal year 2018 by December 31, 2018:

(1) PERMANENT CESSATION OF ENHANCED GENERAL TRANSFER AUTHORITY.—Effective as of January 1, 2019, the authority in section 1604(a) shall cease to be available to the Department of Defense for fiscal year 2018 and any fiscal year thereafter.

(2) REORGANIZATION OF RESPONSIBILITIES OF CHIEF MANAGEMENT OFFICER.—Effective as of April 1, 2019:

(A) POSITION OF CHIEF MANAGEMENT OFFICER.—Section 132a of title 10, United States Code, is amended to read as follows:

**''§ 132a. Chief Management Officer**

''(a) IN GENERAL.—(1) There is a Chief Management Officer of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.

''(2) Any individual nominated for appointment as Chief Management Officer shall be an individual who has—

''(A) extensive executive level leadership and management experience in the public or private sector;

''(B) strong leadership skills;

''(C) a demonstrated ability to manage large and complex organizations; and

''(D) a proven record in achieving positive operational results.

''(b) POWERS AND DUTIES.—The Chief Management Officer shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.

''(c) SERVICE AS CHIEF MANAGEMENT OFFICER.—(1) The Chief Management Officer is the Chief Management Officer of the Department of Defense.

''(2) In serving as the Chief Management Officer of the Department of Defense, the Chief Management Officer shall be responsible for the management and administration of the Department of Defense with respect to the following:

''(A) The expenditure of funds, accounting, and finance.

''(B) Procurement, including procurement of any enterprise resource planning (ERP) system and any information technology (IT) system that is a financial feeder system, human resources system, or logistics system.

''(C) Facilities, property, nonmilitary equipment, and other resources.

''(D) Strategic planning, annual performance planning, and identification and tracking of performance measures.

''(E) Internal audits and management analyses of the programs and activities of the Department, including the Defense Contract Audit Agency.

''(F) Such other areas or matters as the Secretary of Defense may designate.

''(3) The head of the Defense Contract Audit Agency shall be under the supervision of, and shall report directly to, the Chief Management Officer.

''(d) PRECEDENCE.—The Chief Management Officer takes precedence in the Department of Defense after the Secretary of Defense and the Deputy Secretary of Defense.''.

(B) CONFORMING AMENDMENTS.—

(i) Section 131(b) of title 10, United States Code, is amended—

(I) by striking paragraph (3);

(II) by redesignating paragraph (2) as paragraph (3); and

(III) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Chief Management Officer of the Department of Defense.''.

(ii) Section 132 of such title is amended—

(I) by striking subsection (c); and

(II) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(iii) Section 133(e)(1) of such title is amended by striking ''and the Deputy Secretary of Defense'' and inserting '', the Deputy Secretary of Defense, and the Chief Management Officer of the Department of Defense''.

(iv) Such title is further amended by inserting ''the Chief Management Officer of the Department of Defense,'' after ''the Deputy Secretary of Defense,'' each place it appears in the provisions as follows:

(I) Section 133(e)(2).

(II) Section 134(c).

(v) Section 137a(d) of such title is amended by striking ''the Secretaries of the military departments,'' and all that follows and inserting ''the Chief Management Officer of the Department of Defense, the Secretaries of the military departments, and the Under Secretaries of Defense.''.

(vi) Section 138(d) of such title is amended by striking ''the Secretaries of the military departments,'' and all that follows through the period and inserting ''the Chief Management Officer of the Department of Defense, the Secretaries of the military departments, the Under Secretaries of Defense, and the Director of Defense Research and Engineering.''.

(C) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 132a and inserting the following new item:

''132a. Chief Management Officer.''.

(D) EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

''Chief Management Officer of the Department of Defense.''.

(E) REFERENCE IN LAW.—Any reference in any provision of law to the Chief Management Officer of the Department of Defense shall be deemed to refer to the Chief Management Officer of the Department of Defense under section 132a of title 10, United States Code (as amended by this paragraph).

(3) JURISDICTION OF DFAS.—Effective as of April 1, 2019:

(A) TRANSFER TO DEPARTMENT OF THE TREASURY.—Jurisdiction of the Defense Finance and Accounting Service (DFAS) is transferred from the Department of Defense to the Department of the Treasury.

(B) ADMINISTRATION.—The Secretary of the Treasury shall administer the Defense Finance and Accounting Service following transfer under this paragraph through the Financial Management Service of the Department of the Treasury.

(C) MEMORANDUM OF UNDERSTANDING.—The Secretary of Defense and the Secretary of the Treasury shall jointly enter into a memorandum of understanding regarding the transfer of jurisdiction of the Defense Finance and Accounting Service under this paragraph. The memorandum of understanding shall provide for the transfer of the personnel and other resources of the Service to the Department of the Treasury and for the assumption of responsibility for such personnel and resources by the Department of the Treasury.

(D) CONSTRUCTION.—Nothing in this paragraph shall be construed as terminating, altering, or revising any responsibilities or authorities of the Defense Finance and Accounting Service (other than responsibilities and authorities in connection with the exercise of jurisdiction of the Service following transfer under this paragraph).

**SEC. 1607. FAILURE OF THE MILITARY DEPARTMENTS TO OBTAIN AUDITS WITH UNQUALIFIED OPINION OF FINANCIAL STATEMENTS FOR FISCAL YEARS AFTER FISCAL YEAR 2017.**

(a) PERMANENT CESSATION OF AUTHORITIES ON REPROGRAMMING OF FUNDS.—If a military department fails to obtain an audit with an unqualified opinion on its financial statements for fiscal year 2018 by December 31, 2018, effective as of January 1, 2019, the authorities in section 1604(b) shall cease to be available to the military department for fiscal year 2018 and any fiscal year thereafter.

(b) ANNUAL PROHIBITION ON EXPENDITURE OF FUNDS FOR CERTAIN MDAPS PAST MILESTONE B IN CONNECTION WITH FAILURE.—

(1) PROHIBITION.—Effective for fiscal years after fiscal year 2017, if a military department fails to obtain an audit with an unqualified opinion on its financial statements for any fiscal year, effective as of the date of the issuance of the opinion on such audit, amounts available to the military department for the following fiscal year may not be obligated by the military department for a weapon or weapon system or platform being acquired as a major defense acquisition program for any activity beyond Milestone B

approval unless such program has already achieved Milestone B approval of the date of the issuance of the opinion on such audit.

(2) DEFINITIONS.—In this subsection:

(A) The term ''major defense acquisition program'' has the meaning given that term in section 2430 of title 10, United States Code.

(B) The term ''Milestone B approval'' has the meaning given that term in section 2366(e)(7) of title 10, United States Code.

**SEC. 1608. ENTERPRISE RESOURCE PLANNING.**

The Secretary of Defense shall amend the acquisition guidance of the Department of Defense to provide for the following:

(1) The Defense Business System Management Committee may not approve procurement of any Enterprise Resource Planning (ERP) business system that is independently estimated to take longer than three years to procure from initial obligation of funds to full deployment and sustainment.

(2) Any contract for the acquisition of an Enterprise Resource Planning business system shall include a provision authorizing termination of the contract at no cost to the Government if procurement of the system takes longer than three years from initial obligation of funds to full deployment and sustainment.

(3) Any implementation of an Enterprise Resource Planning system shall comply with each of the following:

(A) The current Business Enterprise Architecture established by the Chief Management Officer of the Department of Defense.

(B) The provisions of section 2222 of title 10, United States Code.

(4) The Deputy Secretary of Defense (acting in the capacity of Chief Management Officer of the Department of Defense) or a successor official in the Department of Defense (acting in such capacity) shall have the authority to replace any program manager (whether in a military department or a Defense Agency) for the procurement of an Enterprise Resource Planning business system if procurement of the system takes longer than three years from initial obligation of funds to full deployment and sustainment.

(5) Any integrator contract for the implementation of an Enterprise Resource Planning business system shall only be awarded to companies that have a history of successful implementation of other Enterprise Resource Planning business systems for the Federal Government (whether with the Department of Defense or another department or agency of the Federal Government), including meeting cost and schedule goals.

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**SA 2156.** Mr. COBURN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. USE OF FUNDS AVAILABLE FOR THE DEPARTMENT OF DEFENSE ONLY FOR DEFENSE-RELATED PURPOSES.**

(a) ELIMINATION OF NON-DEFENSE SPENDING.—Amounts authorized to be appropriated by this Act may not be used for a program, project, or activity if the Secretary of Defense determines that the such program, project, or activity does not serve a defense-related purpose.

(b) TRANSFER OF DUPLICATIVE PROGRAMS.—In the event the Secretary of Defense determines that a program, project, or activity of the Department of Defense duplicates, in whole or in part, a program, project, or activity of another department or agency of the Federal Government, the Secretary shall transfer to the head of such department or agency jurisdiction any part of such program, project, or activity that is so duplicative.

(c) COORDINATION ON NON-DEFENSE-SPECIFIC RESEARCH.—In the event the Secretary of Defense determines that a program, project, or activity of the Department of Defense involves research or development that will benefit another department or agency of the Federal Government, the Secretary shall coordinate with the head of such department or agency and the Director of the Office of Management and Budget on such research and development in order to ensure that such research and development is conducted in a manner which provides maximum benefit to both the Department and such department or agency.

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**SA 2157.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 901 and insert the following:

**SEC. 901. UNDER SECRETARY OF DEFENSE FOR MANAGEMENT.**

(a) CONVERSION OF POSITION OF DEPUTY CHIEF MANAGEMENT OFFICER TO POSITION OF UNDER SECRETARY OF DEFENSE FOR MANAGEMENT.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended—

(A) by redesignating section 137a as section 137b; and

(B) by inserting after section 137 the following new section 137a:

**''§ 137a. Under Secretary of Defense for Management**

''(a) APPOINTMENT.—(1) There is an Under Secretary of Defense for Management, appointed from civilian life by the President, by and with the advice and consent of the Senate.

''(2) Any individual nominated for appointment to the position of Under Secretary of Defense for Management shall—

''(A) have served in a senior executive level position with operational responsibilities in a public company or a Federal or State agency;

''(B) have demonstrated experience driving strategic performance measures and leading the transformational efforts of a large, complex organization; and

''(C) possess an educational background in business administration, public administration.

''(b) RESPONSIBILITY FOR DISCHARGE OF CERTAIN.—(1) In addition to the responsibilities specified in subsection (c), the Under Secretary of Defense for Management is also the following:

''(A) The Deputy Chief Management Officer of the Department of Defense.

''(B) The Performance Improvement Officer of the Department of Defense.

''(C) The Chief Information Officer of the Department of Defense.

''(2) In the capacity of Chief Information Officer of the Department of Defense, the Under Secretary of Defense for Management shall exercise authority, direction, and control over the Information Assurance Directorate of the National Security Agency.

''(c) GENERAL RESPONSIBILITIES.—The Under Secretary of Defense for Management is responsible, subject to the authority, direction, and control of the Secretary of Defense and the Deputy Secretary of Defense in the role of the Deputy Secretary as Chief Management Officer of the Department of Defense, for—

''(1) supervising the management of the business operations of the Department of Defense and adjudicating issues and conflicts in functional do main business policies;

''(2) establishing business strategic planning and performance management policies and the Department of Defense Strategic Management Plan;

''(3) establishing business information technology portfolio policies and overseeing investment management of that portfolio for the Department of Defense; and

''(4) establishing end-to-end process and standards policies and the Business Enterprise Architecture.

''(d) PRECEDENCE.—The Under Secretary of Defense for Management takes precedence in the Department of Defense after the Deputy Secretary of Defense.''.

(2) CONFORMING REPEAL OF SUPERSEDED AUTHORITY.—Section 132a of such title is repealed.

(3) CONTINUATION OF OFFICE.—Notwithstanding subsection (a) of section 137a of title 10, United States Code (as amended by paragraph (1)), the individual serving in the position of Deputy Chief Management Officer of the Department of Defense as of the date of the enactment of this Act may serve as Under Secretary of Defense for Management under that section until a successor is appointed Under Secretary of Defense for Management as specified in that subsection.

(b) CLARIFICATION OF ORDER OF PRECEDENCE FOR THE PRINCIPAL DEPUTY UNDER SECRETARIES OF DEFENSE.—Subsection (d) of section 137b of such title, as redesignated by subsection (a)(1) of this section, is amended by striking ''and the Deputy Chief Management Officer of the Department of Defense'' and inserting ''the Under Secretary of Defense for Management, and the officials serving in the positions specified in section 131(b)(4) of this title''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Title 10, United States Code, is further amended as follows:

(A) In section 131(b)—

(i) in paragraph (2), by adding at the end the following new subparagraph:

''(F) The Under Secretary of Defense for Management.'';

(ii) by striking paragraph (3); and

(iii) by redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively.

(B) In section 186—

(i) in subsection (a), by striking paragraph (2) and inserting the following new paragraph (2):

''(2) The Under Secretary of Defense for Management.''; and

(ii) in subsection (b), by striking ''the Deputy Chief Management Officer of the Department of Defense'' and inserting '' 'the Under Secretary of Defense for Management''.

(C) In section 2222, by striking ''the Deputy Chief Management Officer of the Department of Defense'' each place it appears in subsections (c)(2)(E), (d)(3), (f)(1)(D), (f)(1)(E), and (f)(2)(E) and inserting ''the Under Secretary of Defense for Management''.

(2) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 4 of such title is amended—

(A) by striking the item relating to section 132a; and

(B) by striking the item relating to section 137a and inserting the following new items:

''137a. Under Secretary of Defense for Management.
''137b. Principal Deputy Under Secretaries of Defense.''.

(3) EXECUTIVE SCHEDULE MATTERS.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Chief Management Office of the Department of Defense and inserting the following new item:

''Under Secretary of Defense for Management.''.

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**SA 2158.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. DISPOSAL OF SURPLUS OR EXCESS TANGIBLE PROPERTY OF THE DEPARTMENT OF DEFENSE SOLELY BY PUBLIC SALE.**

Notwithstanding any other provision of law, surplus or excess tangible property of the Department of Defense shall be disposed of solely by public sale.

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**SA 2159.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. CONSOLIDATION OF DUPLICATIVE AND OVERLAPPING AGENCIES, PROGRAMS, AND ACTIVITIES OF THE FEDERAL GOVERNMENT.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the heads of other departments and agencies of the Federal Government—

(1) use available administrative authority to eliminate, consolidate, or streamline Government agencies, programs, and activities with duplicative and overlapping missions as identified in Government Accountability Office reports on duplication and overlap in Government programs;

(2) identify and submit to Congress a report setting the legislative action required to further eliminate, consolidate, or streamline Government agencies, programs, and activities with duplicative and overlapping missions as identified in the reports referred to in paragraph (1); and

(3) determine the total cost savings that—

(A) will accrue to each department, agency, and office effected by an action under paragraph (1) as a result of the actions taken under that paragraph; and

(B) could accrue to each department, agency, and office effected by an action under paragraph (2) as a result of the actions proposed to be taken under that paragraph using the legislative authority set forth under that paragraph.

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**SA 2160.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. REPORT ON BALANCES CARRIED FORWARD BY THE DEPARTMENT OF DEFENSE AT THE END OF EACH FISCAL YEAR.**

Not later March 1 each year, the Secretary of Defense shall submit to Congress, and publish on the Internet website of the Department of Defense available to the public, the following:

(1) The total dollar amount of all balances carried forward by the Department of Defense at the end of the previous fiscal year by account.

(2) The total dollar amount of all unobligated balances carried forward by the Department of Defense at the end of the previous fiscal year by account.

(3) The total dollar amount of any balances (both obligated and unobligated) that have been carried forward by the Department of Defense for five years or more as of the end of the previous fiscal year by account.

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**SA 2161.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. LIMITATION ON AMOUNTS AVAILABLE IN FISCAL YEAR 2014 FOR TUITION ASSISTANCE PROGRAMS OF THE DEPARTMENT OF DEFENSE TO ADDRESS CRITICAL-NEEDS SHORTAGES FOR MILITARY PERSONNEL.**

Notwithstanding any other provision of this Act, the total amount available in this Act for fiscal year 2014 for tuition assistance programs of the Department of Defense may not exceed $100,000,000 in order that such assistance be limited to use as a retention tool to address critical-needs shortages for military personnel.

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**SA 2162.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 524.

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**SA 2163.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. PROHIBITION ON EMPLOYMENT BY THE DEPARTMENT OF DEFENSE OF INDIVIDUALS AND CONTRACTORS WITH SERIOUSLY DELINQUENT TAX DEBTS.**

(a) PROHIBITION.—An individual or contractor with a seriously delinquent tax debt may not be appointed to, or continue serving in, a position within or funded by the Department of Defense.

(b) SERIOUSLY DELINQUENT TAX DEBT DEFINED.—In this section, the term ''seriously delinquent tax debt'' means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of such Code, except that such term does not include—

(1) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or section 7122 of such Code; and

(2) a debt with respect to which a collection due process hearing under section 6330 of such Code, or relief under subsection (a), (b), or (f) of section 6015 of such Code, is requested or pending.

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**SA 2164.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. LIMITATION ON FUNDS AVAILABLE IN AFGHANISTAN SECURITY FORCES FUND FOR EQUIPMENT AND TRANSPORTATION.**

Of the amounts available in the Afghanistan Security Forces Fund for fiscal year 2014 for equipment and transportation, not more than an amount equal to 50 percent of such amounts may be obligated or expended for such purposes until the Secretary of Defense submits to the congressional defense committees a report setting forth the plan of the Department of Defense to transfer or sell the C–27A aircraft.

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**SA 2165.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. C–130J AIRCRAFT.**

Of the amount authorized to be appropriated for fiscal year 2014 by section 101 and available for Aircraft Procurement for the Air Force for procurement of C–130J aircraft as specified in the funding table in section 4101, not more than an amount equal to 25 percent of such amount may be obligated or expended for procurement of C–130J aircraft until the Secretary of Defense submits to the congressional defense committees a report

setting forth the plan of the Department of Defense to transfer or sell the C–27J aircraft.

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**SA 2166.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. SENSE OF CONGRESS ON SMALL ARMS AND AMMUNITION USED BY UNITED STATES ARMED FORCES.**

It is the sense of Congress that the small arms and ammunition used by the United States Armed Forces should be superior to the small arms and ammunition used by potential threat nations, foreign allied militaries, and United States domestic law enforcement.

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**SA 2167.** Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

**SEC. 2833. TRANSFER OF ADMINISTRATIVE JURISDICTION, GEORGIA.**

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Not later than September 30, 2014, the Secretary of Agriculture shall transfer to the Secretary of the Army administrative jurisdiction over the approximately 282.304 acres of Federal land in the Chattahoochee National Forest that is being used by the Secretary of the Army for Camp Frank D. Merrill in Dahlonega, Georgia, in accordance with the permit numbered 0018-01, in exchange for the transfer by the Secretary of the Army (acting through the Chief of Engineers) to the Secretary of Agriculture of administrative jurisdiction over approximately 10 acres of Corps of Engineers land on Lake Lanier located at 372 Dunlap Landing Road, Gainesville, Georgia.

(b) USE OF TRANSFERRED LAND.—On transfer of the Federal land in the Chattahoochee National Forest to the Secretary of the Army under subsection (a), the Secretary of the Army shall continue to use the transferred land for military purposes.

(c) PROTECTION OF THE ETOWAH DARTER AND HOLIDAY DARTER.—Nothing in this section affects the designation of land within the Chattahoochee National Forest before the date of enactment of this Act as critical habitat for the Etowah darter (Etheostoma etowahae) and the Holiday darter (Etheostoma brevirostrum).

(d) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall publish in the Federal Register a map and legal description of the land to be transferred under subsection (a).

(2) EFFECT.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture may correct any errors in the map and legal description.

(e) REIMBURSEMENTS OF COSTS.—The transfer of administrative jurisdiction under subsection (a) shall be made without reimbursement, except that the Secretary of the Army shall reimburse the Secretary of Agriculture for any costs incurred by the Secretary of Agriculture in preparing the map and legal description under subsection (d).

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**SA 2168.** Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2832.

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**SA 2169.** Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

**SEC. 593. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON IMPACT OF CERTAIN MENTAL AND PHYSICAL TRAUMA ON DISCHARGES FROM MILITARY SERVICE FOR MISCONDUCT.**

(a) REPORT REQUIRED.—The Comptroller General of the United States shall submit to Congress a report on the impact of mental and physical trauma relating to Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), behavioral health matters not related to Post Traumatic Stress Disorder, and other neurological combat traumas (in this section referred to as ''covered traumas'') on the discharge of members of the Armed Forces from the Armed Forces for misconduct.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the extent to which the Armed Forces have in place processes for the consideration of the impact of mental and physical trauma relating to covered traumas on members of the Armed Forces who are being considered for discharge from the Armed Forces for misconduct, including the compliance of the Armed Forces with such processes and mechanisms in the Department of Defense for ensuring the compliance of the Armed Forces with such processes.

(2) An assessment of the extent to which the Armed Forces provide members of the Armed Forces, including commanding officers, junior officers, and noncommissioned officers, training on the symptoms of covered traumas and the identification of the presence of such conditions in members of the Armed Forces.

(3) An assessment of the extent to which members of the Armed Forces who receive treatment for a covered trauma before discharge from the Armed Forces are later discharged from the Armed Forces for misconduct.

(4) An identification of the number of members of the Armed Forces discharged as described in paragraph (3) who are ineligible for benefits from the Department of Veterans Affairs based on characterization of discharge.

(5) An assessment of the extent to which members of the Armed Forces who accept a discharge from the Armed Forces for misconduct in lieu of trial by court-martial are counseled on the potential for ineligibility for benefits from the Department of Veterans Affairs as a result of such discharge before acceptance of such discharge.

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**SA 2170.** Mrs. MCCASKILL (for herself, Ms. AYOTTE, Mrs. FISCHER, Ms. COLLINS, and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 167, line 9, insert ''OR SENIOR TRIAL COUNSEL'' after ''STAFF JUDGE ADVOCATE''.

On page 167, line 13, insert ''or the senior trial counsel detailed to the case'' after ''Military Justice),''.

On page 167, line 21, insert ''OR SENIOR TRIAL COUNSEL'' after ''STAFF JUDGE ADVOCATE''.

On page 167, line 25, insert ''or the senior trial counsel detailed to the case'' after ''Military Justice),''.

At the end of part I subtitle E of title V, add the following:

**SEC. 547. ADDITIONAL ENHANCEMENTS OF MILITARY DEPARTMENT ACTIONS ON SEXUAL ASSAULT PREVENTION AND RESPONSE.**

(a) ADDITIONAL DUTY OF SPECIAL VICTIMS' COUNSEL.—In addition to the duties specified in section 539(a)(3), a Special Victims' Counsel designated under section 539 shall provide advice to victims of sexual assault on the advantages and disadvantages of prosecution of the offense concerned by court-martial or by a civilian court with jurisdiction over the offense before such victims express their preference as to the prosecution of the offense under subsection (b).

(b) CONSULTATION WITH VICTIMS REGARDING PREFERENCE IN PROSECUTION OF CERTAIN SEXUAL OFFENSES.—

(1) IN GENERAL.—The Secretaries of the military departments shall each establish a process to ensure consultation with the victim of a covered sexual offense that occurs in the United States with respect to the victim's preference as to whether the offense should be prosecuted by court-martial or by a civilian court with jurisdiction over the offense.

(2) WEIGHT AFFORDED PREFERENCE.—The preference expressed by a victim under paragraph (1) with respect to the prosecution of an offense, while not binding, should be afforded great weight in the determination whether to prosecute the offense by court-martial or by a civilian court.

(3) NOTICE TO VICTIM OF LACK OF CIVILIAN CRIMINAL PROSECUTION AFTER PREFERENCE FOR SUCH PROSECUTION.—In the event a victim expresses a preference under paragraph (1) in favor of prosecution of an offence by civilian court and the civilian authorities determine to decline prosecution, or defer to prosecution by court-martial, the victim shall be promptly notified of that determination.

(c) PERFORMANCE APPRAISALS OF MEMBERS OF THE ARMED FORCES.—

(1) APPRAISALS OF ALL MEMBERS ON COMPLIANCE WITH SEXUAL ASSAULT PREVENTION AND

RESPONSE PROGRAMS.—The Secretaries of the military departments shall each ensure that the written performance appraisals of members of the Armed Forces (whether officers or enlisted members) under the jurisdiction of such Secretary include an assessment of the extent to which each such member supports the sexual assault prevention and response program of the Armed Force concerned.

(2) PERFORMANCE APPRAISALS OF COMMANDING OFFICERS.—The Secretaries of the military departments shall each ensure that the performance appraisals of commanding officers under the jurisdiction of such Secretary indicate the extent to which each such commanding officer has or has not established a command climate in which—

(A) allegations of sexual assault are properly managed and fairly evaluated; and

(B) a victim can report criminal activity, including sexual assault, without fear of retaliation, including ostracism and group pressure from other members of the command.

(d) COMMAND CLIMATE ASSESSMENTS FOLLOWING INCIDENTS OF CERTAIN SEXUAL OFFENSES.—

(1) ASSESSMENTS REQUIRED.—The Secretaries of the military departments shall each establish a process whereby a command climate assessment is performed following an incident involving a covered sexual offense for each of the command of the accused and the command of the victim. If the accused and the victim are within the same command, only a single climate assessment is required. The process shall ensure the timely completion of command climate assessments for provision to military criminal investigation organizations and commanders pursuant to paragraph (2).

(2) PROVISION TO MILITARY CRIMINAL INVESTIGATION ORGANIZATIONS AND COMMANDERS.—A command climate assessment performed pursuant to paragraph (1) shall be provided to the following:

(A) The military criminal investigation organization conducting the investigation of the offense concerned.

(B) The commander next higher in the chain of command of the command covered by the climate assessment.

(e) CONFIDENTIAL REVIEW OF CHARACTERIZATION OF TERMS OF DISCHARGE OF VICTIMS OF SEXUAL OFFENSES.—

(1) IN GENERAL.—The Secretaries of the military departments shall each establish a confidential process, through boards for the correction of military records of the military department concerned, by which an individual who was the victim of a covered sexual offense during service in the Armed Forces may challenge, on the basis of being the victim of such an offense, the terms or characterization of the individual's discharge or separation from the Armed Forces.

(2) CONSIDERATION OF INDIVIDUAL EXPERIENCES IN CONNECTION WITH OFFENSES.—In deciding whether to modify the terms or characterization of an individual's discharge or separation pursuant to the process required by paragraph (1), the Secretary of the military department concerned shall instruct boards to give due consideration to the psychological and physical aspects of the individual's experience in connection with the offense concerned, and to what bearing such experience may have had on the circumstances surrounding the individual's discharge or separation from the Armed Forces.

(3) PRESERVATION OF CONFIDENTIALITY.—Documents considered and decisions rendered pursuant to the process required by paragraph (1) shall not be made available to the public, except with the consent of the individual concerned.

(f) COVERED SEXUAL OFFENSE DEFINED.—In subsections (a) through (e), the term ''covered sexual offense'' means any of the following:

(1) Rape or sexual assault under subsection (a) or (b) of section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice).

(2) Forcible sodomy under section 925 of title 10, United States Code (article 125 of the Uniform Code of Military Justice).

(3) An attempt to commit an offense specified in paragraph (1) or (2) as punishable under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(g) MODIFICATION OF MILITARY RULES OF EVIDENCE RELATING TO ADMISSIBILITY OF GENERAL MILITARY CHARACTER TOWARD PROBABILITY OF INNOCENCE.—Not later than 180 days after the date of the enactment of this Act, Rule 404(a) of the Military Rules of Evidence shall be modified to clarify that the general military character of an accused is not admissible for the purpose of showing the probability of innocence of the accused, except that evidence of a trait of the military character of an accused may be offered in evidence by the accused when that trait is relevant to an element of an offense for which the accused has been charged.

**SEC. 548. APPLICABILITY OF SEXUAL ASSAULT PREVENTION AND RESPONSE AND RELATED MILITARY JUSTICE ENHANCEMENTS TO MILITARY SERVICE ACADEMIES.**

(a) MILITARY SERVICE ACADEMIES.—The Secretary of the military department concerned shall ensure that the provisions of this subtitle, and the amendments made by this subtitle, apply to the United States Military Academy, the Naval Academy, and the Air Force Academy, as applicable.

(b) COAST GUARD ACADEMY.—The Secretary of Homeland Security shall ensure that the provisions of this subtitle, and the amendments made by this subtitle, apply to the Coast Guard Academy.

**SEC. 549. COLLABORATION BETWEEN THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF JUSTICE IN EFFORTS TO PREVENT AND RESPOND TO SEXUAL ASSAULT.**

(a) STRATEGIC FRAMEWORK ON COLLABORATION REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense and the Attorney General shall jointly develop a strategic framework for ongoing collaboration between the Department of Defense and the Department of Justice in their efforts to prevent and respond to sexual assault. The framework shall be based on and include the following:

(1) An assessment of the role of the Department of Justice in investigations and prosecutions of sexual assault cases in which the Department of Defense and the Department of Justice have concurrent jurisdiction, with the assessment to include a review of and list of recommended revisions to relevant Memoranda of Understanding and related documents between the Department of Justice and the Department of Defense.

(2) An assessment of the feasibility of establishing the position of advisor on military sexual assaults within the Department of Justice (using existing Department resources and personnel) to assist in the activities required under paragraph (1)and provide to the Department of Defense investigative and other assistance in sexual assault cases occurring on domestic and overseas military installations over which the Department of Defense has primary jurisdiction, with the assessment to address the feasibility of maintaining representatives or designees of the advisor at military installations for the purpose of reviewing cases of sexual assault and providing assistance with the investigation and prosecution of sexual assaults.

(3) An assessment of the number of unsolved sexual assault cases that have occurred on military installations, and a plan, with appropriate benchmarks, to review those cases using currently available civilian and military law enforcement resources, such as new technology and forensics information.

(4) A strategy to leverage efforts by the Department of Defense and the Department of Justice—

(A) to improve the quality of investigations, prosecutions, specialized training, services to victims, awareness, and prevention regarding sexual assault; and

(B) to address social conditions that relate to sexual assault.

(5) Mechanisms to promote information sharing and best practices between the Department of Defense and the Department of Justice on prevention and response to sexual assault, including victim assistance through the Violence against Women Act and Office for Victims of Crime programs of the Department of Justice.

(b) REPORT.—The Secretary of Defense and the Attorney General shall jointly submit to the appropriate committees of Congress a report on the framework required by subsection (a). The report shall—

(1) describe the manner in which the Department of Defense and Department of Justice will collaborate on an ongoing basis under the framework;

(2) explain obstacles to implementing the framework; and

(3) identify changes in laws necessary to achieve the purpose of this section.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on the Judiciary of the Senate; and

(2) the Committee on Armed Services and the Committee on the Judiciary of the House of Representatives.

**SEC. 550. SENSE OF SENATE ON INDEPENDENT PANEL ON REVIEW AND ASSESSMENT ON RESPONSE SYSTEMS TO SEXUAL ASSAULT CRIMES.**

It is the sense of the Senate that—

(1) the panel to review and assess the systems used to respond to sexual assault established by section 576 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1758) is conducting an independent assessment of the systems used to investigate, prosecute, and adjudicate crimes involving adult sexual assault and related offenses;

(2) the work of the panel will be critical in informing the efforts of Congress to combat rape, sexual assault, and other sex-related crimes in the Armed Forces;

(3) the panel should include in its assessment under subsection (d)(1) of section 576 of the National Defense Authorization Act for Fiscal Year 2013 a review of the reforms that will be enacted pursuant to this subtitle and the amendments made by this subtitle; and

(4) the views of the victim advocate community should continue to be well-represented on the panel, and input from victims should continue to play a central role in informing the work of the panel.

On page 176, line 23, strike ''120 days'' and insert ''60 days''.

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**SA 2171.** Mrs. MCCASKILL (for herself, Mr. MCCAIN, and Ms. AYOTTE) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of

the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1066. POW/MIA MATTERS.**

(a) REPORT ON ACCOUNTING FOR POW/MIAS.—

(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on accounting for missing persons from covered conflicts.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The total number of missing persons in all covered conflicts and in each covered conflict.

(B) The total number of missing persons in all covered conflicts, and in each covered conflict, that are considered unrecoverable, including—

(i) the total number in each conflict that are considered unrecoverable by being lost at sea or in inaccessible terrain;

(ii) the total number from the Korean War that are considered to be located in each of China, North Korea, and Russia.

(C) The total number of missing persons in all covered conflicts, and in each covered conflict, that were interred without identification, including the locations of interment.

(D) The number of remains in the custody of the Department of Defense that are awaiting identification, and the number of such remains estimated by the Department to be likely to be identified using current technology.

(E) The total number of identifications of remains that have been made since January 1, 1970, for all covered conflicts and for each covered conflict.

(F) The number of instances where next of kin have refused to provide a DNA sample for the identification of recovered remains, for each covered conflict.

(3) DEFINITIONS.—In this subsection:

(A) The term ''missing persons'' has the meaning given that term in section 1513(1) of title 10, United States Code.

(B) The term ''covered conflicts'' means the conflicts specified in or designated under section 1509(a) of title 10, United States Code, as of the date of the report required by paragraph (1).

(b) REPORT ON POW/MIA ACCOUNTING COMMUNITY.—

(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the POW/MIA accounting community.

(2) ELEMENTS.—The report required by paragraph (1)) shall including the following:

(A) A description and assessment of the current structure of the POW/MIA accounting community.

(B) An assessment of the feasibility and advisability of reorganizing the community into a single, central command, including—

(i) an identification of the elements that could be organized into such command; and

(ii) an assessment of cost-savings, advantages, and disadvantages of—

(I) transferring the command and control of the Joint POW/MIA Accounting Command (JPAC) and the Central Identification Laboratory (CIL) from the United States Pacific Command to the Office of the Secretary of Defense;

(II) merging the Joint POW/MIA Accounting Command and the Central Identification Laboratory with the Defense Prisoner of War/Missing Personnel Office (DPMO); and

(III) merging the Central Identification Laboratory with the Armed Forces DNA Identification Lab (AF-DIL).

(C) A recommendation on the element of the Department of Defense to be responsible for directing POW/MIA accounting activities, and on whether all elements of the POW/MIA accounting community should report to that element.

(D) An estimate of the costs to be incurred, and the cost savings to be achieved—

(i) by relocating central POW/MIA accounting activities to the continental United States;

(ii) by closing or consolidating existing Joint POW/MIA Accounting Command facilities; and

(iii) through any actions with respect to the POW/MIA accounting community and POW/MIA accounting activities that the Secretary considers advisable for purposes of the report.

(E) An assessment of the feasibility and advisability of the use by the Department of university anthropology or archaeology programs to conduct field work, particularly in politically sensitive environments, including an assessment of the potential cost of the use of such programs and whether the use of such programs would result in a greater number of identifications.

(F) A survey of the manner in which other countries conduct accounting for missing persons, and an assessment whether such practices can be used by the United States

(G) A recommendation as to the advisability of continuing to use a military model for recovery operations, including the impact of the use of such model on diplomatic relations with countries in which the United States seeks to conduct recovery operations.

(H) Such recommendations for the reorganization of the POW/MIA accounting community as the Secretary considers appropriate in light of the other elements of the report, including an estimate of the additional numbers of recoveries and identifications anticipated to be made by the accounting community as a result of implementation of the reorganization.

(3) BASIS IN PREVIOUS RECOMMENDATIONS.—The report required by paragraph (1) shall take into account recommendations previously made by the Director of Cost Assessment and Program Evaluation, the Inspector General of the Department of Defense, and the Comptroller General of the United States regarding the organization of the POW/MIA accounting community.

(4) POW/MIA ACCOUNTING COMMUNITY.—In this subsection, the term ''POW/MIA accounting community'' has the meaning given that term in section 1509(b)(2) of title 10, United States Code.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

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**SA 2172.** Mr. CASEY (for himself, Ms. AYOTTE, Mr. WARNER, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

**SEC. 1220. SECURITY SUPPORT FOR AFGHAN WOMEN AND GIRLS.**

(a) FINDINGS.—Congress makes the following findings:

(1) In January 2013, President Barack Obama stated, ''The Afghan constitution protects the rights of Afghan women. And the United States strongly believes that Afghanistan cannot succeed unless it gives opportunity to its women. . .And we think that a failure to provide that protection not only will make reconciliation impossible to achieve, but also would make Afghanistan's long-term development impossible to achieve.''

(2) As stated in the Department of Defense's July 2013 1230 Report on Progress Toward Security and Stability in Afghanistan (in this section, the ''1230 Report''), the United States Government ''recognizes that promoting security for Afghan women and girls must remain a top foreign policy priority''. The November 2013 1230 Report also highlights this priority and further states, ''A major focus of DoD and others working to improve the conditions of women in Afghanistan is now to maintain the gains made in the last twelve years after the ISAF mission ends.''

(3) According to the United Nations Assistance Mission in Afghanistan (UNAMA) Mid-Year Report 2013: Protection of Civilians in Armed Conflict, the conflict ''increasingly harmed women and children. In the first six months of 2013, conflict related violence killed 106 women and injured 241 (347 casualties), a 61 percent increase from the same period in 2012.''

(4) Women still face significant barriers to full participation in the Afghan National Army (ANA) and Afghan National Police (ANP), including a discriminatory or hostile work environment. As stated in the July and November 1230 Report, other barriers include ''family-related issues. . .lack of challenging assignments upon graduation, accounts of sexual harassment and violence, and difficulties concerning separate housing and bathing facilities'' for female personnel.

(5) According to the November 1230 Report, female recruitment and retention rates for the Afghan National Security Forces fell short of the Ministry of Defense (MoD) and Ministry of the Interior (MoI) female recruitment goals of 10 percent of the ANA and AAF and 5,000 for the ANP. In regards to women serving in the ANP, the November 1230 report also states, ''Low female recruitment is due in part to the MoI's passive female recruitment efforts, which has no specific female recruitment strategy or plan.'' At the time of the November 1230 Report, only 1,557 women were serving in the ANP (847 officers and NCOs and 710 patrolmen). This represents an increase of 36 women from the last reporting period.

(6) According to the Special Inspector General for Afghan Reconstruction (SIGAR) October 2013 report, despite more women showing an interest in joining the security forces, only 0.3 percent of ANA and AAF and 1 percent of police in Afghanistan are women. According to the November 1230 Report, ''The MOD has failed to capitalize on this interest and organize the necessary initial training, such as Female Officer Candidate and NCO courses. ISAF advisors continue to mentor the MOD to reduce their emphasis on ethnic balancing in order to accelerate ANA gender integration.''

(7) According to the International Crisis Group, there are not enough female police officers to staff all provincial Family Response Units (FRUs). United Nations Assistance Mission in Afghanistan and the Office of the High Commissioner for Refugees found that ''in the absence of Family Response Units or visible women police officers, women victims almost never approach police stations willingly, fearing they will be arrested, their reputations stained or worse''.

(8) Fair, free, and inclusive presidential elections in Afghanistan in April 2014 will be critical for the country's future security and stability. Afghan women in particular are often prevented from meaningful participation in the electoral process due to the threat of violence, security environment, the scarcity of female poll workers, and lack of awareness of women's political rights and opportunities, according to the Free and Fair Election Foundation of Afghanistan.

(9) According to the Independent Election Commission of Afghanistan, Afghanistan needs 12,000 female police officers to search women at polling stations. The Afghan National Police has about 1,570 women for this duty. According to the United Nations Development Programme (UNDP), without female searchers at polling stations, security threats will increase as men can dress in burkhas attempting to enter the female areas of the polling station while concealing firearms, knives, or explosives.

(10) According to the July 1230 Report, ''U.S. Embassy engagement on security preparations for the 2014 election with the MoI and Independent Elections Commission has focused on the need for increased temporary female security personnel, which would provide an environment where women can access polling stations while also ensuring the safety and security of the polling stations, and highlighting the role women can play in ensuring security overall.''

(11) According to the November 1230 Report, ''The lack of female ANSF for both routine security operations and the 2014 Afghan elections makes the ANSF gender gap an operational and political risk for the Government of the Islamic Republic of Afghanistan (GIRoA).'' Further, the November 1230 Report highlights the significant risk to the credibility of the April 2014 elections and to the ANSF, stating, ''Failure to recruit more women could deter female voter turnout, harming the legitimacy of the ANSF and those elected to office in 2014.''

(b) THE SENSE OF CONGRESS ON PROMOTION OF SECURITY OF AFGHAN WOMEN.—It is the sense of Congress that—

(1) the United States Government should regularly press the Government of the Islamic Republic of Afghanistan to commit to the meaningful inclusion of women in any peace process and to ensure that women's concerns are fully reflected in relevant negotiations; and

(2) the United States Government and the Government of Afghanistan should ''reaffirm the role of Afghan civil society, particularly women's organizations, in advocating for and supporting human rights, good governance, and sustainable social, economic, and democratic development of Afghanistan through a sustained dialogue'', as agreed to during the meeting between the International Community and the Government of Afghanistan on the Tokyo Mutual Accountability Framework (TMAF) in July 2013.

(c) STRATEGY TO PROMOTE SECURITY OF AFGHAN WOMEN.—

(1) IN GENERAL.—The Secretary of Defense shall support the efforts of the Government of Afghanistan to ensure the security of Afghan women and girls during and after the security transition process through implementation of an Afghan-led strategy to increase awareness and responsiveness among Afghan National Army and Afghan National Police personnel regarding the unique challenges women confront when serving in those forces.

(2) TRAINING.—The Secretary of Defense, working with the International Security Force (ISAF) and NATO Training Mission-Afghanistan (NTM-A), should encourage the Government of Afghanistan to include in the strategy developed under paragraph (1) the following elements:

(A) An evaluation of the effectiveness of existing training for Afghan National Security Forces on this issue.

(B) A plan to increase the number of female security officers, including those serving in Family Response Units, specifically trained to address cases of gender-based violence.

(C) A plan to address the development of accountability mechanisms for ANA and ANP personnel who violate codes of conduct related to the human rights of women and girls.

(3) ENROLLMENT AND TREATMENT.—The Secretary of Defense, in cooperation with the Afghan Ministries of Defense and Interior, shall assist the Government of Afghanistan in including as part of the strategy developed under paragraph (1) the development and implementation of a strategy to increase the number of female members of the ANA and ANP and to ensure their equal treatment, including the following actions:

(A) Submission of status reports to the Secretary of Defense, not later than 120 days after the date of the enactment of this Act, on the plans of the MOD and MOI for the recruitment and retention of female officers, non-commissioned officers, and soldiers, including efforts to—

(i) provide appropriate equipment for female security and police forces;

(ii) modify facilities to allow for female participation within the security and police forces;

(iii) training to include literacy training for women recruits and gender awareness training for male counterparts; and

(iv) a review of the number of women in the ANP and realistic deadlines to increase the number of female officers by 2014.

(B) The allocation of not less than $15,000,000 from the Afghan Security Forces Fund to be available for the recruitment, retention, and support of women in the ANSF.

(4) STAFFING AT POLLING STATIONS.—The Secretary of Defense shall assist the Afghan MOD and MOI in increasing the number of women staffing polling stations during the April 2014 elections in Afghanistan, including—

(A) assistance in the development of a recruitment and training program for female searchers and security officers to staff voting stations during the April 2014 elections by not later than 60 days after the date of the enactment of this Act;

(B) assistance in the implementation of the program described in subparagraph (A), including working with the Ministry of Interior to ensure that female ANP officers are assigned to provide security for polling stations; and

(C) allocating up to $5,000,000 from the Afghan Security Forces Fund to be available to hire temporary female personnel to staff polling stations.

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**SA 2173.** Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XXVIII, add the following:

**SEC. 2842. RESPONSIBILITY FOR ENVIRONMENTAL REMEDIATION AT BADGER ARMY AMMUNITION PLANT, BARABOO, WISCONSIN.**

(a) DEFINITIONS.—In this section:

(1) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) PLANT.—The term ''plant'' means the Badger Army Ammunition Plant near Baraboo, Wisconsin.

(3) PROPERTY.—The term ''property'' includes—

(A) the plant;

(B) any land—

(i) located in Sauk County, Wisconsin; and

(ii) managed by the Federal Government relating to the plant; and

(C) any structure on the land described in subparagraph (B).

(b) RETENTION OF ENVIRONMENTAL LIABILITY.—

(1) IN GENERAL.—Subject to paragraph (2), the Department of Defense shall retain liability for the costs of environmental remediation associated with the plant under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and any other applicable Federal or State law if the property is transferred in fee or in trust to another Federal agency.

(2) LIMITATION.—The liability described in paragraph (1) is limited to the costs of remediation of environmental contamination that existed before the date on which the property is transferred.

(c) LAND HELD IN TRUST.—If the property is transferred to another Federal agency to be held in trust for an Indian tribe, the transfer shall not result in any reduction of funds available to the Secretary of Defense to carry out the cleanup and closure of the plant.

(d) EFFECT.—Nothing in this section—

(1) relieves the Secretary of Defense, the Administrator of the Environmental Protection Agency, the Secretary of the Interior, or any other person from any obligation or liability under any Federal or State law with respect to the plant;

(2) alters any authority of the Administrator of the Environmental Protection Agency or the Governor of the State of Wisconsin under subsection (a)(4) or (h)(3)(B) of section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(a)(4), (h)(3)(B));

(3) affects the level of cleanup at the plant or the closure of the plant required under any Federal or State law;

(4) affects or limits the application of, or any obligation to comply with, any environmental law, including—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(B) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.); or

(5) prevents the United States from bringing a cost recovery, contribution, or any other action that would otherwise be available under any Federal or State law.

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**SA 2174.** Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part I of subtitle E of title V, add the following:

**SEC. 547. REPORT ON FEASIBILITY OF ASSESSMENT OF SEXUAL VIOLENCE AMONG RESERVE OFFICERS' TRAINING CORPS CADETS.**

(a) REPORT.—Not later than June 30, 2014, the Secretary of Defense shall, in consultation with the Secretary of Education, submit to the congressional defense committees a report setting forth an assessment of the feasibility of conducting a study of sexual violence by cadets in the Reserve Officers' Training Corps (ROTC) programs during fiscal years 2009 through 2014 in order to determine the extent of sexual violence in the Reserve Officers' Training Corps programs and the need for reform of such programs in connection with such violence.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description and prioritization of the quantitative and qualitative data, including collection and assessment methodologies in compliance with applicable privacy laws, that should be used to assess the extent of sexual violence among Reserve Officers' Training Corps cadets for each Armed Forces and across the Armed Forces in general, including data on—

(A) alleged and proven incidents of sexual violence by Reserve Officers' Training Corps cadets as reported to the Reserve Officers' Training Corps programs, institutions of higher education, and law enforcement officials;

(B) alleged and proven incidents of sexual violence by students of institutions of higher education of demographics similar to the demographics of Reserve Officers' Training Corps cadets as reported to institutions of higher education and law enforcement officials; and

(C) actions officially and unofficially taken by Reserve Officers' Training Corps programs, institutions of higher education, and law enforcement officials in response to such alleged and proven incidents of sexual violence.

(2) An assessment of the feasibility of the collection and analysis of the data provided for in paragraph (1), to include what methods and resources that would be required to collect, for sample sizes of sufficient size as to provide significant evidence for determining the extent, if any, of sexual violence among Reserve Officers' Training Corps cadets.

(3) An approach to surveying and assessing Reserve Officers' Training Corps classroom information materials, course materials, and lesson plans related to education and training for prevention of sexual violence, and the process for developing such materials and lesson plans.

(4) An approach to assessing the processes of communication among Reserve Officers' Training Corps program officials, institutions of higher education, and law enforcement officials about alleged and proven sexual violence incidents involving Reserve Officers' Training Corps cadets.

(5) An approach to assessing how the records of Reserve Officers' Training Corps cadets, including disciplinary records, are evaluated prior to commissioning.

(6) Such other matters and recommendations with respect to the study described in subsection (a) as the Secretary considers appropriate.

(c) COMPTROLLER GENERAL OF THE UNITED STATES REVIEW.—Not later than four months after the date of the submittal of the report required by subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment of the methodology proposed in the feasibility study covered by such report to conduct a study of sexual violence among Reserve Officers' Training Corps cadets.

(d) CONGRESSIONAL REVIEW AND REPORT REQUIREMENTS.—The relevant congressional defense committees shall review the Comptroller General report required by subsection (c), and the feasibility study required by subsection (a). Such committees shall certify completion of the feasibility study required under subsection (a) and identify recommendations for a new report. Upon certification of the feasibility study, the Secretary of Defense, in consultation with the Secretary of Education, shall execute a new report following the guidelines established by the feasibility study required in subsection (a) and recommendations identified by the relevant defense committees. The new report shall be submitted to the congressional defense committees not later than 6 months after certification.

(e) SEXUAL VIOLENCE DEFINED.—In this section, the term ''sexual violence'' means the following:

(1) Sexual assault, as that term is defined in section 40002(a)(23) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(23)).

(2) Domestic violence, as that term is defined in section 40002(a)(6) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(6)).

(3) Dating violence, as that term is defined in section 40002(a)(8) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(8)).

(4) Stalking, as that term is defined in section 40002(a)(24) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(24)).

(5) Sexual harassment, as that term is defined in section 1561(e) of title 10, United States Code.

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**SA 2175.** Mr. LEVIN (for himself, Mr. MCCAIN, Mrs. FEINSTEIN, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Strike section 1033 and insert the following:

**SEC. 1033. LIMITATION ON THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

(a) IN GENERAL.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act for fiscal year 2014 may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

(b) TRANSFER FOR DETENTION AND TRIAL.—The Secretary of Defense may transfer a detainee described in subsection (a) to the United States for detention pursuant to the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note), trial, and incarceration if the Secretary—

(1) determines that the transfer is in the national security interest of the United States;

(2) determines that appropriate actions have been taken, or will be taken, to address any risk to public safety that could arise in connection with detention and trial in the United States; and

(3) notifies the appropriate committees of Congress not later than 30 days before the date of the proposed transfer.

(c) NOTIFICATION ELEMENTS.—A notification on a transfer under subsection (b)(3) shall include the following:

(1) A statement of the basis for the determination that the transfer is in the national security interest of the United States.

(2) A description of the action the Secretary determines have been taken, or will be taken, to address any risk to the public safety that could arise in connection with the detention and trial in the United States.

(d) STATUS WHILE IN THE UNITED STATES.—A detainee who is transferred to the United States under this section—

(1) shall not be permitted to apply for asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) or be eligible to apply for admission into the United States;

(2) shall be considered to be paroled into the United States temporarily pursuant to section 212(d)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)(A)); and

(3) shall not, as a result of such transfer, have a change in designation as an unprivileged enemy belligerent eligible for detention pursuant to the Authorization for Use of Military Force, as determined in accordance with applicable law and regulations.

(e) LIMITATION ON TRANSFER OR RELEASE OF DETAINEES TRANSFERRED TO THE UNITED STATES.—An individual who is transferred to the United States under this section may not be released within the United States and may only be transferred or released in accordance with the procedures under section 1031.

(f) LIMITATIONS ON JUDICIAL REVIEW.—

(1) LIMITATIONS.—Except as provided for in paragraph (2), no court, justice, or judge shall have jurisdiction to hear or consider any action against the United States or its agents relating to any aspect of the detention, transfer, treatment, or conditions of confinement of a detainee described in subsection (a) who is held by the Armed Forces of the United States.

(2) EXCEPTION.—A detainee who is transferred to the United States under this section shall not be deprived of the right to challenge his designation as an unprivileged enemy belligerent by filing a writ of habeas corpus as provided by the Supreme Court in Hamdan v. Rumsfeld (548 U.S. 557 (2006)) and Boumediene v. Bush (553 U.S. 723 (2008)).

(3) NO CAUSE OF ACTION IN DECISION NOT TO TRANSFER.—A decision not to transfer a detainee to the United States under this section shall not give rise to a judicial cause of action.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsections (b), (c), (d), (e), and (f) shall take effect on the date that is 60 days after the date on which the Secretary of Defense submits to the appropriate committees of Congress a detailed plan to close the detention facility at United States Naval Station, Guantanamo Bay, Cuba.

(2) ELEMENTS.—The report required by paragraph (1) shall contain the following:

(A) A case-by-case determination made for each individual detained at Guantanamo of whether such individual is intended to be transferred to a foreign country, transferred

to the United States for the purpose of civilian or military trial, or transferred to the United States or another country for continued detention under the law of armed conflict.

(B) The specific facility or facilities that are intended to be used, or modified to be used, to hold individuals inside the United States for the purpose of trial, for detention in the aftermath of conviction, or for continued detention under the law of armed conflict.

(C) The estimated costs associated with the detention inside the United States of individuals detained at Guantanamo.

(D) A description of any additional actions that should be taken consistent with subsections (d), (e), and (f) to hold detainees inside the United States.

(E) A detailed description and assessment, made in consultation with the Secretary of State and the Director of National Intelligence, of the actions that would be taken prior to the transfer to a foreign country of an individual detained at Guantanamo that would substantially mitigate the risk of such individual engaging or reengaging in any terrorist or other hostile activity that threatens the United States or United States person or interests.

(F) What additional authorities, if any, may be necessary to detain an individual detained at Guantanamo inside the United States as an unprivileged enemy belligerent pursuant to the Authorization for Use of Military Force (Public Law 107–40), pending the end of hostilities or a future determination by the Secretary of Defense that such individual no longer poses a threat to the United States or United States persons or interests.

(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(h) INTERIM PROHIBITION.—The prohibition in section 1022 of the Fiscal Year 2013 National Defense Authorization Act (Public Law 112–239; 126 Stat. 1911) shall apply to funds appropriated or otherwise made available for fiscal year 2014 for the Department of Defense from the date of the enactment of this Act until the effective date specified in subsection (g).

(i) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term ''individual detained at Guantanamo'' has the meaning given that term in section 1031(e)(2).

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**SA 2176.** Mr. RISCH (for himself, Mr. RUBIO, Mr. CORNYN, Mr. BLUNT, Mr. MORAN, Ms. AYOTTE, Mr. VITTER, Mrs. FISCHER, Mr. JOHNSON of Wisconsin, Mr. CRAPO, and Mr. HOEVEN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXII, add the following:

**SEC. 1237. REPORT ON INF TREATY COMPLIANCE INFORMATION SHARING.**

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense and the Director of National Intelligence, shall submit to the appropriate congressional committees a report on information and intelligence sharing with North Atlantic Treaty Organization (NATO) and NATO countries on compliance issues related to the INF Treaty.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) A description of all compliance and consistency issues associated with the INF Treaty, including a listing and assessment of all Ground Launched Russian Federation Systems being designed, tested, or deployed with ranges between 500 kilometers and 5,500 kilometers.

(2) An assessment of INF Treaty compliance and consistency information sharing among NATO countries, including—

(A) sharing among specific NATO countries and the NATO Secretariat;

(B) the date specific information was shared; and

(C) the manner in which such information was transmitted.

(3) If any information on INF Treaty compliance or consistency was withheld from a specific NATO country or the NATO Secretariat, a justification for why such information was withheld.

(c) UPDATES.—Not later than 180 days and one year after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense and the Director of National Intelligence, shall provide to the appropriate congressional committees updates to the report submitted under subsection (a).

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the congressional defense committees;

(B) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate; and

(C) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) INF TREATY.—The term ''INF Treaty'' means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-Range and Shorter-Range Missiles, signed at Washington December 8, 1987.

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**SA 2177.** Mr. HELLER (for himself and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. DETERMINATION OF CERTAIN SERVICE IN PHILIPPINES DURING WORLD WAR II.**

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of Veterans Affairs and such military historians as the Secretary of Defense considers appropriate, shall establish a process to determine whether a covered individual served as described in subsection (a) or (b) of section 107 of title 38, United States Code, for purposes of determining whether such covered individual is eligible for benefits described in such subsections.

(b) COVERED INDIVIDUALS.—For purposes of this section, a covered individual is any individual who—

(1) claims service described in subsection (a) or (b) of section 107 of title 38, United States Code; and

(2) is not included in the Approved Revised Reconstructed Guerilla Roster of 1948, known as the ''Missouri List''.

(c) PROHIBITION ON BENEFITS FOR DISQUALIFYING CONDUCT UNDER NEW PROCESS.—The process established under subsection (a) shall include a mechanism to ensure that a covered individual is not treated as an individual eligible for a benefit described in subsection (a) or (b) of section 107 of such title if such covered individual engaged in any disqualifying conduct during service described in such subsections, including collaboration with the enemy or criminal conduct.

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**SA 2178.** Mr. FLAKE (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XV, add the following:

**SEC. 1523. REPORT ON USE OF FUNDS FOR OVERSEAS CONTINGENCY OPERATIONS.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees a report on the use of funds appropriated for overseas contingency operations during fiscal year 2013 and on the funds requested for such operations for fiscal year 2014.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An accounting (including by specific dollar amount) of the use of funds appropriated for overseas contingency operations for fiscal year 2013 by the Department of Defense Appropriations Act, 2013 (division C of Public Law 113–6), set forth by program, project, and activity.

(2) An accounting (including by specific dollar amount) of the proposed use of funds requested for overseas contingency operations for fiscal year 2014 in the budget of the President for that fiscal year (as submitted pursuant to section 1105 of title 31, United States Code), set forth by program, project, and activity.

(3) A description of dollar amounts within each program, project, and activity funded through funds for overseas contingency operations for fiscal year 2013 or 2014 that may be funded using funds authorized or appropriated for the Department of Defense on a recurring basis upon completion of current overseas contingency operations in Afghanistan.

(c) CONTINGENT REDUCTION IN AMOUNT AVAILABLE FOR OSD.—Of the amount authorized to be appropriated for fiscal year 2014 by this Act and available for the Office of the Secretary of Defense as specified in the funding tables in division D, not more than an amount equal to 90 percent of such amount may be used for that purpose until the date of the submittal of the report required by subsection (a).

**SA 2179.** Mr. FLAKE (for himself, Mr. COBURN, Mr. SCOTT, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXVIII, add the following:

**SEC. 2803. CERTIFICATION REQUIREMENT FOR MILITARY CONSTRUCTION PROJECTS IN AREAS OF CONTINGENCY OPERATIONS.**

(a) IN GENERAL.—Subchapter I of chapter 169 of title 10, United States Code, is amended by inserting after section 2804 the following new section:

**''§ 2804a. Certification requirement for military construction projects in areas of contingency operations**

''(a) CERTIFICATION REQUIREMENT.—(1) The Secretary of Defense may not obligate or expend funds to carry out a military construction project overseas in connection with a contingency operation (as defined in section 101(a)(13)) unless the combatant commander of the area of operations in which such project is to be constructed has certified to the Secretary of Defense that the project is needed for direct support of a contingency operation within that combatant command.

''(2) The restriction under paragraph (1) does not apply to planning and design activities.

''(b) CERTIFICATION GUIDANCE.—The Secretary of Defense shall provide guidance regarding the certification required under subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding after the item relating to section 2804 the following new item:

''2804a. Certification requirement for military construction projects in areas of contingency operations.''.

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**SA 2180.** Mr. FLAKE (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1237. MARITIME SECURITY IN GULF OF GUINEA.**

(a) FINDINGS.—Congress makes the following findings:

(1) Although the number of armed robbery at sea and piracy attacks worldwide dropped substantially in recent years, such acts in the Gulf of Guinea are increasing, with more than 40 reported through October 2013 and many more going unreported.

(2) The nature of attacks in the Gulf of Guinea demonstrates an ongoing pattern of cargo thefts and robbery, often occurring in the territorial waters of West and Central African states.

(3) The U.S. Strategy Toward Sub-Saharan Africa issued by President Barack Obama in June 2012 states, ''It is in the interest of the United States to improve the region's trade competitiveness, encourage the diversification of exports beyond natural resources, and ensure that the benefits from growth are broad-based.''.

(4) The United States Government in the Gulf of Guinea has focused on encouraging multi-layered regional and national ownership in developing sustainable capacity building efforts, including working with partners through the G8++ Friends of Gulf of Guinea Group, to coordinate United States Government maritime security activities in the region.

(5) United Nations Security Council Resolution 2039, ''expressing its deep concern about the threat that piracy and armed robbery at sea in the Gulf of Guinea pose to international navigation, security and the economic development of states in the region'', was unanimously adopted on February 29, 2012.

(b) SENSE OF CONGRESS.—Congress—

(1) condemns acts of armed robbery at sea, piracy, and other maritime crime in the Gulf of Guinea;

(2) endorses and supports the efforts made by United States Government agencies to assist affected West and Central African countries to build capacity to combat armed robbery at sea, piracy, and other maritime threats, and encourages the President to continue such assistance, as appropriate, within resource constraints; and

(3) commends the African Union, subregional entities such as the ECOWAS and ECCAS, and the various international agencies that have worked to develop policy and program frameworks for enhancing maritime security in West and Central Africa, and encourages these entities and their member states to continue to build upon these and other efforts to achieve that end.

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**SA 2181.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1066. FORCE PROTECTION.**

(a) REPORT.—Not later than March 1, 2014, the Secretary of Defense shall submit to the congressional defense committees a report on current expeditionary physical barrier systems and new systems or technologies that are or can be used for force protection and to provide blast protection for forces supporting contingency operations.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A review of current and projected threats in connection with force protection, a description of any recent changes to policies on force protection, and an assessment of current planning methods on force protection, including standoff distances and physical barriers, to provide consistent and adequate levels of force protection.

(2) An assessment of the use of expeditionary physical barrier systems to meet the goals of the combatant commands for force protection and force resiliency.

(3) A description of the specifications developed by the Department to meet requirements for effectiveness, affordability, lifecycle management, and reuse or disposal of expeditionary physical barrier systems.

(4) A description of the process used within the Department to ensure appropriate consideration of the decommissioning cost, environmental impact, and subsequent disposal of expeditionary physical barrier materials in the procurement process for such materials.

(5) An assessment of the availability of new technologies or designs that improve the capabilities or lifecycle costs of expeditionary physical barrier systems.

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**SA 2182.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. SECURITY CLEARANCES FOR CERTAIN SENATE PERSONAL OFFICE EMPLOYEES.**

(a) DEFINITIONS.—In this section—

(1) the term ''covered committee of the Senate'' means—

(A) the Committee on Armed Services of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Select Committee on Intelligence of the Senate;

(D) the Subcommittee on Defense of the Committee on Appropriations of the Senate;

(E) the Subcommittee on State, Foreign Operations, and Related Programs of the Committee on Appropriations of the Senate; and

(F) the Committee on Homeland Security and Governmental Affairs of the Senate;

(2) the term ''covered Member of the Senate'' means a Member of the Senate who serves on a covered committee of the Senate; and

(3) the term ''personal office employee'' means an individual who is an employee serving in the official office of a covered Member of the Senate.

(b) PROCEDURES.—Not later than 60 days after the date of enactment of this Act, the Director of Senate Security, in coordination with the Secretary of Defense and the Director of National Intelligence, shall establish and implement procedures that enable 1 personal office employee of each covered Member of the Senate, to be designated by the covered Member of the Senate, to obtain security clearances necessary for access to classified national security information, including top secret and sensitive compartmented information, if the personal office employee meets the criteria for such clearances.

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**SA 2183.** Mr. VITTER (for himself, Mr. RISCH, Mr. LEE, and Mrs. FISCHER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1046. SENSE OF CONGRESS ON CESSATION OF PURSUIT OF BILATERAL REDUCTIONS IN UNITED STATES NUCLEAR FORCES WITH COUNTRIES IN ACTIVE NONCOMPLIANCE WITH CURRENT NUCLEAR ARMS REDUCTION OBLIGATIONS.**

It is the sense of Congress that the President should not seek further reductions to United States nuclear forces, including by negotiation, with a country that is in active noncompliance with its existing nuclear arms reduction obligations until, at the earliest, that noncompliance is resolved.

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**SA 2184.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___.TRANSPARENCY OF COVERAGE DETERMINATION.**

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Chief Administrative Officer of the House of Representatives and the Financial Clerk of the Senate shall make publically available the determinations of each member of the House of Representatives and each Senator, as the case may be, regarding the designation of their respective congressional staff (including leadership and committee staff) as ''official'' for purposes of requiring such staff to enroll in health insurance coverage provided through an Exchange as required under section 1312(d)(1)(D) of the Patient Protection and Affordable Care Act (42 U.S.C. 18032(d)(1)(D)), and the regulations relating to such section.

(b) FAILURE TO SUBMIT.—The failure by any member of the House of Representatives or Senator to designate any of their respective staff, whether committee or leadership staff, as ''official'' (as described in subsection (a)), shall be noted in the determination made publically available under subsection (a) along with a statement that such failure permits the staff involved to remain in the Federal Employee Health Benefits Program.

(c) PRIVACY.—Nothing in this Act shall be construed to permit the release of any individually identifiable information concerning any individual, including any health plan selected by an individual.

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**SA 2185.** Mr. WICKER (for himself, Mr. LEE, Mrs. FISCHER, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X add the following:

**SEC. 1082. LIMITATION ON CONSTRUCTION ON UNITED STATES SOIL OF SATELLITE POSITIONING GROUND MONITORING STATIONS OF FOREIGN GOVERNMENTS.**

(a) CERTIFICATION.—The President may not authorize or permit the construction of a satellite positioning ground monitoring station directly or indirectly controlled by a foreign government on United States soil until the Secretary of Defense and the Director of National Intelligence jointly certify to Congress that such monitoring station will not possess the capability or potential to be used for the purpose of gathering intelligence or improving any foreign weapons system.

(b) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, the Director of National Intelligence, and the Commander of the United States Strategic Command shall jointly submit to the appropriate committees of Congress a report on the use of satellite positioning ground monitoring stations by foreign governments for the purpose of gathering intelligence or improving the accuracy of missile guidance systems.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description and assessment of the current and potential use of satellite ground monitoring stations under the control of foreign governments for the purpose of gathering intelligence.

(B) A description of the role of positioning satellites in ballistic and tactical missile guidance systems.

(C) A description and assessment of the current and potential future use of satellite positioning ground monitoring stations as a means of improving the accuracy of satellite guided missiles.

(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

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**SA 2186.** Mr. KIRK (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. DURBIN, Mr. BOOZMAN, Mrs. GILLIBRAND, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

**SEC. 314. DEPARTMENT OF DEFENSE MANUFACTURING ARSENAL STUDY AND REPORT.**

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study that examines how the Department of Defense can improve its manufacturing arsenals located at the Joint Manufacturing and Technology Center at Rock Island Arsenal, Illinois, the Watervliet Arsenal in Watervliet, New York, and the Pine Bluff Arsenal in Jefferson, Arkansas and how the Department of Defense can more effectively use and manage public-private partnerships to preserve critical industrial capabilities at these facilities for future national security requirements while providing a return on investment to the Army.

(2) DETAILS OF STUDY.—The study required under paragraph (1) shall include an examination of the following issues:

(A) The effectiveness of the Department of Defense's strategy to workload each of the arsenals and the potential for alternative strategies that could better identify workload for each arsenal.

(B) The impact of the Army Working Capital Fund-driven rate structure on public private partnerships at each arsenal.

(C) The extent to which operations at each arsenal can be streamlined, improved, or enhanced.

(D) The effectiveness of the Army's implementation of cooperative agreements authorized at manufacturing arsenals under section 4544 of title 10, United States Code.

(b) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the study conducted under this section. The report shall include recommendations to improve the Department of Defense's work loading strategy.

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**SA 2187.** Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1237. SUSPENSION AND REFORM OF UNITED STATES ARMS SALES TO EGYPT AND UNITED STATES ECONOMIC SUPPORT TO EGYPT.**

(a) SUSPENSION AND REFORM OF ARMS SALES.—

(1) IN GENERAL.—The United States Government may not license, approve, facilitate, or otherwise allow the sale, lease, transfer, retransfer, or delivery of defense articles or defense services to Egypt under section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)) until 15 days after the President submits to the appropriate congressional committees a certification that—

(A) the Government of Egypt—

(i) continues to implement the Peace Treaty between the State of Israel and the Arab Republic of Egypt, signed at Washington, March 26, 1979;

(ii) is taking necessary and appropriate measures to counter terrorism, including measures to counter smuggling into the Gaza Strip by, among other measures, detecting and destroying tunnels between Egypt and the Gaza Strip and securing the Sinai peninsula;

(iii) is allowing the Armed Forces of the United States to transit the territory of Egypt, including through the airspace and territorial waters of Egypt;

(iv) is supporting a transition to an inclusive civilian government by demonstrating a commitment to, and making consistent progress toward, holding regular, credible elections that are free, fair, and consistent with internationally accepted standards;

(v) is respecting and protecting the political and economic freedoms of all residents of Egypt, including taking measures to address violence against women and religious minorities;

(vi) is respecting freedom of expression and due process of law, including respecting the rights of women and religious minorities; and

(vii) is permitting nongovernmental organizations and civil society groups in Egypt, the National Democratic Institute, the International Republican Institute, Freedom House, and the Konrad Adenauer Stiftung to operate freely and consistent with internationally recognized practices; and

(B) licensing, approving, facilitating, or otherwise allowing the sale, lease, transfer, retransfer, or delivery of defense articles or defense services to Egypt is in the national security interests of the United States.

(2) EXCEPTION.—The limitation under paragraph (1) shall not apply to defense articles and defense services to be used primarily for supporting or enabling counterterrorism, border and maritime security, or special operations capabilities or operations.

(3) WAIVER.—

(A) IN GENERAL.—The President may waive the limitation under paragraph (1) for a 180-day period if, not later than 15 days before the waiver takes effect, the President—

(i) certifies to the appropriate congressional committees that licensing, approving, facilitating, or otherwise allowing the sale, lease, transfer, retransfer, or delivery of defense articles or defense services to Egypt is in the vital national security interests of the United States; and

(ii) provides to those committees a report—

(I) detailing the reasons for the certification under clause (i); and

(II) analyzing the extent to which the actions of the Government of Egypt do or do not satisfy each of the criteria described in subparagraphs (A) and (B) of paragraph (1).

(B) EXTENSIONS OF WAIVER.—The President may extend the effective period of a waiver under subparagraph (A) for an additional 180-day period if, not later than 15 days before the extension takes effect, the President submits to the appropriate congressional committees an updated certification and report that meet the requirements of that subparagraph.

(b) SUSPENSION AND REFORM OF UNITED STATES ECONOMIC SUPPORT TO EGYPT.—

(1) IN GENERAL.—No bilateral economic assistance may be provided to Egypt as direct budget support for the Government of Egypt until 15 days after the Secretary of State certifies to the appropriate congressional committees that—

(A) providing such assistance is in the national security interest of the United States;

(B) the Government of Egypt—

(i) continues to implement the peace treaty referred to in subsection (a)(1)(A)(i);

(ii) is supporting the transition to an inclusive civilian government by demonstrating a commitment to hold regular, credible elections that are free, fair, and consistent with internationally accepted standards;

(iii) is respecting and protecting the political, economic, and religious freedoms of all residents of Egypt, including taking measures to address violence against women and religious minorities;

(iv) is permitting nongovernmental organizations and civil society groups in Egypt, including the National Democratic Institute, the International Republican Institute, Freedom House, and the Konrad Adenauer Stiftung to operate freely and consistent with internationally recognized standards; and

(v) is demonstrating a commitment to implementing economic reforms, including reforms necessary to reduce the deficit and ensure economic stability and growth.

(2) WAIVER.—

(A) IN GENERAL.—The President may waive the limitation under paragraph (1) for a 180-day period if, not later than 15 days before the waiver takes effect, the President—

(i) certifies to the appropriate congressional committees that providing assistance described in that paragraph is in the vital national security interests of the United States;

(ii) submits to those committees a report—

(I) detailing the reasons for the certification described in clause (i); and

(II) analyzing the extent to which the actions of the Government of Egypt do or do not satisfy each of the criteria described in subparagraphs (A) and (B) of paragraph (1).

(B) EXTENSIONS OF WAIVER.—The President may extend the effective period of a waiver under subparagraph (A) for an additional 180-day period if, not later than 15 days before the extension takes effect, the President submits to the appropriate congressional committees an updated certification and report that meet the requirements of subparagraph (A).

(c) FUNDING FOR DEMOCRACY AND GOVERNANCE PROGRAMS.—

(1) IN GENERAL.—If, in any fiscal year, bilateral economic assistance is provided to Egypt pursuant to chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the Economic Support Fund), not less than $50,000,000 of that assistance shall be provided through the Department of State and the National Endowment for Democracy for democracy and governance programs in Egypt.

(2) ADDITIONAL FUNDING IF WAIVER AUTHORITY INVOKED.—If, in any fiscal year, the President exercises the waiver authority under subsection (b)(2) and bilateral economic assistance is provided to Egypt pursuant to chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $25,000,000 of that assistance (in addition to the amount provided for under paragraph (1)) shall be provided through the Department of State and the National Endowment for Democracy for democracy and governance programs in Egypt.

(d) INAPPLICABILITY OF CERTAIN LIMITATION.—The limitation on the use of funds under section 7008 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112–74; 125 Stat. 1195) shall not apply to assistance provided in accordance with this section.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

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**SA 2188.** Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

**Subtitle D—Imposition of Sanctions With Respect to Syria**

**SEC. 1241. DEFINITIONS.**

In this subtitle:

(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms ''account'', ''correspondent account'', and ''payable-through account'' have the meanings given those terms in section 5318A of title 31, United States Code.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations, the Committee on Finance, and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Ways and Means, and the Committee on Financial Services of the House of Representatives.

(3) DEFENSE ARTICLE; DEFENSE SERVICE.—The terms ''defense article'' and ''defense service'' have the meanings given those terms in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

(4) FOREIGN FINANCIAL INSTITUTION.—The term ''foreign financial institution'' has the meaning of that term as determined by the Secretary of the Treasury pursuant to section 104(i) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(i)).

(5) PERSON.—The term ''person'' means an individual or entity.

(6) PETROLEUM.—The term ''petroleum'' includes crude oil and any mixture of hydrocarbons that exists in liquid phase in natural underground reservoirs and remains liquid at atmospheric pressure after passing through surface separating facilities.

(7) PETROLEUM PRODUCTS.—The term ''petroleum products'' includes unfinished oils, liquefied petroleum gases, pentanes plus, aviation gasoline, motor gasoline, napthatype jet fuel, kerosene-type jet fuel, kerosene, distillate fuel oil, residual fuel oil, petrochemical feedstocks, special naphthas, lubricants, waxes, petroleum coke, asphalt, road oil, still gas, miscellaneous products obtained from the processing of crude oil (including lease condensate), natural gas, and other hydrocarbon compounds.

(8) SYRIAN FINANCIAL INSTITUTION.—The term ''Syrian financial institution'' means—

(A) a financial institution organized under the laws of Syria or any jurisdiction within Syria, including a foreign branch of such an institution;

(B) a financial institution located in Syria;

(C) a financial institution, wherever located, owned or controlled by the Government of Syria; and

(D) a financial institution, wherever located, owned or controlled by a financial institution described in subparagraph (A), (B), or (C).

(9) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a natural person who is a citizen or resident of the United States or a national of the United States (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))); and

(B) an entity that is organized under the laws of the United States or a jurisdiction within the United States.

**SEC. 1242. IMPOSITION OF SANCTIONS WITH RESPECT TO SELLING, TRANSFERRING, OR TRANSPORTING DEFENSE ARTICLES, DEFENSE SERVICES, OR MILITARY TRAINING TO THE ASSAD REGIME OF SYRIA.**

On or after the date that is 30 days after the date of the enactment of this Act, the President may impose sanctions from among the sanctions described in section 1245 with respect to any person that the President determines has, on or after such date of enactment, knowingly participated in or facilitated a significant transaction related to the sale, transfer, or transportation of defense articles, defense services, or military training to the Assad regime of Syria or any successor regime in Syria that the President determines is not a legitimate transitional or replacement government.

**SEC. 1243. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS PROVIDING PETROLEUM OR PETROLEUM PRODUCTS TO THE ASSAD REGIME OF SYRIA.**

On or after the date that is 30 days after the date of the enactment of this Act, the President shall impose the sanction described in paragraph (5) of section 1245 and 2 or more of the other sanctions described in that section with respect to each person that the President determines has, on or after such date of enactment, knowingly participated in or facilitated a significant transaction related to the sale or transfer of petroleum or petroleum products to the Assad regime of Syria or any successor regime in Syria that the President determines is not a legitimate transitional or replacement government.

**SEC. 1244. IMPOSITION OF SANCTIONS WITH RESPECT TO CONDUCTING CERTAIN FINANCIAL TRANSACTIONS WITH THE CENTRAL BANK OF SYRIA OR ANOTHER SYRIAN FINANCIAL INSTITUTION.**

(a) IN GENERAL.—The President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines has knowingly conducted, on or after the date of the enactment of this Act, a significant transaction with the Central Bank of Syria or another Syrian financial institution designated by the Secretary of the Treasury for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) related to the sale of defense articles to—

(1) the Assad regime of Syria or any successor regime in Syria that the President determines is not a legitimate transitional or replacement government; or

(2) any person added after April 28, 2011, and before the date of the enactment of this Act, to the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury in connection with the conflict in Syria.

(b) HUMANITARIAN EXCEPTION.—The President may not impose sanctions under this section with respect to any person for the provision of agricultural commodities, food, medicine, or medical devices to Syria or the provision of humanitarian assistance to the people of Syria.

**SEC. 1245. SANCTIONS DESCRIBED.**

The sanctions the President may impose with respect to a person under sections 1242 and 1243 are the following:

(1) EXPORT-IMPORT BANK ASSISTANCE.—The President may direct the Export-Import Bank of the United States not to give approval to the issuance of any guarantee, insurance, extension of credit, or participation in the extension of credit in connection with the export of any goods or services to the person.

(2) PROCUREMENT SANCTION.—The President may prohibit the United States Government from procuring, or entering into any contract for the procurement of, any goods or services from the person.

(3) ARMS EXPORT PROHIBITION.—The President may prohibit United States Government sales to the person of any item on the United States Munitions List under section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)) and require termination of sales to the person of any defense articles, defense services, or design and construction services under that Act (22 U.S.C. 2751 et seq.).

(4) DUAL-USE EXPORT PROHIBITION.—The President may deny licenses and suspend existing licenses for the transfer to the person of items the export of which is controlled under the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)) or the Export Administration Regulations under subchapter C of chapter VII of title 15, Code of Federal Regulations.

(5) BLOCKING OF ASSETS.—The President may, pursuant to such regulations as the President may prescribe, block and prohibit all transactions in all property and interests in property of the person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(6) VISA INELIGIBILITY.—In the case of a person that is an alien, the President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Security to exclude from the United States, the person, subject to regulatory exceptions to permit the United States to comply with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force November 21, 1947, and other applicable international obligations.

**SEC. 1246. WAIVERS.**

(a) GENERAL WAIVER AUTHORITY.—The President may waive the application of section 1242, 1243, or 1244 to a person or category of persons for a period of 180 days, and may renew the waiver for additional periods of 180 days, if the President determines and reports to the appropriate congressional committees every 180 days that the waiver is in the vital national security interests of the United States.

(b) WAIVER FOR HUMANITARIAN NEEDS.—The President may waive the application of section 1243 to a person for a period of 180 days, and may renew the waiver for additional periods of 180 days, if the President determines and reports to the appropriate congressional committees every 180 days that the waiver is to necessary to permit the person to conduct or facilitate a transaction that is necessary to meet humanitarian needs of the people of Syria.

(c) FORM.—Each report submitted under subsection (a) or (b) shall be submitted in unclassified form but may include a classified annex.

**SEC. 1247. SENSE OF CONGRESS ON SANCTIONS.**

It is the sense of Congress that the President should work closely with allies of the United States to obtain broad multilateral support for countries to impose sanctions that are equivalent to the sanctions set forth in this subtitle under the laws of those countries.

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**SA 2189.** Mr. RUBIO (for himself, Mr. CRUZ, Mr. ROBERTS, Mr. HATCH, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1237. SENSE OF CONGRESS ON IRANIAN NUCLEAR PROGRAM.**

(a) FINDINGS.—Congress makes the following findings:

(1) Diplomats from the Islamic Republic of Iran, the European Union, the United States, the United Kingdom, Germany, France, China, and Russia continue to discuss the Government of Iran's illicit nuclear weapons program.

(2) President of Iran Hasan Rouhani has in the past bragged about his success in buying time for Iran to make nuclear advances.

(3) Iranian Supreme Leader Ayatollah Khamenei, who retains control over Iran's nuclear program, recently claimed that Iran did not desire nuclear weapons but said that if Iran ''intended to possess nuclear weapons, no power could stop us''.

(4) The Government of Iran continues to expand Iran's nuclear and missile programs in violation of multiple United Nations Security Council resolutions.

(5) The Government of Iran has a decades-long track record of cheating on and violating commitments regarding its nuclear program and has used more than 10 years of diplomatic negotiations to buy more time to expand its nuclear weapons program.

(6) Iran remains the world's number one exporter of terrorism and as recently as 2011 was plotting to assassinate a foreign official on United States soil.

(7) Over the last three decades, the Government of Iran and its terrorist proxies have been responsible for the deaths of Americans.

(8) The Government of Iran and its terrorist proxies continue to provide military and financial support to the regime of Bashar al-Assad in Syria, aiding his regime's mass killing of civilians.

(9) The Government of Iran continues to sow instability in its region and to threaten its neighbors, including United States allies such as Israel.

(10) The Government of Iran denies its people their fundamental freedoms, including freedom of the press, freedom of assembly, freedom of religion, and freedom of conscience.

(11) International and United States sanctions imposed on Iran have assisted in bringing Iran to the negotiating table.

(12) Other countries, such as North Korea, have used diplomatic talks regarding their nuclear programs to allow time for the development of nuclear weapons.

(13) Based on the Government of Iran's stockpile of low enriched uranium and its plan to continue installing advanced centrifuges, the Government of Iran could agree to suspend all enrichment above 3.5 percent and still be in a position to produce weapons-grade uranium without detection by the middle of next year.

(14) If the Government of Iran starts up its heavy water reactor in Arak, it could establish an alternate pathway to a nuclear weapon, producing enough plutonium each year for one or two nuclear weapons.

(15) Nineteen other nations currently access peaceful nuclear energy without any enrichment or reprocessing activities on their soil.

(16) The Government of Iran could likewise achieve access to peaceful nuclear energy without enrichment or reprocessing activities on its own soil.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it shall be the policy of the United States that the Government of Iran will not be allowed to develop a nuclear weapon and that all instruments of United States power and influence remain on the table to prevent this outcome;

(2) the Government of Iran does not have an absolute or inherent right to enrichment and reprocessing technologies under the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force

March 5, 1970 (commonly known as the ''Nuclear Non-Proliferation Treaty'');

(3) relief of sanctions related to Iran's nuclear program imposed upon Iran by the United States should only be provided once Iran has completely abandoned its nuclear weapons program, including any enrichment or reprocessing capability, and has provided complete transparency to the International Atomic Energy Agency regarding its work on weaponization of a nuclear device; and

(4) until the Government of Iran has taken the actions set forth in paragraph (3), Congress should move to pass a new round of additional sanctions without delay.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as an authorization for the use of force or declaration of war.

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**SA 2190.** Mr. RUBIO (for himself, Mr. TESTER, and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 198, strike line 13 and insert the following:

the uniformed services are increased by 1.8 percent.

(c) FUNDING AND OFFSET.—

(1) INCREASE IN AMOUNT FOR MILITARY PERSONNEL.—The amount authorized to be appropriated for fiscal year by section 421 for military personnel is hereby increased by $600,000,000.

(2) DECREASE IN AMOUNT FOR RDT&E ARMY.—The amount authorized to be appropriated for fiscal year 2014 by section 201 and available for Research, Development, Test, and Evaluation, Army as specified in the funding table in section 4201 is hereby decreased by $71,223,000.

(3) DECREASE IN AMOUNT FOR RDT&E NAVY.—The amount authorized to be appropriated for fiscal year 2014 by section 201 and available for Research, Development, Test, and Evaluation, Navy as specified in the funding table in section 4201 is hereby decreased by $141,015,000.

(4) DECREASE IN AMOUNT FOR RDT&E AIR FORCE.—The amount authorized to be appropriated for fiscal year 2014 by section 201 and available for Research, Development, Test, and Evaluation, Air Force as specified in the funding table in section 4201 is hereby decreased by $227,890,000.

(5) DECREASE IN AMOUNT FOR RDT&E DEFENSE-WIDE.—The amount authorized to be appropriated for fiscal year 2014 by section 201 and available for Research, Development, Test, and Evaluation, Defense-wide as specified in the funding table in section 4201 is hereby decreased by $158,207,000.

(6) DECREASE IN AMOUNT FOR OT&E DEFENSE MANAGEMENT SUPPORT.—The amount authorized to be appropriated for fiscal year 2014 by section 201 and available for Operational Test and Evaluation, Defense Management Support as specified in the funding table in section 4201 is hereby decreased by $1,655,000.

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**SA 2191.** Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXVIII, add the following:

**SEC. 2803. DEPARTMENT OF DEFENSE REPORT ON MILITARY HOUSING PRIVATIZATION INITIATIVE.**

Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall issue a report to Congress on the Military Housing Privatization Initiative under subchapter IV of chapter 169 of title 10, United States Code. The report shall include the details of any project where the project owner has outstanding local, county, city, town, or State tax obligations dating back over 12 months, as determined by a final judgment by a tax authority.

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**SA 2192.** Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

**SEC. 843. EXTENSION OF WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES TO EMPLOYEES OF CONTRACTORS OF THE ELEMENTS OF THE INTELLIGENCE COMMUNITY.**

(a) CONTRACTOR EMPLOYEES OF DOD AND RELATED AGENCIES.—Section 2409 of title 10, United States Code, is amended—

(1) by striking subsection (e); and

(2) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(b) PILOT PROGRAM ON OTHER CONTRACTOR EMPLOYEES.—Section 4712 of title 41, United States Code, is amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g), (h), and (i) as subsection (f), (g), and (h), respectively.

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**SA 2193.** Mrs. MCCASKILL (for herself and Mr. MCCAIN) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X , add the following:

**SEC. 1054. PROHIBITION ON USE OF FUNDS FOR INCENTIVE PAYMENTS UNDER CERTAIN CONTRACTOR PREFERENCE AUTHORITY.**

Amounts authorized to be appropriated for fiscal year 2014 for the Department of Defense may not be used for incentive payments for Indian organizations, Indian-owned economic enterprises, and Native Hawaiian small business concerns under subsection (f)(5) of clause 252.226–7001 of the Department of Defense Supplement to the Federal Acquisition Regulation.

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**SA 2194.** Mrs. MCCASKILL (for herself and Mr. MCCAIN) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

**SEC. 864. SMALL BUSINESS GOALS.**

(a) DEFINITIONS.—In this section—

(1) the term ''small business concern'' has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632); and

(2) the term ''small business contracting goal'' means a contracting or subcontracting goal for the utilization or participation of small business concerns or types of small business concerns established under section 8 of the Small Business Act (15 U.S.C. 637).

(b) LIMITATION.—In determining whether the Department of Defense has met a small business contracting goal, the Department of Defense may not include a contract or subcontract awarded under the authority under the Small Business Act that is—

(1) awarded as a sole source contract; and

(2) in an amount that is more than the limit on sole source contracts under subpart 19.8 of part 19 of the Federal Acquisition Regulation.

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**SA 2195.** Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____.PROHIBITION ON PERFORMANCE AWARDS IN THE SENIOR EXECUTIVE SERVICE.**

(a) DEFINITIONS.—In this section, the terms ''agency'' and ''career appointee'' have the meanings given such terms in section 5381 of title 5, United States Code.

(b) PROHIBITION.—On and after the date of enactment of this Act, an agency may not pay an award under section 4507 or 5384 of title 5, United States Code, to a career appointee that relates to any period of service performed during fiscal year 2013 or fiscal year 2014.

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**SA 2196.** Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

**SEC. 1220. PROHIBITION ON USE OF UNITED STATES FUNDS FOR PROGRAMS AND PROJECTS IN AFGHANISTAN THAT CANNOT BE PHYSICALLY ACCESSED BY UNITED STATES GOVERNMENT CIVILIAN PERSONNEL.**

(a) PROHIBITION.—Amounts available to the department and agencies of the United

States Government may not be obligated or expended for a program or project in Afghanistan if civilian personnel of the United States Government with authority to conduct oversight of such program or project cannot physically access such program or project.

(b) WAIVER.—

(1) IN GENERAL.—The prohibition in subsection (a) may be waived with respect to a program or project otherwise covered by that subsection if a determination described in paragraph (2) is made as follows:

(A) In the case of a program or project with an estimated lifecycle cost of less than $1,000,000, by the contracting officer assigned to oversee the program or project.

(B) In the case of a program or project with an estimated lifecycle cost of $1,000,000 or more, but less than $40,000,000, by the mission director of the department or agency concerned, the United States Ambassador to Afghanistan, or the Commander of the International Security Assistance Force (ISAF).

(C) In the case of a program or project with an estimated lifecycle cost of $40,000,000 or more, by the head of the department or agency of the United States Government concerned.

(2) DETERMINATION.—A determination described in this paragraph with respect to a program or project is a determination of each of the following:

(A) That the program or project clearly contributes to United States national interests or strategic objectives.

(B) That the people of Afghanistan want or need the program or project.

(C) That the program or project has been coordinated with the Afghanistan Government, and with any other implementing agencies or international donors.

(D) That security conditions permit effective implementation and oversight of the program or project.

(E) That the program or project includes safeguards to detect, deter, and mitigate corruption.

(F) That the people of Afghanistan have the financial resources, technical capacity, and political will to sustain the program or project.

(G) That all implementing agencies have established meaningful metrics for determining outcomes and measuring success of the program or project.

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**SA 2197.** Mr. KAINE (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

**SEC. 573. ASSESSMENT OF ELEMENTARY AND SECONDARY SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS PROGRAMS OF THE DEPARTMENT OF DEFENSE.**

(a) ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall submit to the congressional defense committees a report setting forth an assessment of each program as follows:

(A) The Army Educational Outreach Program (AEOP).

(B) The STEM2Stern program of the Navy.

(C) The DoD STARBASE program carried out by the Under Secretary of Defense for Personnel and Readiness.

(2) CONSULTATION.—The Secretary of Defense shall conduct assessments under this subsection in consultation with the Secretary of Education and the heads of other appropriate Federal agencies.

(b) ELEMENTS.—The assessment of a program under subsection (a) shall include the following:

(1) An assessment of the current status of the program.

(2) A determination as to the advisability of retaining, terminating, or transferring the program to another agency, together with a justification for the determination.

(3) For a program determined under paragraph (2) to be terminated, a justification why the science, technology, engineering, and mathematics education requirements of the program are no longer required.

(4) For a program determined under paragraph (2) to be transferred to the jurisdiction of another agency—

(A) the name of such agency;

(B) the funding anticipated to be provided the program by such agency during the five-year period beginning on the date of transfer; and

(C) mechanisms to ensure that education under the program will continue to meet the science, technology, engineering, and mathematics education requirements of the Department of Defense, including requirements for the dependents covered by the program.

(5) Metrics to assess whether a program under paragraph (3) or (4) is meeting the requirements applicable to such program under such paragraph.

(c) LIMITATION ON CERTAIN ACTIONS ON PROGRAMS PENDING SUBMITTAL OF ASSESSMENT.—A program specified in paragraph (1) of subsection (a) may not be terminated or transferred to the jurisdiction of another agency until 30 days after the date on which the report required by that subsection is submitted to the congressional defense committees.

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**SA 2198.** Mr. WHITEHOUSE (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 331 and insert the following:

**SEC. 331. STRATEGY FOR IMPROVING ASSET TRACKING AND IN-TRANSIT VISIBILITY.**

(a) STRATEGY AND IMPLEMENTATION PLANS.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a comprehensive strategy for improving asset tracking and in-transit visibility across the Department of Defense, together with the plans of the military departments, for implementing the strategy and ensuring compliance.

(2) ELEMENTS.—The strategy and implementation plans required under paragraph (1) shall include the following elements:

(A) The overarching goals and objectives desired from implementation of the strategy.

(B) A description of steps to achieve those goals and objectives, as well as milestones and performance measures to gauge results.

(C) An estimate of the costs associated with executing the plan, and the sources and types of resources and investments, including skills, technology, human capital, information, and other resources, required to meet the goals and objectives.

(D) A description of roles and responsibilities for managing and overseeing the implementation of the strategy, including the role of program managers, and the establishment of mechanisms for multiple stakeholders to coordinate their efforts throughout implementation and make necessary adjustments to the strategy based on performance.

(E) A description of key factors external to the Department of Defense and beyond its control that could significantly affect the achievement of the long-term goals contained in the strategy.

(F) A detailed description of asset marking requirements and how automated information and data capture technologies could improve readiness, cost effectiveness, and performance.

(G) A defined list of all categories of items that program managers shall identify for the purposes of asset marking.

(H) A description of steps to improve asset visibility tracking for classified programs.

(I) Steps to be undertaken to facilitate collaboration with industry designed to capture best practices, lessons learned, and any relevant technical matters.

(J) A description of how improved asset tracking and in-transit visibility could enhance audit readiness, reduce counterfeit risk, enhance logistical processes, and benefit the Department of Defense.

(b) COMPTROLLER GENERAL REPORT.—Not later than one year after the strategy is submitted under subsection (a), the Comptroller General shall submit to the congressional defense committees a report setting forth an assessment of the extent to which the strategy, accompanying implementation, and asset marking plans—

(1) include the elements set forth under subsection (a)(2);

(2) align to achieve the overarching asset visibility and in-transit visibility goals and objectives of the Department of Defense; and

(3) have been implemented.

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**SA 2199.** Ms. HEITKAMP submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1066. REPORTS ON UNMANNED AIRCRAFT SYSTEMS.**

(a) REPORT ON COLLABORATION, DEMONSTRATION, AND USE CASES AND DATA SHARING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of Transportation, the Administrator of the Federal Aviation Administration, and the Administrator of the National Aeronautics and Space Administration, on behalf of the UAS Executive Committee, shall jointly submit a report to the appropriate congressional committees that describes the following:

(1) The collaboration, demonstrations, and initial fielding of unmanned aircraft systems at test sites within and outside of restricted airspace.

(2) The progress being made to develop public and civil sense-and-avoid and command-and-control technology, including the human factors and other technological challenges identified in the Integration of Civil

Unmanned Aircraft Systems in the National Airspace System Roadmap, published by the Federal Aviation Administration on November 7, 2013, and what role the test sites can play in overcoming those challenges.

(3) An assessment on the sharing of operational, programmatic, and research data relating to unmanned aircraft systems operations by the Federal Aviation Administration, the Department of Defense, and the National Aeronautics and Space Administration to help the Federal Aviation Administration establish civil unmanned aircraft systems certification standards, pilot certification and licensing, and air traffic control procedures, including identifying the locations selected to collect, analyze, and store the data.

(4) The strategy to improve the effectiveness of government-industry collaboration between UAS Executive Committee members and relevant stakeholders regarding National Airspace System integration, and how the test sites can be used to improve this collaboration.

(5) An evaluation of how best to overcome the national security challenges identified in the NAS Roadmap referred to in paragraph (2).

(b) REPORT ON RESOURCE REQUIREMENTS NEEDED FOR UNMANNED AIRCRAFT SYSTEMS DESCRIBED IN 5-YEAR ROADMAP.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, on behalf of the UAS Executive Committee, shall submit a report to the appropriate congressional committees that describes the resource requirements needed to meet the milestones for unmanned aircraft systems integration described in the 5-year roadmap described in section 332(a)(5) of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).

(c) DEFINITIONS.—In this section:

(1) The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services of the Senate;

(B) the Committee on Commerce, Science, and Transportation of the Senate;

(C) the Committee on Appropriations of the Senate;

(D) the Committee on Armed Services of the House of Representatives;

(E) the Committee on Transportation and Infrastructure of the House of Representatives;

(F) the Committee on Science, Space, and Technology of the House of Representatives; and

(G) the Committee on Appropriations of the House of Representatives.

(2) The term ''UAS Executive Committee'' means the Department of Defense-Federal Aviation Administration executive committee described in section 1036(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4596) established by the Secretary of Defense and the Administrator of the Federal Aviation Administration.

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**SA 2200.** Mr. NELSON submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part I of subtitle E of title V, add the following:

**SEC. 547. ASSESSMENT OF MEMBER ABUSE OF CHAIN OF COMMAND POSITIONS TO GAIN ACCESS TO OR COERCE ANOTHER PERSON FOR A SEX-RELATED OFFENSE AS ADDITIONAL DUTIES OF INDEPENDENT PANELS FOR REVIEW OF MILITARY JUSTICE AND JUDICIAL PROCEEDINGS OF SEXUAL ASSAULT CASES.**

(a) ASSESSMENT AS ADDITIONAL DUTY OF PANEL ON RESPONSE SYSTEMS TO SEXUAL ASSAULT CRIMES.—Paragraph (1) of section 576(d) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1760), as amended by section 545(a) of this Act, is further amended—

(1) by redesignating subparagraph (L) as subparagraph (M); and

(2) by inserting after subparagraph (K) the following new subparagraph (L):

''(L) An assessment of instances in the Armed Forces in which a member of the Armed Forces has committing a sexual act upon another person by abusing one's position in the chain of command of the other person to gain access to or coerce the other person.''.

(b) ASSESSMENT OF CONSEQUENCES OF REVISION OF ARTICLE 120 SEX-RELATED OFFENSES AS ADDITIONAL DUTY OF INDEPENDENT PANEL ON JUDICIAL PROCEEDINGS.—Paragraph (2) of such section, as amended by section 546 of this Act, is further amended—

(1) by redesignating subparagraph (M) as subparagraph (N); and

(2) by inserting after subparagraph (L) the following new subparagraph (M):

''(M) Assess the likely consequences of amending of definition of rape and sexual assault under section 120 of title 10, United States Code (article 120 of the Uniform Code of Military Justice), to expressly cover a situation in which a person subject to the Uniform Code of Military Justice commits a sexual act upon another person by abusing one's position in the chain of command of the other person to gain access to or coerce the other person.''.

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**SA 2201.** Mr. NELSON (for himself, Mr. BLUMENTHAL, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 712 and insert the following:

**SEC. 712. TIMELINE FOR IMPLEMENTATION OF INTEROPERABLE ELECTRONIC HEALTH RECORDS.**

(a) TIMELINE.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly—

(1) ensure that the electronic health record systems of the Department of Defense and the Department of Veterans Affairs are interoperable through compliance with the national standards and architectural requirements identified by the Department of Defense/Department of Veterans Affairs Interagency Program Office, in collaboration with the Office of the National Coordinator for Health Information Technology of the Department of Health and Human Services; and

(2) by not later than December 31, 2016, provide for the deployment by the Department of Defense and the Department of Veterans Affairs of modernized electronic health record software supporting Department of Defense and Department of Veterans Affairs clinicians in a manner that ensures continuing compatibility with the interoperability platform and full standards-based interoperability.

(b) IMPLEMENTATION.—In implementing the interoperability of electronic health records under subsection (a), the Secretary of Defense and Secretary of Veterans Affairs shall jointly consider the feasibility and advisability of each of the following:

(1) The creation of a health data authoritative source by the Department of Defense and Department of Veterans Affairs that can be accessed by multiple providers and standardizes the input of new medical information.

(2) The ability of patients of both the Department of Defense and the Department of Veterans Affairs to download the medical records of the patient (commonly referred to as the ''Blue Button Initiative'').

(3) Enabling each current member of the Armed Forces and dependent of such a member to elect to receive an electronic copy of the health care record of such individual.

(4) The establishment of a secure, remote, network-accessible computer storage system (commonly referred to as ''cloud storage'') to provide members of the Armed Forces and veterans the ability to upload the health care records of the member or veteran if the member or veteran elects to do so and allow medical providers of the Department of Defense and the Department of Veterans Affairs to access such records in the course of providing care to the member or veteran.

(c) REPORTS.—

(1) STATUS REPORT.—Not later than January 1, 2014, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth a description of the current progress of the Secretaries in achieving the full interoperability of personal health care information between the Department of Defense and the Department of Veterans Affairs. The report shall include a description and assessment of lessons learned by the Secretaries as a result of efforts undertaken by the Secretary before the report to achieve the full interoperability of such information.

(2) PLAN TO MEET TIMELINE.—Not later than March 31, 2014, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth the plan of the Secretaries to meet the timeline specified in subsection (a)(2), and any associated deadlines and objectives.

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**SA 2202.** Mr. NELSON (for himself, Ms. COLLINS, Mr. WYDEN, Mrs. HAGAN, and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

**SEC. 646. REPEAL OF REQUIREMENT OF REDUCTION OF SURVIVOR BENEFITS PLAN SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.**

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e);

(ii) by striking subsection (k); and

(iii) by striking subsection (m).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking ''does not apply—'' and all that follows and inserting ''does not apply in the case of a deduction made through administrative error.''; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking '', 1450(k)(2),''.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking ''Except as provided in paragraph (2)(B), the Secretary concerned'' and inserting ''The Secretary concerned''; and

(2) in paragraph (2)—

(A) by striking ''DEPENDENT CHILDREN.—'' and all that follows through ''In the case of a member described in paragraph (1),'' and inserting ''DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1),''; and

(B) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

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**SA 2203.** Ms. MIKULSKI (for herself and Mr. COATS) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _. CONFIRMATION OF APPOINTMENT OF THE DIRECTOR OF THE NATIONAL SECURITY AGENCY.**

(a) DIRECTOR OF THE NATIONAL SECURITY AGENCY.—Section 2 of the National Security Agency Act of 1959 (50 U.S.C. 3602) is amended—

(1) by inserting ''(b)'' before ''There''; and

(2) by inserting before subsection (b), as so designated by paragraph (1), the following:

''(a)(1) There is a Director of the National Security Agency.

''(2) The Director of the National Security Agency shall be appointed by the President, by and with the advice and consent of the Senate.

''(3) The Director of the National Security Agency shall be the head of the National Security Agency and shall discharge such functions and duties as are provided by this Act or otherwise by law or executive order.''.

(b) POSITION OF IMPORTANCE AND RESPONSIBILITY.—The President may designate the Director of the National Security Agency as a position of importance and responsibility under section 601 of title 10, United States Code.

(c) EFFECTIVE DATE AND APPLICABILITY.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(A) the date of the nomination by the President of an individual to serve as the Director of the National Security Agency, except that the individual serving as such Director as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed as such Director, by and with the advice and consent of the Senate, assumes the duties of such Director; or

(B) the date of the cessation of the performance of the duties of such Director by the individual performing such duties as of the date of the enactment of this Act.

(2) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Subsection (b) shall take effect on the date of the enactment of this Act.

**SEC. _. PRESIDENTIAL APPOINTMENT AND SENATE CONFIRMATION OF THE INSPECTOR GENERAL OF THE NATIONAL SECURITY AGENCY.**

(a) IN GENERAL.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 8G(a)(2), by striking ''the National Security Agency,''; and

(2) in section 12—

(A) in paragraph (1), by striking ''or the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code'' and inserting ''the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code; or the Director of the National Security Agency''; and

(B) in paragraph (2), by striking ''or the Commissions established under section 15301 of title 40, United States Code'' and inserting ''the Commissions established under section 15301 of title 40, United States Code, or the National Security Agency''.

(b) EFFECTIVE DATE; INCUMBENT.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date on which the first Director of the National Security Agency takes office on or after the date of the enactment of this Act.

(2) INCUMBENT.—The individual serving as Inspector General of the National Security Agency on the date of the enactment of this Act shall be eligible to be appointed by the President to a new term of service under section 3 of the Inspector General Act of 1978 (5 U.S.C. App.), by and with the advice and consent of the Senate.

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**SA 2204.** Mr. LEVIN (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

**SEC. 1208. ONE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO USE ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND CERTAIN MILITARY EQUIPMENT TO CERTAIN FOREIGN FORCES FOR PERSONNEL PROTECTION AND SURVIVABILITY.**

Section 1202(e) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2413), as most recently amended by section 1202(b) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1621), is further amended by striking ''September 30, 2014'' and inserting ''September 30, 2015''.

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**SA 2205.** Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 514. REVIEW OF DISCHARGE CHARACTERIZATION OF FORMER MEMBERS OF THE ARMED FORCES WHO WERE DISCHARGED BY REASON OF SEXUAL ORIENTATION.**

(a) IN GENERAL.—In accordance with this section, the appropriate discharge boards—

(1) shall review the discharge characterization of covered members at the request of the covered member; and

(2) if such characterization is any characterization except honorable, may change such characterization to honorable.

(b) CRITERIA.—In changing the discharge characterization of a covered member to honorable under subsection (a)(2), the Secretary of Defense shall ensure that such changes are carried out consistently and uniformly across the military departments using the following criteria:

(1) The original discharge must be based on Don't Ask Don't Tell (in this Act referred to as ''DADT'') or a similar policy in place prior to the enactment of DADT.

(2) Such discharge characterization shall be so changed if, with respect to the original discharge, there were no aggravating circumstances, such as misconduct, that would

have independently led to a discharge characterization that was any characterization except honorable. For purposes of this paragraph, such aggravating circumstances may not include—

(A) an offense under section 925 of title 10, United States Code (article 125 of the Uniform Code of Military Justice), committed by a covered member against a person of the same sex with the consent of such person; or

(B) statements, consensual sexual conduct, or consensual acts relating to sexual orientation or identity, or the disclosure of such statements, conduct, or acts, that were prohibited at the time of discharge but after the date of such discharge became permitted.

(3) When requesting a review, a covered member, or their representative, shall be required to provide either—

(A) documents consisting of—

(i) a copy of the DD–214 form of the member;

(ii) a personal affidavit of the circumstances surrounding the discharge; and

(iii) any relevant records pertaining to the discharge; or

(B) an affidavit certifying that the member, or their representative, does not have the documents specified in subparagraph (A).

(4) If a covered member provides an affidavit described in subparagraph (B) of paragraph (3)—

(A) the appropriate discharge board shall make every effort to locate the documents specified in subparagraph (A) of such paragraph within the records of the Department of Defense; and

(B) the absence of such documents may not be considered a reason to deny a change of the discharge characterization under subsection (a)(2).

(c) REQUEST FOR REVIEW.—The appropriate discharge board shall ensure the mechanism by which covered members, or their representative, may request to have the discharge characterization of the covered member reviewed under this section is simple and straightforward.

(d) REVIEW.—

(1) IN GENERAL.—After a request has been made under subsection (c), the appropriate discharge board shall review all relevant laws, records of oral testimony previously taken, service records, or any other relevant information regarding the discharge characterization of the covered member.

(2) ADDITIONAL MATERIALS.—If additional materials are necessary for the review, the appropriate discharge board—

(A) may request additional information from the covered member or their representative, in writing, and specifically detailing what is being requested; and

(B) shall be responsible for obtaining a copy of the necessary files of the covered member from the member, or when applicable, from the Department of Defense.

(e) CHANGE OF CHARACTERIZATION.—The appropriate discharge board shall change the discharge characterization of a covered member to honorable if such change is determined to be appropriate after a review is conducted under subsection (d) pursuant to the criteria under subsection (b). A covered member, or the representative of the member, may appeal a decision by the appropriate discharge board to not change the discharge characterization by using the regular appeals process of the board.

(f) CHANGE OF RECORDS.—For each covered member whose discharge characterization is changed under subsection (e), or for each covered member who was honorably discharged but whose DD–214 form reflects the sexual orientation of the member, the Secretary of Defense shall reissue to the member or their representative a revised DD–214 form that reflects the following:

(1) For each covered member discharged, the Separation Code, Reentry Code, Narrative Code, and Separation Authority shall not reflect the sexual orientation of the member and shall be placed under secretarial authority. Any other similar indication of the sexual orientation or reason for discharge shall be removed or changed accordingly to be consistent with this paragraph.

(2) For each covered member whose discharge occurred prior to the creation of general secretarial authority, the sections of the DD–214 form referred to paragraph (1) shall be changed to similarly reflect a universal authority with codes, authorities, and language applicable at the time of discharge.

(g) STATUS.—

(1) IN GENERAL.—Each covered member whose discharge characterization is changed under subsection (e) shall be treated without regard to the original discharge characterization of the member, including for purposes of—

(A) benefits provided by the Federal Government to an individual by reason of service in the Armed Forces; and

(B) all recognitions and honors that the Secretary of Defense provides to members of the Armed Forces.

(2) REINSTATEMENT.—In carrying out paragraph (1)(B), the Secretary shall reinstate all recognitions and honors of a covered member whose discharge characterization is changed under subsection (e) that the Secretary withheld because of the original discharge characterization of the member.

(h) REPORTS.—

(1) REVIEW.—The Secretary of Defense shall conduct a review of the consistency and uniformity of the reviews conducted under this section.

(2) REPORTS.—Not later than 270 days after the date of the enactment of this Act, and each year thereafter for a four-year period, the Secretary shall submit to Congress a report on the reviews under paragraph (1). Such reports shall include any comments or recommendations for continued actions.

(i) HISTORICAL REVIEW.—The Secretary of each military department shall ensure that oral historians of such department—

(1) review the facts and circumstances surrounding the estimated 100,000 members of the Armed Forces discharged from the Armed Forces between World War II and September 2011 because of the sexual orientation of the member; and

(2) receive oral testimony of individuals who personally experienced discrimination and discharge because of the actual or perceived sexual orientation of the individual so that such testimony may serve as an official record of these discriminatory policies and their impact on American lives.

(j) DEFINITIONS.—In this section:

(1) The term ''appropriate discharge board'' means the boards for correction of military records under section 1552 of title 10, United States Code, or the discharge review boards under section 1553 of such title, as the case may be.

(2) The term ''covered member'' means any former member of the Armed Forces who was discharged from the Armed Forces because of the sexual orientation of the member.

(3) The term ''discharge characterization'' means the characterization under which a member of the Armed Forces is discharged or released, including ''dishonorable'', ''general'', ''other than honorable'', and ''honorable''.

(4) The term ''Don't Ask Don't Tell'' means section 654 of title 10, United States Code, as in effect before such section was repealed pursuant to the Don't Ask, Don't Tell Repeal Act of 2010 (Public Law 111–321).

(5) The term ''representative'' means the surviving spouse, next of kin, or legal representative of a covered member

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**SA 2206.** Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title III, add the following:

**SEC. 353. ORDNANCE RELATED RECORDS REVIEW AND REPORTING REQUIREMENT FOR VIEQUES AND CULEBRA ISLANDS, PUERTO RICO.**

(a) IDENTIFICATION OF MILITARY MUNITIONS AND NAVY OPERATIONAL HISTORY.—

(1) RECORDS REVIEW.—The Secretary of Defense shall conduct a review of all existing Department of Defense records to determine and describe the historical use of military munitions and military training on the islands of Vieques and Culebra, Puerto Rico, and in the nearby cays and waters. The review shall, to the extent practicable and based on historical documents available, identify the type of munitions, the quantity of munitions, and the location where such munitions may have potentially been used or may be remaining on the islands of Vieques and Culebra, Puerto Rico, and in the nearby cays or waters. The historical review shall also determine the type of various military training exercises that occurred on each island and in the nearby cays and waters.

(2) COOPERATION AND CONSULTATION.—The Secretary of Defense may request the assistance of other Federal agencies and may consult the Governor of Puerto Rico as may be determined appropriate in conducting the review required by this subsection and in preparing the report required by subsection (b).

(b) REPORT.—Not later than 450 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, and shall make publicly available, a report detailing the findings and determinations of the review required by subsection (a). The report shall be organized to include the information detailed in subsection (a) in addition to site history, site description, real estate ownership information, and any other information about known military munitions and military training that occurred historically on the islands of Vieques and Culebra, Puerto Rico, and in the nearby cays and waters. The report shall include any information and recommendations that the Secretary determines appropriate about the potential hazards to the public associated with unexploded ordnance on the islands of Vieques and Culebra, Puerto Rico, and in the nearby cays and waters.

(c) DEFINITIONS.—In this section:

(1) MILITARY MUNITIONS.—The term ''military munitions'' has the meaning given that term in section 101(e)(4) of title 10, United States Code.

(2) UNEXPLODED ORDNANCE.—The term ''unexploded ordnance'' has the meaning given that term in section 101(e)(5) of title 10, United States Code.

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**SA 2207.** Mr. BLUMENTHAL (for himself and Mr. MORAN) submitted an amendment intended to be proposed by

him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XV, add the following:

**SEC. 1522. REDUCTION IN FUNDING AVAILABLE FOR AFGHANISTAN SECURITY FORCES FUND FOR ROTARY WING AIRCRAFT.**

The amount authorized to be appropriated for fiscal year 2014 by section 1504 and available for Operation and Maintenance for Overseas Contingency Operations for the Afghanistan Security Forces Fund for the Ministry of Defense for equipment and transportation, as specified in the funding table in section 4302, is hereby reduced by $345,000,000, with the amount of the reduction to be applied to amounts otherwise so available for rotary wing aircraft.

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**SA 2208.** Mr. CASEY (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

**SEC. 2833. LAND CONVEYANCE, PHILADELPHIA NAVAL SHIPYARD, PHILADELPHIA, PENNSYLVANIA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the Philadelphia Regional Port Authority (in this section referred to as the ''Port Authority'') all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately .595 acres located at the Philadelphia Naval Shipyard, Philadelphia, Pennsylvania. The Secretary may void any land use restrictions associated with the property to be conveyed under this subsection.

(b) CONSIDERATION.—

(1) AMOUNT AND DETERMINATION.—As consideration for the conveyance under subsection (a), the Port Authority shall pay to the Secretary of the Navy an amount that is not less than the fair market value of the conveyed property, as determined by the Secretary. The Secretary's determination of fair market value shall be final. In lieu of all or a portion of cash payment of consideration, the Secretary may accept in-kind consideration.

(2) TREATMENT OF CASH CONSIDERATION.—The Secretary shall deposit any cash payment received under paragraph (1) in the special account in the Treasury established for that Secretary under subsection (e) of section 2667 of title 10, United States Code. The entire amount deposited shall be available for use in accordance with paragraph (1)(D) of such subsection.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Port Authority to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from the Port Authority in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Port Authority.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

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**SA 2209.** Ms. KLOBUCHAR (for herself, Mr. SCHATZ, Mr. PRYOR, and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 226, between lines 14 and 15, insert the following:

**Subtitle A—TRICARE Program**

**SEC. 701. FUTURE AVAILABILITY OF TRICARE PRIME FOR CERTAIN BENEFICIARIES ENROLLED IN TRICARE PRIME.**

Section 732 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1816) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) ACCESS TO TRICARE PRIME.—

''(1) ONE-TIME ELECTION.—Subject to paragraph (3), the Secretary shall ensure that each affected eligible beneficiary who is enrolled in TRICARE Prime as of September 30, 2013, may make a one-time election to continue such enrollment in TRICARE Prime, notwithstanding that a contract described in subsection (a)(2)(A) does not allow for such enrollment based on the location in which such beneficiary resides. The beneficiary may continue such enrollment in TRICARE Prime so long as the beneficiary resides in the same ZIP code as the ZIP Code in which the beneficiary resided at the time of such election.

''(2) ENROLLMENT IN TRICARE STANDARD.—If an affected eligible beneficiary makes the one-time election under paragraph (1), the beneficiary may thereafter elect to enroll in TRICARE Standard at any time in accordance with a contract described in subsection (a)(2)(A).

''(3) RESIDENCE AT TIME OF ELECTION.—An affected eligible beneficiary may not make the one-time election under paragraph (1) if, at the time of such election, the beneficiary does not reside in a ZIP code that is in a region described in subsection (c)(1)(B).''.

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**SA 2210.** Ms. KLOBUCHAR (for herself, Mr. SCHATZ, and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 226, between lines 14 and 15, insert the following:

**Subtitle A—TRICARE Program**

**SEC. 701. MODIFICATIONS OR REALIGNMENTS OF THE TRICARE PROGRAM.**

(a) SENSE OF CONGRESS ON CHANGES OR REALIGNMENTS OF TRICARE PRIME SERVICE AREAS.—It is the sense of Congress that any changes or realignments of the service areas of the TRICARE Prime option of the TRICARE program that are implemented by the Department of Defense should minimize their impact on cost and beneficiary satisfaction for current beneficiaries under the TRICARE program to the greatest extent practicable.

(b) REPORT ON IMPLEMENTATION OF REDUCTIONS IN TRICARE PRIME SERVICE AREAS.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the policy of the Department of Defense on the implementation of reductions in the service areas of TRICARE Prime.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the implementation of the transition for eligible beneficiaries under the TRICARE program (other than eligible beneficiaries on active duty in the Armed Forces) who no longer have access to TRICARE Prime under current TRICARE managed care contracts, including the following:

(i) The number of eligible beneficiaries who have transitioned from TRICARE Prime to the TRICARE Standard option of the TRICARE program since October 1, 2013.

(ii) The number of affected eligible beneficiaries who transferred their TRICARE Prime enrollment to a more distant available Prime Service Area to remain in TRICARE Prime, by State.

(iii) The number of beneficiaries who were eligible to transfer to a more distant available Prime Service Area, but chose to use TRICARE Standard.

(B) An estimate of the increased annual costs per beneficiary incurred for healthcare under the TRICARE program for eligible beneficiaries described in subparagraph (A).

(C) A description of the plans of the Department to assess the impact on access to healthcare and beneficiary satisfaction for eligible beneficiaries described in subparagraph (A).

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**SA 2211.** Ms. KLOBUCHAR (for herself and Mr. DONNELLY) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 514. REVIEW OF INTEGRATED DISABILITY EVALUATION SYSTEM.**

(a) REVIEW.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, conduct a review of—

(1) the backlog of pending cases in the Integrated Disability Evaluation System with respect to members of the reserve components of the Armed Forces for the purpose of addressing the matters specified in paragraph (1) of subsection (b); and

(2) the improvements to the Integrated Disability Evaluation System specified in paragraph (2) of such subsection.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the review under subsection (a). The report shall include the following:

(1) With respect to the reserve components of the Armed Forces—

(A) the number of pending cases that exist as of the date of the report, listed by military department, component, and, with respect to the National Guard, State;

(B) as of the date of the report, the average time it takes each of the Department of Defense and the Department of Veterans Affairs to process a case through each phase or step of the Integrated Disability Evaluation System under such Department's control;

(C) a description of the measures the Secretary has taken and will take to resolve the backlog of cases in the Integrated Disability Evaluation System; and

(D) the date by which the Secretary plans to resolve such backlog for each military department.

(2) With respect to the regular components and reserve components of the Armed Forces—

(A) a description of the progress being made by each of the Department of Defense and the Department of Veterans Affairs to transition the Integrated Disability Evaluation System to an integrated and readily accessible electronic format that a member of the Armed Forces may access to see the status of the member during each phase of the system;

(B) an estimate of the cost to complete the transition to an integrated and readily accessible electronic format; and

(C) an assessment of the feasibility of improving in-transit visibility of pending cases, including by establishing a method of tracking a pending case when—

(i) a military treatment facility is assigned a packet and pending case for action regarding a member; and

(ii) a packet is at the Veterans Tracking Application and Disability Rating Activity Site of the Department of Veterans Affairs.

(c) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives.

(2) The term ''pending case'' means a case involving a member of the Armed Forces who, as of the date of the review under subsection (a), is within the Integrated Disability Evaluation System and has been referred to a medical evaluation board.

**SA 2212.** Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

**SEC. 593. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON USE OF DETERMINATIONS OF PERSONALITY DISORDER OR ADJUSTMENT DISORDER AS BASIS TO SEPARATE MEMBERS FROM THE ARMED FORCES.**

Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth an evaluation of the following:

(1) The use by the Secretaries of the military departments of the authority to separate members of the Armed Forces from the Armed Forces due to unfitness for duty because of a mental condition not amounting to disability, including separation on the basis of a personality disorder or adjustment disorder, during the period beginning on January 1, 2007, and ending on the date of the enactment of this Act, including the total number of members separated on such basis during that period.

(2) The extent to which the Secretaries of the military departments complied with Department of Defense regulations in separating members of the Armed Forces on the basis of a personality disorder or adjustment disorder during that period.

(3) The impact of such a separation on the ability of veterans so separated to obtain service-connected disability compensation, disability severance pay, and disability retirement pay.

(4) The effectiveness of existing mechanisms for members of the Armed Forces so separated to review or challenge separations on that basis.

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**SA 2213.** Ms. KLOBUCHAR (for herself and Mr. ENZI) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. GRANTS FOR EMERGENCY MEDICAL SERVICES PERSONNEL TRAINING FOR VETERANS.**

Section 330J(c) of the Public Health Service Act (42 U.S.C. 254c–15(c)) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(9) provide to military veterans who were certified as military emergency medical technicians (or a substantially similar military occupational specialty) with required coursework and training that take into account, and are not duplicative of, previous medical coursework and training received when such veterans were active members of the Armed Forces, to enable such veterans to satisfy emergency medical services personnel certification requirements, as determined by the appropriate State regulatory entity.''.

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**SA 2214.** Ms. KLOBUCHAR (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. DESIGNATION OF MEDICAL FACILITIES OF THE DEPARTMENT OF VETERANS AFFAIRS AS HEALTH PROFESSIONAL SHORTAGE AREAS.**

(a) PHSA.—Section 332(a)(1) of the Public Health Service Act (42 U.S.C. 254e(a)(1)) is amended in the second sentence by inserting ''and medical facilities of the Department of Veterans Affairs (including State homes, as defined in section 101(19) of title 38, United States Code)'' after ''(42 U.S.C. 1395x(aa)),''.

(b) CONCURRENT BENEFITS.—

(1) SCHOLARSHIP PROGRAM.—Section 338A(b) of the Public Health Service Act (42 U.S.C. 254l(b)) is amended—

(A) in paragraph (3), by striking ''and'';

(B) in paragraph (4), by striking the period and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(5) not be participating in the Department of Veterans Affairs Health Professionals Educational Assistance Program under chapter 76 of title 38, United States Code.''.

(2) DEBT REDUCTION PROGRAM.—Section 338B(b) of the Public Health Service Act (42 U.S.C. 254l-1(b)) is amended—

(A) in paragraph (2), by striking ''and'';

(B) in paragraph (3), by striking the period and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(4) not be participating in the Department of Veterans Affairs Health Professionals Educational Assistance Program under chapter 76 of title 38, United States Code.''.

(c) CONSULTATION.—In carrying out the National Health Service Corps Program under subpart II of part D of title III of the Public Health Service Act (42 U.S.C. 254d et seq.), the Secretary of Health and Human Services shall consult with the Secretary of Veterans Affairs with respect to health professional shortage areas that are medical facilities of the Department of Veterans Affairs (including State homes, as defined in section 101(19) of title 38, United States Code).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act.

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**SA 2215.** Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

**SEC. 646. ELIGIBILITY FOR PAYMENT OF BOTH RETIRED PAY AND VETERANS' DISABILITY COMPENSATION FOR CERTAIN MILITARY RETIREES WITH COMPENSABLE SERVICE-CONNECTED DISABILITIES.**

(a) EXTENSION OF CONCURRENT RECEIPT AUTHORITY TO RETIREES WITH SERVICE-CONNECTED DISABILITIES RATED LESS THAN 50 PERCENT.—

(1) REPEAL OF 50 PERCENT REQUIREMENT.—Section 1414 of title 10, United States Code, is amended by striking paragraph (2) of subsection (a).

(2) COMPUTATION.—Paragraph (1) of subsection (c) of such section is amended by adding at the end the following new subparagraph:

''(G) For a month for which the retiree receives veterans' disability compensation for a disability rated as 40 percent or less or has a service-connected disability rated as zero percent, $0.''.

(b) CLERICAL AMENDMENTS.—

(1) The heading of section 1414 of such title is amended to read as follows:

**''§ 1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation''.**

(2) The item relating to such section in the table of sections at the beginning of chapter 71 of such title is amended to read as follows:

''1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2014, and shall apply to payments for months beginning on or after that date.

**SEC. 647. COORDINATION OF SERVICE ELIGIBILITY FOR COMBAT-RELATED SPECIAL COMPENSATION AND CONCURRENT RECEIPT.**

(a) AMENDMENTS TO STANDARDIZE SIMILAR PROVISIONS.—

(1) QUALIFIED RETIREES.—Subsection (a) of section 1414 of title 10, United States Code, as amended by section 646(a), is amended—

(A) by striking ''a member or'' and all that follows through ''retiree')'' and inserting ''a qualified retiree''; and

(B) by adding at the end the following new paragraph:

''(2) QUALIFIED RETIREES.—For purposes of this section, a qualified retiree, with respect to any month, is a member or former member of the uniformed services who—

''(A) is entitled to retired pay (other than by reason of section 12731b of this title); and

''(B) is also entitled for that month to veterans' disability compensation.''.

(2) DISABILITY RETIREES.—Paragraph (2) of subsection (b) of section 1414 of such title is amended to read as follows:

''(2) SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—The retired pay of a qualified retiree who is retired under chapter 61 of this title with fewer than 20 years of creditable service is subject to reduction by the lesser of—

''(A) the amount of the reduction under sections 5304 and 5305 of title 38; or

''(B) the amount (if any) by which the amount of the member's retired pay under such chapter exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2014, and shall apply to payments for months beginning on or after that date.

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**SA 2216.** Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. CREDITABLE SERVICE FOR FEDERAL RETIREMENT FOR CERTAIN INDIVIDUALS.**

(a) DEFINITION.—In this section, the term ''unfunded liability'' has the meaning given the term under section 8331 of title 5, United States Code.

(b) AMENDMENTS.—

(1) IN GENERAL.—Section 8332(b) of title 5, United States Code, is amended—

(A) in paragraph (16), by striking ''and'' at the end;

(B) in paragraph (17), by striking the period at the end and inserting ''; and'';

(C) by inserting after paragraph (17) the following:

''(18) any period of service performed—

''(A) not later than December 31, 1977;

''(B) while a citizen of the United States;

''(C) in the employ of—

''(i) Air America, Inc.; or

''(ii) any entity associated with, predecessor to, or subsidiary to Air America, Inc., including—

''(I) Air Asia Company Limited;

''(II) CAT Incorporated;

''(III) Civil Air Transport Company Limited; and

''(IV) the Pacific Division of Southern Air Transport; and

''(D) during the period that Air America, Inc. or any other entity described in subparagraph (C) was owned and controlled by the United States Government.''; and

(D) in the second undesignated paragraph following paragraph (18) (as added by subparagraph (C)), by adding at the end the following: ''For purposes of this subchapter, service of the type described in paragraph (18) shall be considered to have been service as an employee.''.

(2) EXEMPTION FROM DEPOSIT REQUIREMENT.—Section 8334(g) of title 5, United States Code, is amended—

(A) in paragraph (5), by striking ''or'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(7) any period of service for which credit is allowed under section 8332(b)(18) of this title.''.

(c) APPLICABILITY.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply with respect to annuities commencing on or after the effective date of this section.

(2) PROVISIONS RELATING TO CURRENT ANNUITANTS.—

(A) IN GENERAL.—Except as provided under paragraph (4), any individual who is entitled to an annuity for the month in which this section becomes effective may elect to have the amount of the annuity recomputed as if the amendments made by this section had been in effect throughout all periods of service on the basis of which the annuity is or may be based.

(B) SUBMISSION OF ELECTION.—An election to have an annuity recomputed under subparagraph (A) shall be submitted to the Office of Personnel Management not later than 2 years after the effective date of this section.

(C) PROSPECTIVE APPLICATION OF RECOMPUTATION.—A recomputation under subparagraph (A) shall be effective as of the date of the first payment under the annuity that is made after the later of—

(i) the date of the recomputation; or

(ii) the effective date of this section.

(D) NO RETROACTIVE PAYMENTS.—An individual may not receive payments for any additional amounts that would have been payable, if the amendments made by this section had been in effect throughout all periods of service on the basis of which the annuity is or may be based, for periods before the first month for which recomputation is reflected in the regular monthly annuity payments of the individual.

(3) PROVISIONS RELATING TO INDIVIDUALS ELIGIBLE FOR (BUT NOT CURRENTLY RECEIVING) AN ANNUITY.—

(A) IN GENERAL.—

(i) ELECTION.—Except as provided under subparagraph (B)(ii) and paragraph (4), an individual not described in paragraph (2) who becomes eligible for an annuity or for an increased annuity as a result of the enactment of this section may elect to have the rights of the individual under subchapter III of chapter 83 of title 5, United States Code, determined as if the amendments made by this section had been in effect throughout all periods of service on the basis of which the annuity is or would be based.

(ii) SUBMISSION OF ELECTION.—An individual shall make an election under clause (i) by submitting an appropriate application to the Office of Personnel Management not later than 2 years after the later of—

(I) the effective date of this section; or

(II) the date on which the individual separates from service.

(B) COMMENCEMENT DATE; RETROACTIVITY.—

(i) IN GENERAL.—Subject to clause (ii), any entitlement to an annuity or to an increased annuity resulting from an election under subparagraph (A) shall be effective as of the date on which regular monthly annuity payments begin to be made in accordance with the amendments made by this section.

(ii) NO RETROACTIVE PAYMENTS.—An individual may not receive payments for any amounts that would have been payable, if the amendments made by this section had been in effect throughout all periods of service on the basis of which the annuity or increased annuity is or may be based, for periods before the first month for which regular monthly annuity payments begin to be made in accordance with the amendments made by this section.

(iii) RETROACTIVITY FOR PURPOSES OF ENTITLEMENT TO ANNUITY.—Any determination of the amount of any annuity, all the requirements for entitlement to which (including separation, but not including any application requirement) would have been satisfied before the effective date of this section if this section had been in effect (but would not then otherwise have been satisfied absent this section) shall be made as if application for the annuity had been submitted as of the earliest date that would have been allowable, after the date on which the individual separated from service, if the amendments made by this section had been in effect throughout the periods of service referred to in subparagraph (A)(i).

(4) NO RIGHT TO SURVIVOR ANNUITY.—Notwithstanding section 8341 of title 5, United States Code, or any other provision of law, an individual shall not be entitled to an annuity or increased annuity under subchapter

III of chapter 83 of such title based on service described in section 8332(b)(18) of such title (as added by subsection (b)(1)(C)) performed by a deceased individual.

(d) FUNDING.—Any increase in the unfunded liability of the Civil Service Retirement System attributable to the enactment of this section shall be financed in accordance with section 8348(f) of title 5, United States Code.

(e) REGULATIONS.—The Director of the Office of Personnel Management shall promulgate regulations necessary to carry out this section, which shall include provisions under which rules similar to those established under the amendments made by section 201 of the Federal Employees' Retirement System Act of 1986 (Public Law 99–335; 100 Stat. 588) shall be applied with respect to any service described in section 8332(b)(18) of title 5, United States Code (as amended by subsection (b)) that was subject to title II of the Social Security Act.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first fiscal year beginning after the date of enactment of this section.

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**SA 2217.** Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

**SEC. 722. MEDICAL RESEARCH ON HYDROCEPHALUS.**

In conducting the Peer Reviewed Medical Research Program, the Secretary of Defense may select medical research projects relating to hydrocephalus under the program.

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**SA 2218.** Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 514. INDEPENDENT ASSESSMENT ON ADVANCEMENT OF WOMEN IN THE ARMED FORCES.**

(a) ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall provide for an independent assessment of the manner in which current laws, policies, and practices of the Department of Defense support the full integration of women into the Armed Forces throughout their military careers.

(2) INDEPENDENT ENTITY.—The assessment shall be conducted by an independent, nongovernmental entity selected by the Secretary from among entities described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code that have recognized expertise in national security and military affairs and ready access to appropriate policy experts throughout the United States and internationally.

(b) ELEMENTS.—The assessment conducted pursuant to subsection (a) shall include the following:

(1) A review of current Department of Defense policies intended to ensure the physical safety of women in the Armed Forces and the prevention of unwanted sexual contact.

(2) A review of current and emerging data on the impacts of broadening career opportunities for women in the Armed Forces on the short-term and longer-term readiness of women for military service, as well as potential implications for the Department of Veterans Affairs.

(3) An identification and assessment of barriers to the equal advancement of women throughout their military careers.

(4) An identification and assessment of options to enhance the physical safety, short-term and long-term medical readiness, and career advancement opportunities of women in the Armed Forces.

(5) An identification and assessment of the views of policy leaders and experts from relevant fields, including the view of international leaders and experts when applicable, on the matters covered by the assessment.

(c) REPORT.—

(1) SUBMITTAL TO SECRETARY OF DEFENSE.—Not later than 270 days after the date of the enactment of this Act, the entity selected pursuant to subsection (a) to conduct the assessment required by that subsection shall submit to the Secretary a report on the findings of the entity as a result of the assessment. The report shall be submitted in unclassified form.

(2) TRANSMITTAL TO CONGRESS.—Not later than 90 days after the date of the receipt of the report under paragraph (1), the Secretary shall transmit the report to the congressional defense committees, together with such comments on the report as the Secretary considers appropriate.

(d) FUNDING.—Of the amount authorized to be appropriated for fiscal year 2014 by section 301 and available for Operation and Maintenance, Defense-wide, for the Office of Secretary of Defense Studies Fund as specified in the funding tables in section 4301, $800,000 shall be available for the assessment required by subsection (a).

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**SA 2219.** Mr. MENENDEZ (for himself, Mr. ISAKSON, Ms. LANDRIEU, Mr. SCHUMER, Mr. VITTER, Mr. NELSON, Mrs. GILLIBRAND, Mr. COCHRAN, Ms. HEITKAMP, Ms. WARREN, Mr. MARKEY, Mr. SCHATZ, Mr. MANCHIN, Mr. BOOKER, Mr. BEGICH, Mr. CASEY, Mr. HOEVEN, Mrs. HAGAN, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of Division A, add the following:

**TITLE XVI—FLOOD INSURANCE**

**SECTION 1601. SHORT TITLE.**

This title may be cited as the ''Homeowner Flood Insurance Affordability Act of 2013''.

**SEC. 1602. DEFINITIONS.**

As used in this title, the following definitions shall apply:

(1) ADJUSTED BASE FLOOD ELEVATION.—For purposes of rating a floodproofed covered structure, the term ''adjusted base flood elevation'' means the base flood elevation for a covered structure on the applicable effective flood insurance rate map, plus 1 foot.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Emergency Management Agency.

(3) AFFORDABILITY AUTHORITY BILL.—The term ''affordability authority bill'' means a non-amendable bill that if enacted would only grant the Administrator the authority necessary to promulgate regulations in accordance with the criteria set forth in section 1603(d)(2).

(4) AFFORDABILITY STUDY.—The term ''affordability study'' means the study required under section 100236 of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 957).

(5) APPLICABLE FLOOD PLAIN MANAGEMENT MEASURES.—The term ''applicable flood plain management measures'' means flood plain management measures adopted by a community under section 60.3(c) of title 44, Code of Federal Regulations.

(6) COVERED STRUCTURE.—The term ''covered structure'' means a residential structure—

(A) that is located in a community that has adopted flood plain management measures that are approved by the Federal Emergency Management Agency and that satisfy the requirements for an exception for floodproofed residential basements under section 60.6(c) of title 44, Code of Federal Regulations; and

(B) that was built in compliance with the applicable flood plain management measures.

(7) DRAFT AFFORDABILITY FRAMEWORK.—The term ''draft affordability framework'' means the draft programmatic and regulatory framework required to be prepared by the Administrator and submitted to Congress under section 1603(d) addressing the issues of affordability of flood insurance sold under the National Flood Insurance Program, including issues identified in the affordability study.

(8) FLOODPROOFED ELEVATION.—The term ''floodproofed elevation'' means the height of floodproofing on a covered structure, as identified on the Residential Basement Floodproofing Certificate for the covered structure.

(9) NATIONAL FLOOD INSURANCE PROGRAM.—The term ''National Flood Insurance Program'' means the program established under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

**SEC. 1603. DELAYED IMPLEMENTATION OF FLOOD INSURANCE RATE INCREASES; DRAFT AFFORDABILITY FRAMEWORK.**

(a) DELAYED IMPLEMENTATION OF FLOOD INSURANCE RATE INCREASES.—

(1) GRANDFATHERED PROPERTIES.—Beginning on the date of enactment of this Act, the Administrator may not increase risk premium rates for flood insurance for any property located in an area subject to the premium adjustment required under section 1308(h) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(h)).

(2) PRE-FIRM PROPERTIES.—Beginning on the date of enactment of this Act, the Administrator may not reduce the risk premium rate subsidies for flood insurance for any property—

(A) described under section 1307(g)(1) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(g)(1)); or

(B) described under 1307(g)(3) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(g)(3)), provided that the decision of the

policy holder to permit a lapse in flood insurance coverage was as a result of the property no longer being required to retain such coverage.

(3) EXPIRATION.—The prohibitions set forth under paragraphs (1) and (2) shall expire 6 months after the later of—

(A) the date on which the Administrator proposes the draft affordability framework;

(B) the date on which any regulations proposed pursuant to the authority that the Administrator is granted in the affordability authority bill, if such bill is enacted, become final; or

(C) the date on which the Administrator certifies in writing to Congress that the Federal Emergency Management Agency has implemented a flood mapping approach that utilizes sound scientific and engineering methodologies to determine varying levels of flood risk in all areas participating in the National Flood Insurance Program.

(b) PROPERTY SALE TRIGGER.—Section 1307(g)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(g)(2)) is amended to read as follows:

''(2) any property purchased after the expiration of the 6-month period set forth under section 1603(a)(3) of the Homeowner Flood Insurance Affordability Act of 2013;''.

(c) TREATMENT OF PRE-FIRM PROPERTIES.—Beginning on the date of enactment of this Act and ending upon the expiration of the 6-month period set forth under subsection (a)(3), the Administrator shall restore the risk premium rate subsidies for flood insurance estimated under section 1307(a)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(a)(2)) for any property described in subparagraphs (A) and (B) of subsection (a)(2) and in section 1307(g)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(g)(2)).

(d) DRAFT AFFORDABILITY FRAMEWORK.—

(1) IN GENERAL.—The Administrator shall prepare a draft affordability framework that proposes to address, via programmatic and regulatory changes, the issues of affordability of flood insurance sold under the National Flood Insurance Program, including issues identified in the affordability study.

(2) CRITERIA.—In carrying out the requirements under paragraph (1), the Administrator shall consider the following criteria:

(A) Accurate communication to consumers of the flood risk associated with their property.

(B) Targeted assistance to flood insurance policy holders based on their financial ability to continue to participate in the National Flood Insurance Program.

(C) Individual or community actions to mitigate the risk of flood or lower the cost of flood insurance.

(D) The impact of increases in risk premium rates on participation in the National Flood Insurance Program.

(E) The impact flood insurance rate map updates have on the affordability of flood insurance.

(3) DEADLINE FOR SUBMISSION.—Not later than 18 months after the date on which the Administrator submits the affordability study, the Administrator shall submit to the full Committee on Banking, Housing, and Urban Affairs and the full Committee on Appropriations of the Senate and the full Committee on Financial Services and the full Committee on Appropriations of the House of Representatives the draft affordability framework.

(e) CONGRESSIONAL CONSIDERATION OF FEMA AFFORDABILITY AUTHORITIES.—

(1) NO REFERRAL.—Upon introduction in either House of Congress, an affordability authority bill shall not be referred to a committee and shall immediately be placed on the calendar.

(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(A) PROCEEDING TO CONSIDERATION.—It shall be in order to move to proceed to consider the affordability authority bill in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed with respect to the affordability authority bill. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(B) CONSIDERATION.—The affordability authority bill shall be considered as read. All points of order against the affordability authority bill and against its consideration are waived. The previous question shall be considered as ordered on the affordability authority bill to its passage without intervening motion except 10 hours of debate equally divided and controlled by the proponent and an opponent. A motion to reconsider the vote on passage of the affordability authority bill shall not be in order.

(3) CONSIDERATION IN THE SENATE.—

(A) PLACEMENT ON THE CALENDAR.—Upon introduction in the Senate, an affordability authority bill shall be immediately placed on the calendar.

(B) FLOOR CONSIDERATION.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order, at any time beginning on the day after the 6th day after the date of introduction of an affordability authority bill (even if a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the affordability authority bill and all points of order against consideration of the affordability authority bill are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the affordability authority bill is agreed to, the affordability authority bill shall remain the unfinished business until disposed of.

(C) CONSIDERATION.—All points of order against the affordability authority bill are waived. Consideration of the affordability authority bill and of all debatable motions and appeals in connection therewith shall be limited to not more than 10 hours which shall be divided equally between the majority and minority leaders or their designees. A motion further to limit debate on the affordability authority bill is in order, and is not debatable.

(D) NO AMENDMENTS.—An amendment to the affordability authority bill, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to commit or recommit the affordability authority bill, is not in order.

(E) VOTE ON PASSAGE.—If the Senate has voted to proceed to the affordability authority bill, the vote on passage of the affordability authority bill shall occur immediately following the conclusion of consideration of the affordability authority bill, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate.

(4) AMENDMENT.—The affordability authority bill shall not be subject to amendment in either the House of Representatives or the Senate.

(5) CONSIDERATION BY THE OTHER HOUSE.—

(A) IN GENERAL.—If, before passing the affordability authority bill, one House receives from the other an affordability authority bill—

(i) the affordability authority bill of the other House shall not be referred to a committee; and

(ii) the procedure in the receiving House shall be the same as if no affordability authority bill had been received from the other House except that the vote on passage shall be on the affordability authority bill of the other House.

(B) REVENUE MEASURE.—This subsection shall not apply to the House of Representatives if the affordability authority bill received from the Senate is a revenue measure.

(6) COORDINATION WITH ACTION BY OTHER HOUSE.—

(A) TREATMENT OF AFFORDABILITY AUTHORITY BILL OF OTHER HOUSE.—If the Senate fails to introduce or consider a affordability authority bill under this section, the affordability authority bill of the House shall be entitled to expedited floor procedures under this section.

(B) TREATMENT OF COMPANION MEASURES IN THE SENATE.—If following passage of the affordability authority bill in the Senate, the Senate then receives the affordability authority bill from the House of Representatives, the House-passed affordability authority bill shall not be debatable.

(C) VETOES.—If the President vetoes the affordability authority bill, debate on a veto message in the Senate under this section shall be 1 hour equally divided between the majority and minority leaders or their designees.

(7) RULES OF THE HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of an affordability authority bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change its rules at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(f) INTERAGENCY AGREEMENTS.—The Administrator may enter into an agreement with another Federal agency to—

(1) complete the affordability study; or

(2) prepare the draft affordability framework.

(g) CLEAR COMMUNICATIONS.—The Administrator shall clearly communicate full flood risk determinations to individual property owners regardless of whether their premium rates are full actuarial rates.

(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide the Administrator with the authority to provide assistance to homeowners based on affordability that was not available prior to the enactment of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 916).

**SEC. 1604. AFFORDABILITY STUDY AND REPORT.**

Notwithstanding the deadline under section 100236(c) of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 957), not later than 2 years after the date of enactment of this Act, the Administrator shall submit to the full Committee on Banking, Housing, and Urban Affairs and the full Committee on Appropriations of the Senate and the full Committee on Financial Services and the full Committee on Appropriations of the House of Representatives the affordability study and report required under such section.

**SEC. 1605. AFFORDABILITY STUDY FUNDING.**

Section 100236(d) of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 957) is amended by striking ''not more than $750,000'' and inserting ''such amounts as may be necessary''.

**SEC. 1606. FUNDS TO REIMBURSE HOMEOWNERS FOR SUCCESSFUL MAP APPEALS.**

(a) IN GENERAL.—Section 1363(f) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104(f)) is amended by striking the second sentence and inserting the following: ''The Administrator may use such amounts from the National Flood Insurance Fund established under section 1310 as may be necessary to carry out this subsection.''.

(b) CONFORMING AMENDMENT.—Section 1310(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(8) for carrying out section 1363(f).''.

**SEC. 1607. FLOOD PROTECTION SYSTEMS.**

(a) ADEQUATE PROGRESS ON CONSTRUCTION OF FLOOD PROTECTION SYSTEMS.—Section 1307(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(e)) is amended—

(1) in the first sentence, by inserting ''or reconstruction'' after ''construction'';

(2) by amending the second sentence to read as follows: ''The Administrator shall find that adequate progress on the construction or reconstruction of a flood protection system, based on the present value of the completed flood protection system, has been made only if (1) 100 percent of the cost of the system has been authorized, (2) at least 60 percent of the cost of the system has been appropriated, (3) at least 50 percent of the cost of the system has been expended, and (4) the system is at least 50 percent completed.''; and

(3) by adding at the end the following: ''Notwithstanding any other provision of law, in determining whether a community has made adequate progress on the construction, reconstruction, or improvement of a flood protection system, the Administrator shall consider all sources of funding, including Federal, State, and local funds.''.

(b) COMMUNITIES RESTORING DISACCREDITED FLOOD PROTECTION SYSTEMS.—Section 1307(f) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(f)) is amended by amending the first sentence to read as follows: ''Notwithstanding any other provision of law, this subsection shall apply to riverine and coastal levees that are located in a community which has been determined by the Administrator of the Federal Emergency Management Agency to be in the process of restoring flood protection afforded by a flood protection system that had been previously accredited on a Flood Insurance Rate Map as providing 100-year frequency flood protection but no longer does so, and shall apply without regard to the level of Federal funding of or participation in the construction, reconstruction, or improvement of the flood protection system.''.

**SEC. 1608. TREATMENT OF FLOODPROOFED RESIDENTIAL BASEMENTS.**

Notwithstanding the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 916), the amendments made by that Act, or any other provision of law, the Administrator shall rate a covered structure using the elevation difference between the floodproofed elevation of the covered structure and the adjusted base flood elevation of the covered structure.

**SEC. 1609. DESIGNATION OF FLOOD INSURANCE ADVOCATE.**

(a) IN GENERAL.—The Administrator shall designate a Flood Insurance Advocate to advocate for the fair treatment of policy holders under the National Flood Insurance Program and property owners in the mapping of flood hazards, the identification of risks from flood, and the implementation of measures to minimize the risk of flood.

(b) DUTIES AND RESPONSIBILITIES.—The duties and responsibilities of the Flood Insurance Advocate designated under subsection (a) shall be to—

(1) educate property owners and policyholders under the National Flood Insurance Program on—

(A) individual flood risks;

(B) flood mitigation; and

(C) measures to reduce flood insurance rates through effective mitigation; and

(D) the flood insurance rate map review and amendment process;

(2) assist policy holders under the National Flood Insurance Program and property owners to understand the procedural requirements related to appealing preliminary flood insurance rate maps and implementing measures to mitigate evolving flood risks;

(3) assist in the development of regional capacity to respond to individual constituent concerns about flood insurance rate map amendments and revisions;

(4) coordinate outreach and education with local officials and community leaders in areas impacted by proposed flood insurance rate map amendments and revisions; and

(5) aid potential policy holders under the National Flood Insurance Program in obtaining and verifying accurate and reliable flood insurance rate information when purchasing or renewing a flood insurance policy.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the duties and responsibilities of the Flood Insurance Advocate.

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**SA 2220.** Mr. TOOMEY (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1066. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON ASSESSMENT OF ARMY STUDY ON THE COMBAT VEHICLE INDUSTRIAL BASE.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment by the Comptroller General of the study of the Army on the Bradley Fighting Vehicle industrial base submitted to Congress pursuant to the Conference Report to Accompany H.R. 4310 (112th Congress), the National Defense Authorization Act for Fiscal Year 2013 (House Report 112–705).

(b) ELEMENTS.—The report required by subsection (a) shall—

(1) address each of the combat vehicles included in the study of the Army;

(2) include an assessment of the reasonableness of the study's methods including, but not limited to the sufficiency, validity, and reliability of the data used to conduct the study; and

(3) include findings and recommendations on the combat vehicle industrial base, but should not replicate the study of the Army.

**SA 2221.** Mr. BURR (for himself, Mr. KIRK, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. CLARIFICATION OF VETERAN STATUS OF INDIVIDUALS WHO ATTENDED PREPARATORY SCHOOL OF SERVICE ACADEMY.**

(a) CLARIFICATION OF DEFINITION OF MILITARY SERVICE.—Section 101 of title 38, United States Code, is amended—

(1) in paragraph (21)(D), by inserting after ''Naval Academy'' the following: ''(but, except for purposes of chapter 17 of this title in accordance with section 107(e)(2), does not include any service performed by a student at a preparatory school of a service academy who is not otherwise a member of the Armed Forces)'';

(2) in paragraph (22), by inserting before the period at the end the following: ''or, except for purposes of chapter 17 of this title in accordance with section 107(e)(2), duty performed by a student at a preparatory school of a service academy who is not otherwise a member of the Armed Forces''; and

(3) in paragraph (23), by adding after the period at the end the following: ''Except for purposes of chapter 17 of this title in accordance with section 107(e)(2), such term does not include duty performed by a student at a preparatory school of a service academy who is not otherwise a member of the Armed Forces.''.

(b) SERVICE DEEMED NOT TO BE ACTIVE SERVICE.—Section 107 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) Except as provided by paragraph (2), duty performed by a student at a preparatory school of a service academy who is not otherwise a member of the Armed Forces shall not be deemed to have been active military, naval, or air service for the purposes of any of the laws administered by the Secretary, regardless of whether the student was injured or disabled as a result of such duty.

''(2) Chapter 17 of this title shall apply to an individual described in paragraph (1) with respect to furnishing hospital care and medical services solely for an injury or disability incurred by the individual as a result of military training related to future active duty service performed as a student during the course of required training at a preparatory school of a service academy. An individual who receives such care and services under this paragraph may not be treated as a veteran for the purposes of any other provision of law solely by reason of receiving such care and services under this paragraph.''.

(c) SMALL BUSINESS CONCERNS.—Section 8127(l) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(3) The term 'veteran', in accordance with sections 101 and 107 of this title, does not include an individual whose veteran status is based solely on the attendance of the individual as a student at a preparatory school of a service academy, regardless of whether the individual was injured or disabled as a result of duty performed as such a student.''.

(d) PREFERENCE ELIGIBLE.—Section 2108 of title 5, United States Code, is amended—

(1) in paragraph (4)(B), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(6) an individual whose veteran status is based solely on the attendance of the individual as a student at a preparatory school of a service academy, regardless of whether the individual was injured or disabled as a result of duty performed as such a student, may not be treated as a 'veteran', 'disabled veteran', or 'preference eligible'.''.

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**SA 2222.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SECTION 1082. PURCHASE OF PRISON-MADE PRODUCTS BY FEDERAL DEPARTMENTS.**

(a) REPEAL OF PURCHASE REQUIREMENT.—Section 4124 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''shall purchase'' and inserting ''may purchase''; and

(B) by inserting ''and services'' after ''such products''; and

(2) in subsection (c), by striking ''subject to the requirements of subsection (a)'' and inserting ''that purchases such products or services of the industries authorized by this chapter''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 8504 of title 41, United States Code, is amended—

(1) in subsection (a), by striking ''(a) IN GENERAL.—''; and

(2) by striking subsection (b).

**SEC. 1083. PROHIBITION ON AWARD OF CERTAIN CONTRACTS TO FEDERAL PRISON INDUSTRIES, INC..**

Notwithstanding any other provision of law, a Federal agency may not award a contract to Federal Prison Industries after competition restricted to small business concerns under section 15 of the Small Business Act (15 U.S.C. 644) or the program established under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

**SEC. 1084. SHARE OF INDEFINITE DELIVERY/INDEFINITE QUANTITY CONTRACTS.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation to require that if the head of an executive agency reduces the quantity of items or services to be delivered under an indefinite delivery/indefinite quantity contract to which Federal Prison Industries is a party, the head of the executive agency shall reduce Federal Prison Industries's share of the items or services to be delivered under the contract by the same percentage by which the total number of items or services to be delivered under the contract from all sources is reduced.

(b) DEFINITIONS.—In this section—

(1) the term ''executive agency'' has the meaning given the term in section 133 of title 41, United States Code; and

(2) the term ''Federal Acquisition Regulatory Council'' means the Federal Acquisition Regulatory Council established under section 1302(a) of title 41, United States Code.

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**SA 2223.** Mr. PAUL (for himself, Mr. WYDEN, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. CHALLENGES TO GOVERNMENT SURVEILLANCE.**

Section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a) is amended by adding at the end the following new subsection:

''(m) CHALLENGES TO GOVERNMENT SURVEILLANCE.—

''(1) INJURY IN FACT.—In any claim in a civil action brought in a court of the United States relating to surveillance conducted under this section, the person asserting the claim has suffered an injury in fact if the person—

''(A) has a reasonable basis to believe that the person's communications will be acquired under this section; and

''(B) has taken objectively reasonable steps to avoid surveillance under this section.

''(2) REASONABLE BASIS.—A person shall be presumed to have demonstrated a reasonable basis to believe that the communications of the person will be acquired under this section if the profession of the person requires the person regularly to communicate foreign intelligence information with persons who—

''(A) are not United States persons; and

''(B) are located outside the United States.

''(3) OBJECTIVE STEPS.—A person shall be presumed to have taken objectively reasonable steps to avoid surveillance under this section if the person demonstrates that the steps were taken in reasonable response to rules of professional conduct or analogous professional rules.''.

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**SA 2224.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. IMPROVED ENUMERATION OF MEMBERS OF THE ARMED FORCES IN ANY TABULATION OF TOTAL POPULATION BY SECRETARY OF COMMERCE.**

(a) IN GENERAL.—Section 141 of title 13, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

''(g) Effective beginning with the 2020 decennial census of population, in taking any tabulation of total population by States, the Secretary shall take appropriate measures to ensure, to the maximum extent practicable, that all members of the Armed Forces deployed abroad on the date of taking such tabulation are—

''(1) fully and accurately counted; and

''(2) properly attributed to the State in which their residence at their permanent duty station or homeport is located on such date.''.

(b) CONSTRUCTION.—The amendments made by subsection (a) shall not be construed to affect the residency status of any member of the Armed Forces under any provision of law other than title 13, United States Code.

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**SA 2225.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. EXTENSION OF PERIOD FOR USE OF ENTITLEMENT TO POST-9/11 EDUCATIONAL ASSISTANCE FOR INDIVIDUALS WITH POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY.**

(a) EXTENDED PERIOD.—Section 3312 of title 38, United States Code, is amended—

(1) in subsection (a), by striking ''in subsections (b) and (c)'' and inserting ''in subsections (b), (c), and (d)''; and

(2) by adding at the end the following new subsection:

''(d) EXTENDED PERIOD FOR INDIVIDUALS WITH POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY.—Subject to section 3695 of this title and except as provided in subsections (b) and (c), an individual entitled to educational assistance under this chapter who has a service-connected disability consisting of post-traumatic stress disorder or traumatic brain injury is entitled to a number of months of educational assistance under section 3313 of this title equal to 54 months.''.

(b) REDUCED AMOUNT.—Section 3313 of such title is amended by adding at the end the following new subsection:

''(j) REDUCED AMOUNT FOR INDIVIDUALS WITH EXTENDED PERIOD OF ASSISTANCE.—The amount of educational assistance payable under this section to an individual described in section 3312(d) of this title shall be 67 percent of the amount otherwise payable to such individual under this section.''.

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**SA 2226.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SECTION 1082. PRESERVING FREEDOM FROM UNWARRANTED SURVEILLANCE.**

(a) SHORT TITLE.—This section may be cited as the ''Preserving Freedom from Unwarranted Surveillance Act of 2013''.

(b) DEFINITIONS.—In this section—

(1) the term ''drone'' has the meaning given the term ''unmanned aircraft'' in section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note); and

(2) the term ''law enforcement party'' means a person or entity authorized by law, or funded by the Government of the United

States, to investigate or prosecute offenses against the United States.

(c) PROHIBITED USE OF DRONES.—Except as provided in subsection (d), a person or entity acting under the authority, or funded in whole or in part by, the Government of the United States shall not use a drone to gather evidence or other information pertaining to criminal conduct or conduct in violation of a statute or regulation except to the extent authorized in a warrant that satisfies the requirements of the Fourth Amendment to the Constitution of the United States.

(d) EXCEPTIONS.—This Act does not prohibit any of the following:

(1) PATROL OF BORDERS.—The use of a drone to patrol national borders to prevent or deter illegal entry of any persons or illegal substances.

(2) EXIGENT CIRCUMSTANCES.—The use of a drone by a law enforcement party when exigent circumstances exist. For the purposes of this paragraph, exigent circumstances exist when the law enforcement party possesses reasonable suspicion that under particular circumstances, swift action to prevent imminent danger to the life of an individual is necessary.

(3) HIGH RISK.—The use of a drone to counter a high risk of a terrorist attack by a specific individual or organization, when the Secretary of Homeland Security determines credible intelligence indicates there is such a risk.

(e) REMEDIES FOR VIOLATION.—Any aggrieved party may in a civil action obtain all appropriate relief to prevent or remedy a violation of this section.

(f) PROHIBITION ON USE OF EVIDENCE.—No evidence obtained or collected in violation of this section may be admissible as evidence in a criminal prosecution in any court of law in the United States.

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**SA 2227.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

**SEC. 1208. LIMITATION ON FOREIGN ASSISTANCE TO PAKISTAN.**

No amounts may be obligated or expended to provide any direct United States assistance to the Government of Pakistan unless the President certifies to Congress that—

(1) Dr. Shakil Afridi has been released from prison in Pakistan;

(2) any criminal charges brought against Dr. Afridi, including treason, have been dropped; and

(3) if necessary to ensure his freedom, Dr. Afridi has been allowed to leave Pakistan.

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**SA 2228.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. AUDIT REFORM AND TRANSPARENCY FOR THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.**

(a) IN GENERAL.—Notwithstanding section 714 of title 31, United States Code, or any other provision of law, an audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks under subsection (b) of such section 714 shall be completed within 12 months of the date of enactment of this Act.

(b) REPORT.—

(1) IN GENERAL.—A report on the audit required under subsection (a) shall be submitted by the Comptroller General to the Congress before the end of the 90-day period beginning on the date on which such audit is completed and made available to the Speaker of the House, the majority and minority leaders of the House of Representatives, the majority and minority leaders of the Senate, the Chairman and Ranking Member of the committee and each subcommittee of jurisdiction in the House of Representatives and the Senate, and any other Member of Congress who requests it.

(2) CONTENTS.—The report under paragraph (1) shall include a detailed description of the findings and conclusion of the Comptroller General with respect to the audit that is the subject of the report, together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.

(c) REPEAL OF CERTAIN LIMITATIONS.—Subsection (b) of section 714 of title 31, United States Code, is amended by striking all after ''in writing.''.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Section 714 of title 31, United States Code, is amended by striking subsection (f).

**SEC. 1083. AUDIT OF LOAN FILE REVIEWS REQUIRED BY ENFORCEMENT ACTIONS.**

(a) IN GENERAL.—The Comptroller General of the United States shall conduct an audit of the review of loan files of homeowners in foreclosure in 2009 or 2010, required as part of the enforcement actions taken by the Board of Governors of the Federal Reserve System against supervised financial institutions.

(b) CONTENT OF AUDIT.—The audit carried out pursuant to subsection (a) shall consider, at a minimum—

(1) the guidance given by the Board of Governors of the Federal Reserve System to independent consultants retained by the supervised financial institutions regarding the procedures to be followed in conducting the file reviews;

(2) the factors considered by independent consultants when evaluating loan files;

(3) the results obtained by the independent consultants pursuant to those reviews;

(4) the determinations made by the independent consultants regarding the nature and extent of financial injury sustained by each homeowner as well as the level and type of remediation offered to each homeowner; and

(5) the specific measures taken by the independent consultants to verify, confirm, or rebut the assertions and representations made by supervised financial institutions regarding the contents of loan files and the extent of financial injury to homeowners.

(c) REPORT.—Not later than the end of the 6-month period beginning on the date of the enactment of this Act, the Comptroller General shall issue a report to the Congress containing all findings and determinations made in carrying out the audit required under subsection (a).

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**SA 2229.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

**SEC. 1220. REPEAL OF AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ.**

The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243; 116 Stat. 1498; 50 U.S.C. 1541 note) is repealed effective on the date of the enactment of this Act or January 1, 2014, whichever occurs later.

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**SA 2230.** Mr. PORTMAN (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 931 and insert the following:

**SEC. 931. PERSONNEL SECURITY.**

(a) COMPARATIVE ANALYSIS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, acting through the Director of Cost Assessment and Program Evaluation and in coordination with the Director of the Office of Management and Budget, submit to Congress a report setting forth a comprehensive analysis comparing the cost, schedule, and performance of personnel security clearance investigations and reinvestigations for employees and contractor personnel of the Department of Defense that are conducted by the Office of Personnel Management with the cost, schedule, and performance of personnel security clearance investigations and reinvestigations for such personnel that are conducted by the components of the Department of Defense.

(2) ELEMENTS OF ANALYSIS.—The analysis under paragraph (1) shall do the following:

(A) Determine, for each of the Office of Personnel Management and the components of the Department that conduct personnel security investigations, the cost, schedule, and performance associated with personnel security investigations and reinvestigations of each type and level of clearance, and identify the elements that contribute to such cost, schedule, and performance.

(B) Identify mechanisms for permanently improving the transparency of the cost structure of personnel security investigations and reinvestigations.

(b) PERSONNEL SECURITY FOR DEPARTMENT OF DEFENSE EMPLOYEES AND CONTRACTORS.—

(1) IN GENERAL.—If the Secretary of Defense determines that the current approach for obtaining personnel security investigations and reinvestigations for employees and contractor personnel of the Department of Defense is not the most advantageous approach for the Department, the Secretary shall develop a plan, by not later than October 1, 2014, for the transition of personnel security investigations and reinvestigations to the approach preferred by the Secretary.

(2) CONSIDERATIONS.—In selecting the most advantageous approach preferred for the Department under paragraph (1), the Secretary shall consider ways in which cost, schedule, and performance could be improved while

conducting or providing supporting information for, personnel security investigations and reinvestigations for employees and contractor personnel of the Department.

(c) STRATEGY FOR CONTINUOUS MODERNIZATION OF PERSONNEL SECURITY.—

(1) STRATEGY REQUIRED.—The Secretary of Defense, the Director of National Intelligence, and the Director of the Office of Management and Budget shall jointly develop and implement a strategy to continuously modernize all aspects of personnel security for the Department of Defense with the objectives of lowering costs, increasing efficiencies, enabling and encouraging reciprocity, and improving security.

(2) METRICS.—

(A) METRICS REQUIRED.—In developing the strategy required by paragraph (1), the Secretary and the Directors shall jointly establish metrics to measure the effectiveness of the strategy in meeting the objectives specified in that paragraph.

(B) REPORT.—At the same time the budget of the President for each of fiscal years 2015 through 2018 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary and the Directors shall jointly submit to the appropriate committees of Congress a report on the metrics established under paragraph (1), including an assessment using the metrics of the effectiveness of the strategy in meeting the objectives specified in paragraph (1).

(3) ELEMENTS.—In developing the strategy required by paragraph (1), the Secretary and the Directors shall consider, and may adopt, mechanisms for the following:

(A) Elimination of manual or inefficient processes in investigations and reinvestigations for personnel security, wherever practicable, and automating and integrating the elements of the investigation process, including in the following:

(i) The clearance application process.

(ii) Case management.

(iii) Adjudication management.

(iv) Investigation methods for the collection, analysis, storage, retrieval, and transfer of data and records.

(v) Records management for access and eligibility determinations.

(B) Elimination or reduction, where possible, of the use of databases and information sources that cannot be accessed and processed automatically electronically, or modification of such databases and information sources, if appropriate and cost-effective, to enable electronic access and processing within and between agencies.

(C) Access and analysis of government, publically available, and commercial data sources, including social media, that provide independent information pertinent to adjudication guidelines to improve quality and timeliness, and reduce costs, of investigations and reinvestigations.

(D) Use of government-developed and commercial technology for continuous monitoring and evaluation of government and commercial data sources that can identify and flag information pertinent to adjudication guidelines and eligibility determinations.

(E) Standardization of forms used for routine reporting required of cleared personnel (such as travel, foreign contacts, and financial disclosures) and use of continuous monitoring technology to access databases containing such reportable information to independently obtain and analyze reportable data and events.

(F) Establishment of an authoritative central repository of personnel security information that is accessible electronically at multiple levels of classification and eliminates technical barriers to rapid access to information necessary for eligibility determinations and reciprocal recognition thereof.

(G) Elimination or reduction of the scope of, or alteration of the schedule for, periodic reinvestigations of cleared personnel, when such action is appropriate in light of the information provided by continuous monitoring or evaluation technology.

(H) Electronic integration of personnel security processes and information systems with insider threat detection and monitoring systems, and pertinent law enforcement, counterintelligence and intelligence information, for threat detection and correlation.

(I) Determination of the net value of implementing phased investigative approaches designed to reach an adjudicative decision sooner than is currently achievable by truncating investigations based on thresholds where no derogatory information or clearly unacceptably derogatory information is obtained through initial background checks.

(d) RECIPROCITY OF CLEARANCES.—The Secretary of Defense and the Director of National Intelligence shall jointly ensure that the transition of personnel security clearances between and among Department of Defense components, Department contractors, and Department contracts proceeds as rapidly and inexpensively as possible, including through the following:

(1) By providing for reciprocity of personnel security clearances among positions requiring personnel holding secret, top secret, or sensitive compartmented information clearances (the latter with a counterintelligence polygraph examination), to the maximum extent feasible consistent with national security requirements.

(2) By permitting personnel, when feasible and consistent with national security requirements, to begin work in positions requiring additional security requirements, such as a full-scope polygraph examination, pending satisfaction of such additional requirements.

(e) BENCHMARKS.—For purposes of carrying out the requirements of this section, the Secretary of Defense and the Director of National Intelligence shall jointly determine, by not later than 180 days after the date of the enactment of this Act, the following:

(1) The current level of mobility and personnel security clearance reciprocity of cleared personnel as personnel make a transition between Department of Defense components, between Department contracts, and between government and the private sector.

(2) The costs due to lost productivity in inefficiencies in such transitions arising from personnel security clearance matters.

(f) COMPTROLLER GENERAL REVIEW.—

(1) REVIEW REQUIRED.—Not later than 150 days after the date of the enactment of this Act, the Comptroller General of the United States shall carry out a review of the personnel security process.

(2) OBJECTIVE OF REVIEW.—The objective of the review required by paragraph (1) shall be to identify the following:

(A) Differences between the metrics used by the Department of Defense and other departments and agencies that grant security clearances in granting reciprocity for security clearances, and the manner in which such differences can be harmonized.

(B) The extent to which existing Federal Investigative Standards are relevant, complete, and sufficient for guiding agencies and individual investigators as they conduct their security clearance background investigations.

(C) The processes agencies have implemented to ensure quality in the security clearance background investigation process.

(D) The extent to which agencies have developed and implemented outcome-focused performance measures to track the quality of security clearance investigations and any insights from these measures.

(E) The processes agencies have implemented for resolving incomplete or subpar investigations, and the actions taken against government employees and contractor personnel who have demonstrated a consistent failure to abide by quality assurance measures.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the review required by paragraph (1).

(g) TASK FORCE ON RECORDS ACCESS FOR SECURITY CLEARANCE BACKGROUND INVESTIGATIONS.—

(1) ESTABLISHMENT.—The Suitability and Security Clearance Performance Accountability Council, as established by Executive Order No. 13467, shall convene a task force to examine the different policies and procedures that determine the level of access to public records provided by State and local authorities in response to investigative requests by Federal Government employees or contracted employees carrying out background investigations to determine an individual's suitability for access to classified information or secure government facilities.

(2) MEMBERSHIP.—The members of the task force shall include, but need not be limited to, the following:

(A) The Chair of the Suitability and Security Clearance Performance and Accountability Council, who shall serve as chair of the task force.

(B) Representative from the Office of Personnel Management.

(C) Representative from the Office of the Director of National Intelligence.

(D) Representative from the Department of Defense responsible for administering security clearance background investigations.

(E) Representatives from Federal law enforcement agencies within the Department of Justice and the Department of Homeland Security involved in security clearance background investigations.

(F) Representatives from State and local law enforcement agencies, including—

(i) agencies in rural areas that have limited resources and less than 500 officers; and

(ii) agencies that have more than 1,000 officers and significant technological resources.

(G) Representative from Federal, State, and local law enforcement associations involved with security clearance background administrative actions and appeals.

(H) Representatives from Federal, State, and local judicial systems involved in the sharing of records to support security clearance background investigations.

(3) INITIAL MEETING.—The task force shall convene its initial meeting not later than 45 days after the date of the enactment of this Act.

(4) DUTIES.—The task force shall do the following:

(A) Analyze the degree to which State and local authorities comply with investigative requests made by Federal Government employees or contractor employees carrying out background investigations to determine an individual's suitability for access to classified information or secure government facilities, including the degree to which investigative requests are required but never formally requested.

(B) Analyze limitations on the access to public records provided by State and local authorities in response to investigative requests by Federal Government employees and contractor employees described in subparagraph (A), including, but not be limited

to, limitations relating to budget and staffing constraints on State and local authorities, any procedural and legal obstacles impairing Federal access to State and local law enforcement records, or inadequate investigative procedural standards for background investigators.

(C) Provide recommendations for improving the degree of cooperation and records-sharing between State and local authorities and Federal Government employees and contractor employees described in subparagraph (A).

(5) REPORT.—Not later than 120 days after the date of the enactment of this Act, the task force shall submit to the appropriate committees of Congress a report setting forth a detailed statement of the findings and conclusions of the task force pursuant to this subsection, together with the recommendations of the task force for such legislative or administrative action as the task force considers appropriate.

(h) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Oversight and Government Reform, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

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**SA 2231.** Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. SENSE OF SENATE ON OBSERVANCE OF NATIONWIDE MOMENT OF REMEMBRANCE ON MEMORIAL DAY TO APPROPRIATELY HONOR UNITED STATES PATRIOTS LOST IN THE PURSUIT OF PEACE AND LIBERTY AROUND THE WORLD.**

(a) FINDINGS.—The Senate makes the following findings:

(1) The preservation of basic freedoms and world peace has always been a valued objective of the United States.

(2) Thousands of United States men and women have selflessly given their lives in service as peacemakers and peacekeepers.

(3) The American people should continue to demonstrate the appreciation and gratitude these patriots deserve and to commemorate the ultimate sacrifice they made.

(4) Memorial Day is the day of the year for the United States to appropriately remember United States heroes by inviting the people of the United States to respectfully honor them at a designated time.

(5) The playing of ''Taps'' symbolizes the solemn and patriotic recognition of those Americans who died in service to the United States.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the people of the United States should, as part of a moment of remembrance on Memorial Day each year, observe that moment with the playing of ''Taps'' in honor of the people of the United States who gave their lives in the pursuit of freedom and peace; and

(2) that playing of ''Taps'' should take place at widely-attended public events on Memorial Day, including sporting events and civic ceremonies.

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**SA 2232.** Mr. FLAKE (for himself, Mr. MCCAIN, Mr. ALEXANDER, Mr. HATCH, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. REFUND OF FUNDS USED BY STATES TO OPERATE NATIONAL PARKS DURING SHUTDOWN.**

(a) IN GENERAL.—The Director of the National Park Service shall refund to each State all funds of the State that were used to reopen and temporarily operate a unit of the National Park System during the period in October 2013 in which there was a lapse in appropriations for the unit.

(b) FUNDING.—Funds of the National Park Service that are appropriated after the date of enactment of this Act shall be used to carry out this section.

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**SA 2233.** Mr. KIRK (for himself, Mr. COONS, Mr. BLUNT, Mr. BROWN, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. NATIONAL MANUFACTURING COMPETITIVENESS STRATEGIC PLAN.**

Section 102 of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 6622) is amended—

(1) in subsection (b), by striking paragraph (7) and inserting the following:

''(7) develop and update a national manufacturing competitiveness strategic plan in accordance with subsection (c).''; and

(2) by striking subsection (c) and inserting the following:

''(c) NATIONAL MANUFACTURING COMPETITIVENESS STRATEGIC PLAN.—

''(1) IN GENERAL.—Not later than 1 year after the date of the enactment of the American Manufacturing Competitiveness Act of 2013, the President shall submit to Congress, and publish on an Internet website that is accessible to the public, the strategic plan developed under paragraph (2).

''(2) DEVELOPMENT.—The Committee shall develop (and update as required under paragraph (8)), in coordination with the National Economic Council, a strategic plan to improve Government coordination and provide long-term guidance for Federal programs and activities in support of United States manufacturing competitiveness, including advanced manufacturing research and development.

''(3) COMMITTEE CHAIRPERSON.—In developing and updating the strategic plan, the Secretary of Commerce, or a designee of the Secretary, shall serve as the chairperson of the Committee.

''(4) GOALS.—The goals of such strategic plan shall be to—

''(A) promote growth, job creation, sustainability, and competitiveness in the United States manufacturing sector;

''(B) support the development of a skilled manufacturing workforce;

''(C) enable innovation and investment in domestic manufacturing; and

''(D) support national security.

''(5) CONTENTS.—Such strategic plan shall—

''(A) specify and prioritize near-term and long-term objectives to meet the goals of the plan, including research and development objectives, the anticipated timeframe for achieving the objectives, and the metrics for use in assessing progress toward the objectives;

''(B) describe the progress made in achieving the objectives from prior strategic plans, including a discussion of why specific objectives were not met;

''(C) specify the role, including the programs and activities, of each relevant Federal agency in meeting the objectives of the strategic plan;

''(D) describe how the Federal agencies and federally funded research and development centers supporting advanced manufacturing research and development will foster the transfer of research and development results into new manufacturing technologies and United States based manufacturing of new products and processes for the benefit of society to ensure national, energy, and economic security;

''(E) describe how such Federal agencies and centers will strengthen all levels of manufacturing education and training programs to ensure an adequate, well-trained workforce;

''(F) describe how such Federal agencies and centers will assist small and medium-sized manufacturers in developing and implementing new products and processes;

''(G) take into consideration and include a discussion of the analysis conducted under paragraph (6); and

''(H) solicit public input (which may be accomplished through the establishment of an advisory panel under paragraph (7)), including the views of a wide range of stakeholders, and consider relevant recommendations of Federal advisory committees.

''(6) PRELIMINARY ANALYSIS.—

''(A) IN GENERAL.—As part of developing such strategic plan, the Committee, in collaboration with Federal departments and agencies whose missions contribute to or are affected by manufacturing, shall conduct an analysis of factors that impact the competitiveness and growth of the United States manufacturing sector, including—

''(i) research, development, innovation, transfer of technologies to the marketplace, and commercialization activities in the United States;

''(ii) the adequacy of the industrial base for maintaining national security;

''(iii) the state and capabilities of the domestic manufacturing workforce;

''(iv) export opportunities and domestic trade enforcement policies;

''(v) financing, investment, and taxation policies and practices;

''(vi) the state of emerging technologies and markets; and

''(vii) efforts and policies related to manufacturing promotion undertaken by competing nations.

''(B) RELIANCE ON EXISTING INFORMATION.—To the extent practicable, in completing the analysis under subparagraph (A), the Committee shall use existing information and the results of previous studies and reports.

''(7) ADVISORY PANEL.—

''(A) ESTABLISHMENT.—The chairperson of the Committee may appoint an advisory panel of private sector and nonprofit leaders to provide input, perspective, and recommendations to assist in the development of the strategic plan under this subsection.

''(B) MEMBERSHIP.—The panel shall have no more than 15 members, and shall include representatives of manufacturing businesses, labor representatives of the manufacturing workforce, academia, and groups representing interests affected by manufacturing activities.

''(C) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.), other than section 14 of such Act, shall apply to the Advisory Panel.

''(8) UPDATES.—Not later than May 1, 2018, and not less frequently than once every 4 years thereafter, the President shall submit to Congress, and publish on an Internet website that is accessible to the public, an update of the strategic plan transmitted under paragraph (1). Such updates shall be developed in accordance with the procedures set forth under this subsection.

''(9) REQUIREMENT TO CONSIDER STRATEGY IN THE BUDGET.—In preparing the budget for a fiscal year under section 1105(a) of title 31, United States Code, the President shall include information regarding the consistency of the budget with the goals and recommendations included in the strategic plan developed under this subsection applying to that fiscal year.''.

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**SA 2234.** Ms. AYOTTE (for herself, Mrs. SHAHEEN, Mr. BLUMENTHAL, and Mr. MURPHY) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

**SEC. 2833. LAND CONVEYANCES RELATED TO ARMY RESERVE CENTERS IN NEW HAMPSHIRE AND CONNECTICUT.**

(a) CONVEYANCES AUTHORIZED.—The Secretary of the Army may convey without consideration the following parcels to the designated entities for the specific purposes:

(1) Approximately 3.4 acres and improvements known as the Paul A. Doble Army Reserve Center in Portsmouth, New Hampshire, to the City of Portsmouth for the public benefit of a public park or recreational use.

(2) Approximately 5.11 acres and improvements known as the LT John S. Turner Army Reserve Center in Fairfield, Connecticut, to the City of Fairfield for the public benefit of a public park or recreational use.

(3) Approximately 6.9 acres and improvements known as the Paul J. Sutcovoy Army Reserve Center in Waterbury, Connecticut, to the City of Waterbury for the public benefit of emergency services and public safety activities.

(b) REVERSION.—Any deed of conveyance authorized under this section shall provide that all of the property be used and maintained for the purpose for which it was conveyed. If the Secretary determines at any time that any real property conveyed under subsection (a) ceases to be used or maintained in accordance with the purposes of the conveyances specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OF CONSIDERATION IN LIEU OF REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, the Secretary may, in lieu of exercising the right of reversion specified under subsection (b), require the recipient City to pay to the United States an amount equal to the fair market value of the property conveyed. The fair market value of the property shall be determined by the Secretary.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the recipient City to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the recipient City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the United States as consideration for the conveyance or in lieu of reversion hereunder shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of each parcel of real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Army.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

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**SA 2235.** Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

**SEC. 237. UNITED STATES-ISRAEL MISSILE DEFENSE COOPERATION.**

(a) FINDINGS.—Congress makes the following findings:

(1) The State of Israel remains under the threat of continuing attack from missiles, rockets, and mortars fired at Israel by militants from terrorist organizations on its southern border and by Hezbollah on its northern border, which have killed and wounded many innocent Israeli civilians. Israel also faces significant ballistic missile threats from Iran and Syria.

(2) The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) expressed the sense of Congress that the United States should have an active program of ballistic missile defense cooperation with Israel, and should take steps to improve the coordination, interoperability, and integration of United States and Israeli missile defense capabilities, and to enhance the capability of both nations to defend against ballistic missile threats present in the Middle East region.

(3) The United States-Israel Enhanced Security Cooperation Act of 2012 (22 U.S.C. 8601 et seq.) states the policy of the United States to support the inherent right of Israel to self-defense and expresses the sense of Congress that the United States Government should provide the Government of Israel such support as may be necessary to increase development and production of joint missile defense systems, particularly such systems that defend against the urgent threat posed to Israel and United States forces in the region.

(4) It is central to the national security interests of the United States to support Israel's ability to defend itself against missiles and rockets, including through joint cooperation on the Arrow Weapon System (with Arrow–2 and Arrow–3 interceptors) and the David's Sling Weapons System, along with continued support for the Iron Dome short-range rocket defense system.

(5) The Arrow Weapon System, deployed with the Arrow–2 interceptor jointly developed by Israel and the United States, has been operational since 2000 and defends Israel against medium-range ballistic missiles.

(6) The Arrow–3 interceptor, being jointly developed by the United States and Israel, is designed to intercept ballistic missiles with nuclear or chemical warheads at high altitude. The Arrow–3 interceptor completed a successful fly-out test in February 2013.

(7) The David's Sling Weapon System, being jointly developed by the United States and Israel, is designed to intercept short-range ballistic missiles, medium-range and long-range rockets, and cruise missiles. The David's Sling Weapon System successfully intercepted an inert medium-range rocket target in a November 2012 test.

(8) The Israeli Defense Forces report that, during Operation Pillar of Defense in November 2012, the Iron Dome short-range rocket defense system achieved a success rate of about 85 percent against rockets bound for Israeli population centers and infrastructure, thus averting large-scale casualties in Israel and enhancing Israel's operational flexibility during the conflict.

(9) Continued missile defense cooperation between the United States and Israel will further develop and enhance the missile defense capability, and thus the security, of both the United States and Israel.

(b) SENSE OF CONGRESS.—Congress—

(1) reaffirms its commitment to the security of our strategic partner Israel;

(2) supports maintenance of an active program of ballistic missile defense cooperation with Israel;

(3) supports efforts to enhance the capability of both the United States and Israel to defend against ballistic missile threats present in the Middle East region; and

(4) urges the Department of Defense to take all appropriate steps as may be necessary to improve the coordination, interoperability, and integration of United States and Israeli missile defense capabilities.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the status of missile defense cooperation between the United States and Israel.

(2) ELEMENTS.—The report under this subsection shall include the following:

(A) A description of the current program of ballistic missile defense cooperation between the United States and Israel, including its objectives and results to date.

(B) A description of the actions taken within the previous year to improve the coordination, interoperability, and integration of the missile defense capabilities of the United States and Israel.

(C) A description of the actions planned to be taken by the Government of the United States and the Government Israel over the next year to improve the coordination, interoperability, and integration of their missile defense capabilities.

(D) A description of the joint efforts of the United States and Israel to develop ballistic missile defense technologies and capabilities.

(E) A description of the joint missile defense exercises and training that have been conducted by the United States and Israel, and the lessons learned from those exercises.

(F) A description of the cooperation by the United States and Israel in sharing ballistic missile threat assessments.

(G) Any other matters the Secretary considers appropriate.

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**SA 2236.** Mr. BLUMENTHAL (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title III, add the following:

**SEC. 353. LIMITED DECONTAMINATION AUTHORITY FOR PORTIONS OF FORMER NAVAL BOMBARDMENT AREA, CULEBRA ISLAND, PUERTO RICO.**

(a) DECONTAMINATION AUTHORITY.—Notwithstanding section 204(c) of the Military Construction Authorization Act, 1974 (Public Law 93–166; 87 Stat. 668), and paragraph 9 of the quitclaim deed relating to the transfer of the former bombardment area on the island of Culebra in the Commonwealth of Puerto Rico, the Secretary of Defense may authorize and conduct activities for the removal of unexploded ordnance and munitions scrap from those portions of the former bombardment area that were explicitly identified as having regular public access in the Department of Defense study entitled ''Study Relating to the Presence of Unexploded Ordnance in a Portion of the Former Naval Bombardment Area of Culebra Island, Commonwealth of Puerto Rico'' and dated April 20, 2012, which was prepared in accordance with section 2815 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4464).

(b) EXCEPTIONS.—In authorizing and conducting activities for the removal of unexploded ordnance and munitions scrap within the transferred former bombardment area, as authorized by subsection (a), the Secretary of Defense may exclude areas of dense vegetation and steep terrain that—

(1) make public access difficult and public use infrequent; and

(2) would severely hamper the effectiveness and increase the cost of removal activities.

(c) DEFINITIONS.—In this section:

(1) The term ''quitclaim deed'' refers to the quitclaim deed from the United States to the Commonwealth of Puerto Rico, signed by the Secretary of the Interior on August 11, 1982, for that portion of Tract (1b) consisting of the former bombardment area on the island of Culebra, Puerto Rico.

(2) The term ''unexploded ordnance'' has the meaning given that term by section 101(e)(5) of title 10, United States Code.

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**SA 2237.** Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1054. PROTECTION OF DEPARTMENT OF DEFENSE INSTALLATIONS.**

(a) SECRETARY OF DEFENSE AUTHORITY.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2671 the following new section:

**''§ 2672. Protection of property**

''(a) IN GENERAL.—The Secretary of Defense shall protect the buildings, grounds, and property that are under the jurisdiction, custody, or control of the Department of Defense and the persons on that property.

''(b) OFFICERS AND AGENTS.—(1)(A) The Secretary may designate military or civilian personnel of the Department of Defense as officers and agents to perform the functions of the Secretary under subsection (a), including, with regard to civilian officers and agents, duty in areas outside the property specified in that subsection to the extent necessary to protect that property and persons on that property.

''(B) A designation under subparagraph (A) may be made by individual, by position, by installation, or by such other category of personnel as the Secretary determines appropriate.

''(C) In making a designation under subparagraph (A) with respect to any category of personnel, the Secretary shall specify each of the following:

''(i) The personnel or positions to be included in the category.

''(ii) Which authorities provided for in paragraph (2) may be exercised by personnel in that category.

''(iii) In the case of civilian personnel in that category—

''(I) which authorities provided for in paragraph (2), if any, are authorized to be exercised outside the property specified in subsection (a); and

''(II) with respect to the exercise of any such authorities outside the property specified in subsection (a), the circumstances under which coordination with law enforcement officials outside of the Department of Defense should be sought in advance.

''(D) The Secretary may make a designation under subparagraph (A) only if the Secretary determines, with respect to the category of personnel to be covered by that designation, that—

''(i) the exercise of each specific authority provided for in paragraph (2) to be delegated to that category of personnel is necessary for the performance of the duties of the personnel in that category and such duties cannot be performed as effectively without such authorities; and

''(ii) the necessary and proper training for the authorities to be exercised is available to the personnel in that category.

''(2) Subject to subsection (h) and to the extent specifically authorized by the Secretary, while engaged in the performance of official duties pursuant to this section, an officer or agent designated under this subsection may—

''(A) enforce Federal laws and regulations for the protection of persons and property;

''(B) carry firearms;

''(C) make arrests—

''(i) without a warrant for any offense against the United States committed in the presence of the officer or agent; or

''(ii) for any felony cognizable under the laws of the United States if the officer or agent has reasonable grounds to believe that the person to be arrested has committed or is committing a felony;

''(D) serve warrants and subpoenas issued under the authority of the United States; and

''(E) conduct investigations, on and off the property in question, of offenses that may have been committed against property under the jurisdiction, custody, or control of the Department of Defense or persons on such property.

''(c) REGULATIONS.—(1) The Secretary may prescribe regulations, including traffic regulations, necessary for the protection and administration of property under the jurisdiction, custody, or control of the Department of Defense and persons on that property. The regulations may include reasonable penalties, within the limits prescribed in paragraph (2), for violations of the regulations. The regulations shall be posted and remain posted in a conspicuous place on the property to which they apply.

''(2) A person violating a regulation prescribed under this subsection shall be fined under title 18, imprisoned for not more than 30 days, or both.

''(d) LIMITATION ON DELEGATION OF AUTHORITY.—The authority of the Secretary of Defense under subsections (b) and (c) may be exercised only by the Secretary or the Deputy Secretary of Defense.

''(e) DISPOSITION OF PERSONS ARRESTED.—A person who is arrested pursuant to authority exercised under subsection (b) may not be held in a military confinement facility, other than in the case of a person who is subject to chapter 47 of this title (the Uniform Code of Military Justice).

''(f) FACILITIES AND SERVICES OF OTHER AGENCIES.—In implementing this section, when the Secretary determines it to be economical and in the public interest, the Secretary may use the facilities and services of Federal, State, tribal, and local law enforcement agencies, with the consent of those agencies, and may reimburse those agencies for the use of their facilities and services.

''(g) AUTHORITY OUTSIDE FEDERAL PROPERTY.—For the protection of property under the jurisdiction, custody, or control of the Department of Defense and persons on that property, the Secretary may enter into agreements with Federal agencies and with State, tribal, and local governments to obtain authority for civilian officers and agents designated under this section to enforce Federal laws and State, tribal, and local laws concurrently with other Federal law enforcement officers and with State, tribal, and local law enforcement officers.

''(h) ATTORNEY GENERAL APPROVAL.—The powers granted pursuant to subsection (b)(2)

to officers and agents designated under subsection (b)(1) shall be exercised in accordance with guidelines approved by the Attorney General.

''(i) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed—

''(1) to preclude or limit the authority of any Federal law enforcement agency;

''(2) to restrict the authority of the Secretary of Homeland Security under the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) or the authority of the Administrator of General Services, including the authority to promulgate regulations affecting property under the custody and control of that Secretary or the Administrator, respectively;

''(3) to expand or limit section 21 of the Internal Security Act of 1950 (50 U.S.C. 797);

''(4) to affect chapter 47 of this title (the Uniform Code of Military Justice); or

''(5) to restrict any other authority of the Secretary of Defense or the Secretary of a military department.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 159 of such title is amended by inserting after the item relating to section 2671 the following new item:

''2672. Protection of property.''.

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**SA 2238.** Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 2100 submitted by Mr. WYDEN (for himself and Mr. HEINRICH) and intended to be proposed to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, between lines 14 and 15, insert the following:

(f) PAYMENTS IN LIEU OF TAXES.—Notwithstanding any other provision of law, the land withdrawn under subsection (a) shall be considered to be and treated as entitlement land (as defined in section 6901 of title 31, United States Code).

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**SA 2239.** Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXXI, add the following:

**SEC. 31___. REPORT ON STATUS OF PILOT PROGRAM FOR TECHNOLOGY COMMERCIALIZATION.**

(a) APPOINTMENT OF TECHNOLOGY TRANSFER COORDINATOR.—Section 1001(a) of the Energy Policy Act of 2005 (42 U.S.C. 16391(a)) is amended by striking ''The Secretary'' and inserting ''Not later than 30 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2014, the Secretary''.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report on the status of the pilot program authorized under section 3165 of the National Defense Authorization Act for Fiscal Year 2013 (50 U.S.C. 2794 note; Public Law 112–239).

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**SA 2240.** Mr. HEINRICH (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I, add the following:

**SEC. 153. SENSE OF CONGRESS ON NONKINETIC COUNTER-ELECTRONIC SYSTEMS.**

It is the sense of Congress that—

(1) in carrying out the developmental planning effort of the Air Force for nonkinetic counter-electronics, the Secretary of Defense should consider the results of the successful joint technology capability demonstration conducted by the counter-electronics high power microwave missile project in 2012;

(2) an analysis of alternatives is an important step in the long term-term development of a nonkinetic counter-electronic system;

(3) the Secretary should pursue both near-term and long-term joint nonkinetic counter-electronic systems; and

(4) the counter-electronics high power microwave missile project (or a variant thereof) should be considered among the options for a possible materiel solution in response to any near-term joint urgent operational need, joint emergent operational need, or combatant command integrated priority for a nonkinetic counter-electronic system.

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**SA 2241.** Mr. HEINRICH (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

**SEC. 1534. USE OF PRE-DETONATION TECHNOLOGY TO EXPEDITE DEVELOPMENT OF NEXT GENERATION COUNTER IMPROVISED EXPLOSIVE DEVICES.**

In developing and procuring capabilities to defeat improvised explosive devices, the Joint Improvised Explosive Device Defeat Organization (JIEDDO) shall leverage (including through the use of funds) existing pre-detonation technology demonstrated during the Max Power Operational Evaluation to expedite technology development of a next generation operational counter improvised explosive device system.

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**SA 2242.** Mr. HEINRICH (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. REIMBURSEMENT OF DEPARTMENT OF DEFENSE FOR ASSISTANCE PROVIDED TO NONGOVERNMENTAL ENTERTAINMENT-ORIENTED MEDIA PRODUCERS.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense benefits when the entertainment industry produces media portraying the skill, heroism, capability, and challenges of members of the Armed Forces and their families through increased morale, better recruitment and retention, and improved understanding by the public.

(2) The Department of Defense is in often the best position to ensure realism in productions.

(3) The Department of Defense is sometimes forced to decline assisting in productions because expenses incurred are not reimbursed to the accounts withdrawn.

(b) REIMBURSEMENT.—

(1) IN GENERAL.—Subchapter II of chapter 134 of title 10, United States Code, is amended by inserting after section 2263 the following new section:

**''§ 2264. Reimbursement for assistance provide to nongovernmental entertainment-oriented media producers**

''(a) IN GENERAL.—There shall be credited to the applicable appropriations account or fund from which the expenses described in subsection (b) were charged any amounts received by the Department of Defense as reimbursement for such expenses.

''(b) DESCRIPTION OF EXPENSES.—The expenses referred to in subsection (a) are any expenses—

''(1) incurred by the Department of Defense as a result of providing assistance to a nongovernmental entertainment-oriented media producer;

''(2) for which the Department of Defense requires reimbursement under section 9701 of title 31, United States Code, or any other provision of law; and

''(3) for which the Department of Defense received reimbursement after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2014.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding after the item relating to section 2263 the following new item:

''2264. Reimbursement for assistance provide to nongovernmental entertainment-oriented media producers.''.

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**SA 2243.** Mr. HEINRICH (for himself, Mr. UDALL of New Mexico, and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title IX, add the following:

**SEC. 922. REPORT ON ORS-5 MISSION OF THE OPERATIONALLY RESPONSIVE SPACE PROGRAM.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it remains the policy of the United States, as expressed in section 913(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2355), to demonstrate, acquire, and deploy an effective capability for operationally responsive space to support military users and operations from space, which shall consist of—

(A) responsive satellite payloads and busses built to common technical standards;

(B) low-cost space launch vehicles and supporting range operations that facilitate the timely launch and on-orbit operations of satellites;

(C) responsive command and control capabilities; and

(D) concepts of operations, tactics, techniques, and procedures that permit the use of responsive space assets for combat and military operations other than war; and

(2) the Operationally Responsive Space Program Office has demonstrated through multiple launches since 2009 an ability to accomplish each policy objective of the Operationally Responsive Space Program through specific missions, but has not executed a mission that leverages all policy objectives of that Program in a single mission.

(b) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Executive Agent for Space of the Department of Defense shall report to the congressional defense committees on the status of the ORS-5 mission, which seeks to leverage all policy objectives of the Operationally Responsive Space Program in a single mission.

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**SA 2244.** Mr. HEINRICH (for himself, Mr. SHELBY, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

**SEC. 237. AVAILABILITY OF FUNDS FOR CO-PRODUCTION OF IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM IN THE UNITED STATES.**

(a) IN GENERAL.—Of the amounts authorized to be appropriated for fiscal year 2014 by section 201 and available for Research, Development, Test, and Evaluation, Defense-wide for the Missile Defense Agency as specified in the funding tables in section 4201, up to $15,000,000 may be obligated or expended for nonrecurring engineering costs in connection with the establishment of a capacity for production in the United States by United States industry of parts and components for the Iron Dome short-range rocket defense program.

(b) USE OF FUNDS ONLY PURSUANT TO AGREEMENT.—Funds may be obligated and expended under subsection (a) only pursuant to an agreement between the United States and Israel for co-production of Iron Dome parts and components in the United States.

(c) REPORT TO CONGRESS.—Not later than 30 days after obligating or expending funds authorized by subsection (a), the Director of the Missile Defense Agency shall submit to the congressional defense committees a report on the plan to implement the agreement described in subsection (b), including the following:

(1) A description of the estimated cost of implementing the agreement, including the costs to be paid by industry.

(2) The expected schedule to implement the agreement.

(3) A description of any efforts to minimize the costs of the agreement to the United States Government.

(d) CONSTRUCTION OF AUTHORITY WITH PROCUREMENT OF IRON DOME.—Nothing in this section shall be construed to alter or effect the procurement schedule, or anticipated procurement numbers, under the Iron Dome short-range rocket defense program.

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**SA 2245.** Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXVIII, add the following:

**SEC. 2815. COMPREHENSIVE ALASKA INSTALLATION ENERGY REPORT.**

(a) REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Deputy Under Secretary of Defense for Installations and Environment, in conjunction with the Service Assistant Secretaries responsible for Installations and Environment for the military services, shall submit a report to the congressional defense committees detailing the current cost and sources of energy at each military installation in Alaska, and viable and feasible options for achieving energy efficiency and cost savings at Alaska military installations.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following elements:

(A) A comprehensive, installation specific assessment of feasible and mission appropriate energy initiatives supporting energy production and consumption at military installations.

(B) An assessment of current sources of energy in Alaska and potential future sources that are technologically feasible, cost effective, and mission appropriate.

(C) A comprehensive implementation strategy to include required investment for feasible energy efficiency options determined to be the most beneficial and cost effective where appropriate and consistent with department priorities.

(D) An explanation on how military services are working collaboratively in order to leverage lessons learned on potential energy efficiency solutions.

(E) An assessment of State and local partnership opportunities that would achieve efficiency and cost savings, and any legislative authorities required to carry out such partnerships or agreements.

(3) UTILIZATION OF OTHER EFFORTS.—In preparing the report required under paragraph (1), the Under Secretary shall take into consideration completed and ongoing efforts by agencies of the Federal Government to analyze and develop energy efficient solutions in the state of Alaska, including the Department of Defense information available in the Annual Energy Management Report.

(4) COORDINATION WITH STATE AND LOCAL AND OTHER ENTITIES.—In preparing the report required under paragraph (1), the Under Secretary is encouraged to work in conjunction and coordinate with the State of Alaska, local communities, and other Federal departments and agencies.

(b) DEFINITIONS.—In this section, the term ''Alaska military installation'' includes to Clear Air Force Station, Eielson Air Force Base, Fort Wainwright, Joint Base Elmendorf-Richardson, Fort Greely, and Eareckson Air Station.

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**SA 2246.** Mr. FRANKEN (for himself and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. ENHANCED TRANSPARENCY OF FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 ACTIVITIES.**

(a) ENHANCED PUBLIC REPORTING FOR ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—

(1) ENHANCED REPORTING FOR ELECTRONIC SURVEILLANCE ORDERS.—Section 107 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1807) is amended to read as follows:

**''SEC. 107. REPORT OF ELECTRONIC SURVEILLANCE.**

''(a) IN GENERAL.—In April of each year, the Attorney General shall transmit to the Administrative Office of the United States Court and to Congress a report setting forth with respect to the preceding calendar year—

''(1) the total number of applications made for orders and extensions of orders approving electronic surveillance under this title;

''(2) the total number of such orders and extensions either granted, modified, or denied;

''(3) the total number of individuals who were subject to electronic surveillance conducted under an order entered under this title, provided that if this number is fewer than 500, it shall exclusively be expressed as a numerical range of 'fewer than 500' and shall not be expressed as an individual number; and

''(4) the total number of citizens of the United States and aliens lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)) who were subject to electronic surveillance conducted under an order entered under this title, provided that if this number is fewer than 500, it shall exclusively be expressed as a numerical range of 'fewer than 500' and shall not be expressed as an individual number.

''(b) FORM OF REPORT.—Each report required by this section shall be submitted in unclassified form and shall be made available to the public 7 days after the date such report is submitted to Congress.''.

(2) ENHANCED REPORTING FOR PEN REGISTERS AND TRAP AND TRACE DEVICES.—Section 406 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1846) is amended by adding at the end the following:

''(c) ANNUAL REPORT ON USE OF PEN REGISTER AND TRAP AND RACE DEVICES.—

''(1) REQUIREMENT FOR REPORT.—Except as provided in paragraph (2), in April of each year, the Attorney General shall submit to Congress a report setting forth with respect to the preceding year—

''(A) the total number of applications made for orders approving the use of a pen register and trap and trace devices under this title;

''(B) the total number of such orders either granted, modified, or denied;

''(C) a good faith estimate of the total number of individual persons whose electronic or wire communications information was obtained through the use of pen register or trap and trace devices authorized under an order entered under this title;

''(D) good faith estimates of the total numbers of United States persons—

''(i) whose electronic or wire communications information was obtained through the use of pen register or trap and trace devices authorized under an order entered under this title;

''(ii) whose electronic communications information was obtained through the use of pen register or trap and trace devices authorized under an order entered under this title, and the number of such persons whose information was subsequently reviewed or accessed by a Federal officer, employee, or agent; and

''(iii) whose wire communications information was obtained through the use of pen register or trap and trace devices authorized under an order entered under this title, and the number of such persons whose information was subsequently reviewed or accessed by a Federal officer, employee, or agent; and

''(E) the total number of computer-assisted search queries initiated by a Federal officer, employee, or agent in any database of electronic or wire communications information obtained through the use of a pen register or trap and trace device authorized under an order entered under this title, and the number of such queries whose search terms included information from the electronic or wire communications information of a United States person.

''(2) STATEMENT OF NUMERICAL RANGE.—If an estimate specified in subparagraphs (C) or (D) of paragraph (1) is fewer than 500, it shall exclusively be expressed as a numerical range of 'fewer than 500' and shall not be expressed as an individual number.

''(3) FORM OF REPORT.—Each report under this section shall be submitted in unclassified form and shall be made available to the public 7 days after the date such report is submitted to Congress.

''(4) CONSTRUCTION.—Nothing in this subsection shall be construed to authorize or in any other way affect the lawfulness or unlawfulness of installing or using a pen register or trap and trace device.

''(5) DEFINITIONS.—In this subsection:

''(A) ELECTRONIC COMMUNICATION AND WIRE COMMUNICATION.—The terms 'electronic communication' and 'wire communication' have the meanings given those terms in section 2510 of title 18, United States Code.

''(B) INDIVIDUAL PERSON.—The term 'individual person' means any individual and excludes any group, entity, association, corporation, or governmental entity.

''(C) UNITED STATES PERSON.—The term 'United States person' means a citizen of the United States or an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).''.

(3) ENHANCED REPORTING FOR BUSINESS RECORDS REQUESTS.—Section 502 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1862) is amended—

(A) in subsection (b)(3), by adding at the end the following:

''(F) Records concerning electronic communications.

''(G) Records concerning wire communications.

''(H) Information described in subparagraph (A), (B), (D), (E), or (F) of section 2703(c)(2) of title 18, United States Code.''; and

(B) by amending subsection (c) to read as follows:

''(c) ANNUAL REPORT ON SECTION 501 ORDERS.—

''(1) REQUIREMENT FOR REPORT.—Except as provided in paragraph (2), in April of each year, the Attorney General shall submit to Congress a report setting forth with respect to the preceding year—

''(A) the total number of applications made for orders approving requests for the production of tangible things under section 501;

''(B) the total number of such orders either granted, modified, or denied;

''(C) a good faith estimate of the total number of individual persons whose tangible things were produced under an order entered under section 501;

''(D) good faith estimates of the total numbers of United States persons—

''(i) whose tangible things were produced under an order entered under section 501;

''(ii) who were a party to an electronic communication of which a record was produced under an order entered under section 501, and the number of such persons whose records were subsequently reviewed or accessed by a Federal officer, employee, or agent;

''(iii) who were a party to a wire communication of which a record was produced under an order entered under section 501, and the number of such persons whose records were subsequently reviewed or accessed by a Federal officer, employee, or agent; and

''(iv) who were subscribers or customers of an electronic communication service or remote computing service and whose records, as described in subparagraph (A), (B), (D), (E), or (F) of section 2703(c)(2) of title 18, United States Code, were produced under an order entered under section 501, and the number of such persons whose records were subsequently reviewed by a Federal officer, employee, or agent;

''(E) the total number of computer-assisted search queries initiated by a Federal officer, employee or agent in any database of tangible things produced under an order entered under section 501, and the number of such queries whose search terms included information from the electronic or wire communications contents or records of a United States person; and

''(F) a certification confirming that in the course of the preceding year no orders entered under section 501 were used to obtain the contents of an electronic or wire communication.

''(2) STATEMENT OF NUMERICAL RANGE.—If an estimate described in subparagraph (C) or (D) of paragraph (1) is fewer than 500, it shall exclusively be expressed as a numerical range of 'fewer than 500' and shall not be expressed as an individual number.

''(3) FORM OF REPORT.—Each report under this subsection shall be submitted in unclassified form and shall be made available to the public 7 days after the date such report is submitted to Congress.

''(4) CONSTRUCTION.—Nothing in this subsection shall be construed to authorize or in any other way affect the lawfulness or unlawfulness of using an order for the production of tangible things under section 501 to obtain any of the items described in subparagraphs (A) through (H) of subsection (b)(3).

''(5) DEFINITIONS.—In this subsection:

''(A) IN GENERAL.—The terms 'contents', 'electronic communication', 'electronic communication service', and 'wire communication' shall have the meanings given those terms in section 2510 of title 18, United States Code.

''(B) INDIVIDUAL PERSON.—The term 'individual person' means any individual and excludes any group, entity, association, corporation, or governmental entity.

''(C) REMOTE COMPUTING SERVICE.—The term 'remote computing service' has the meaning given that term in section 2711 of title 18, United States Code.

''(D) UNITED STATES PERSON.—The term 'United States person' means a citizen of the United States or an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).''.

(4) ENHANCED REPORTING FOR ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES.—Section 707 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881f) is amended by adding at the end the following:

''(c) ANNUAL REPORT.—

''(1) REQUIREMENT FOR REPORT.—In April of each year, the Attorney General shall submit to Congress a report setting forth with respect to the preceding year—

''(A) the total number of—

''(i) directives issued under section 702;

''(ii) orders granted under section 703; and

''(iii) orders granted under section 704;

''(B) good faith estimates of the total numbers of individual persons whose electronic or wire communications or communications records were collected pursuant to—

''(i) a directive issued under section 702;

''(ii) an order granted under section 703; and

''(iii) an order granted under section 704; and

''(C) good faith estimates of the total numbers of United States persons—

''(i) whose electronic or wire communications contents or records were collected pursuant to—

''(I) a directive issued under section 702;

''(II) an order granted under section 703; and

''(III) an order granted under section 704;

''(ii) who were a party to an electronic communication whose contents were collected pursuant to a directive issued under section 702, and the number of such persons whose communication contents were subsequently reviewed or accessed by a Federal officer, employee, or agent;

''(iii) who were a party to an electronic communication whose records (other than content) were collected pursuant to a directive issued under section 702, and the number of such persons whose communication records were subsequently reviewed or accessed by a Federal officer, employee, or agent;

''(iv) who were a party to a wire communication whose contents were collected pursuant to a directive issued under section 702, and the number of such persons whose communication contents were subsequently reviewed or accessed by a Federal officer, employee, or agent;

''(v) who were a party to a electronic communication whose records (other than content) were collected pursuant to a directive issued under section 702, and the number of such persons whose communication records were subsequently reviewed or accessed by a Federal officer, employee, or agent; and

''(vi) who were subscribers or customers of an electronic communication service or remote computing service whose records, as described in subparagraphs (A), (B), (D), (E), and (F) of section 2703(c)(2) of title 18, United States Code, were produced pursuant to a directive issued under section 702, and the number of such persons whose records were subsequently reviewed or accessed by a Federal officer, employee, or agent.

''(2) STATEMENT OF NUMERICAL RANGE.—If an estimate specified in subparagraphs (B) or (C) of paragraph (1) is fewer than 500, it shall exclusively be expressed as a numerical range of 'fewer than 500' and shall not be expressed as an individual number.

''(3) PUBLIC AVAILABILITY.—Each report under this subsection shall be submitted in

unclassified form and shall be made available to the public 7 days after the date such report is submitted to Congress.

''(4) DEFINITIONS.—In this subsection:

''(A) IN GENERAL.—The terms 'contents', 'electronic communication', 'electronic communication service', and 'wire communication' have the same meanings given those terms in section 2510 of title 18, United States Code.

''(B) INDIVIDUAL PERSON.—The term 'individual person' means any individual and excludes any group, entity, association, corporation, or governmental entity.

''(C) REMOTE COMPUTING SERVICE.—The term 'remote computing service' shall have the same meaning given that term in section 2711 of title 18, United States Code.

''(D) UNITED STATES PERSON.—The term 'United States person' means a citizen of the United States or an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).

''(5) CONSTRUCTION.—Nothing in this subsection shall be construed to authorize or in any other way affect the lawfulness or unlawfulness of using an order or directive under section 702, 703, or 704 to collect any of the information described in subparagraph (B) or (C) of paragraph (1).''.

(5) RULES OF CONSTRUCTION.—Nothing in this subsection or the amendments made by this subsection shall be construed—

(A) to authorize the collection of any additional information, other than public demographic data, for the purpose of complying with the reporting requirements of this section; or

(B) to authorize an amount of additional appropriations to carry out this subsection that is more than the amount authorized for that purpose for fiscal year 2013.

(b) PUBLIC DISCLOSURES OF AGGREGATE INFORMATION RELATED TO ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—

(1) DISCLOSURES.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following:

**''TITLE IX—PUBLIC DISCLOSURES OF AGGREGATE INFORMATION.**

**''SEC. 901. PUBLIC DISCLOSURES OF AGGREGATE INFORMATION.**

''(a) IN GENERAL.—Except as provided under subsection (c), a person that has received an order under section 105, 402, or 501, or an order or a directive under section 702, 703, or 704 may, every six months with respect to the preceding six month period, disclose to the public information with respect to each statutory authority as follows:

''(1) The total number of orders or directives received under the authority.

''(2) The percentage or total number of such orders or directives complied with, in whole or in part.

''(3) The total number of individual persons, users, or accounts whose information of any kind was produced to the Government, or was obtained or collected by the Government, under an order or directive received under the authority.

''(b) NATURE OF PRODUCTION.—Except as provided under subsection (c), a person that has received an order under section 402 or 501, or an order or a directive under section 702 may, every six months with respect to the preceding six month period, disclose to the public the total number of individual persons, users, or accounts for whom the following information was produced to the Government, or was obtained or collected by the Government, with respect to each such authority, if applicable:

''(1) The contents of electronic communications.

''(2) The contents of wire communications.

''(3) Records concerning electronic communications.

''(4) Records concerning wire communications.

''(5) Information described in subparagraph (A), (B), (D), (E), or (F) of section 2703(c)(2) of title 18.

''(c) STATEMENT OF NUMERICAL RANGE.—If the total number of individual persons, users, or accounts specified in paragraph (3) of subsection (a) or in paragraphs (1), (2), (3), (4), or (5) of subsection (b) is fewer than 500, it shall exclusively be expressed as a numerical range of 'fewer than 500' and shall not be expressed as an individual number.

''(d) PERMITTED DISCLOSURE.—No cause of action shall lie in any court against any person for making a disclosure in accordance with this section.

''(e) CONSTRUCTION.—Nothing in this section shall be construed—

''(1) to authorize or in any other way affect the lawfulness or unlawfulness of using an order or directive described in subsection (a) to obtain, collect, or secure the production of information described in paragraphs (1), (2), (3), (4), or (5) of subsection (b); or

''(2) to prohibit, implicitly preclude, or in any other way affect the lawfulness or unlawfulness of a disclosure not authorized by this section.

''(f) DEFINITIONS.—In this section:

''(1) IN GENERAL.—The terms 'contents', 'electronic communication', and 'wire communication' have the meanings given those terms in section 2510 of title 18, United States Code.

''(2) INDIVIDUAL PERSON.—The term 'individual person' means any individual and excludes any group, entity, association, corporation, or governmental entity.

''(3) PERSON.—The term 'person' has the meaning given that term in section 101.''.

(2) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 is amended—

(A) in section 402(d)(2)(B)(ii)(I) (50 U.S.C. 1842(d)(2)(B)(ii)(I)), by inserting ''except as permitted by section 901,'' before ''shall not disclose''; and

(B) in section 501(d) (50 U.S.C. 1861(d))—

(i) in paragraph (1)—

(I) in subparagraph (B), by striking ''or'' at the end;

(II) in subparagraph (C), by striking the period at the end and inserting a semicolon and ''or''; and

(III) by adding at the end the following:

''(D) the public as permitted by section 901.''; and

(ii) in paragraph (2)(A) by inserting ''subparagraph (A), (B), or (C) of'' after ''pursuant to''.

(3) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of th Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following:

''TITLE IX—PUBLIC DISCLOSURES OF AGGREGATE INFORMATION.

''Sec. 901. Public disclosures of aggregate information.''.

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**SA 2247.** Mr. SCHATZ (for himself, Mr. BARRASSO, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. NATIVE AMERICAN VETERANS' MEMORIAL ACT AMENDMENTS.**

(a) AUTHORITY TO ESTABLISH MEMORIAL.—Section 3 of the Native American Veterans' Memorial Establishment Act of 1994 (20 U.S.C. 80q-5 note; 108 Stat. 4067) is amended—

(1) in subsection (b), by striking ''within the interior structure of the facility'' and inserting ''on property under the jurisdiction of the Smithsonian Institution''; and

(2) in subsection (c)(1), by striking '', in consultation with the Museum, is'' and inserting ''and the National Museum of the American Indian are''.

(b) PAYMENT OF EXPENSES.—Section 4(a) of the Native American Veterans' Memorial Establishment Act of 1994 (20 U.S.C. 80q-5 note; 108 Stat. 4067) is amended—

(1) in the heading, by inserting ''AND NATIONAL MUSEUM OF THE AMERICAN INDIAN'' after ''AMERICAN INDIANS''; and

(2) in the first sentence, by striking ''shall be solely'' and inserting ''and the National Museum of the American Indian shall be''.

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**SA 2248.** Mr. KING (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. HUBZONES.**

(a) IN GENERAL.—Section 3(p)(5)(A)(i)(I) of the Small Business Act (15 U.S.C. 632(p)(5)(A)(i)(I)) is amended—

(1) in item (aa), by striking ''or'' at the end;

(2) by redesignating item (bb) as item (cc); and

(3) by inserting after item (aa) the following:

''(bb) pursuant to subparagraph (A), (B), (C), (D), or (E) of paragraph (3), that its principal office is located in a HUBZone described in paragraph (1)(E) (relating to base closure areas) (in this item referred to as the 'base closure HUBZone'), and that not fewer than 35 percent of its employees reside in—

''(AA) a HUBZone;

''(BB) the census tract in which the base closure HUBZone is wholly contained;

''(CC) a census tract the boundaries of which intersect the boundaries of the base closure HUBZone; or

''(DD) a census tract the boundaries of which are contiguous to a census tract described in subitem (BB) or (CC); or''.

(b) PERIOD FOR BASE CLOSURE AREAS.—

(1) AMENDMENTS.—

(A) IN GENERAL.—Section 152(a)(2) of title I of division K of the Consolidated Appropriations Act, 2005 (15 U.S.C. 632 note) is amended by striking ''5 years'' and inserting ''10 years''.

(B) CONFORMING AMENDMENT.—Section 1698(b)(2) of National Defense Authorization Act for Fiscal Year 2013 (15 U.S.C. 632 note) is amended by striking ''5 years'' and inserting ''10 years''.

(2) EFFECTIVE DATE; APPLICABILITY.—The amendments made by paragraph (1) shall—

(A) take effect on the date of enactment of this Act; and

(B) apply to—

(i) a base closure area (as defined in section 3(p)(4)(D) of the Small Business Act (15

U.S.C. 632(p)(4)(D))) that, on the day before the date of enactment of this Act, is treated as a HUBZone described in section 3(p)(1)(E) of the Small Business Act (15 U.S.C. 632(p)(1)(E)) under—

(I) section 152(a)(2) of title I of division K of the Consolidated Appropriations Act, 2005 (15 U.S.C. 632 note); or

(II) section 1698(b)(2) of National Defense Authorization Act for Fiscal Year 2013 (15 U.S.C. 632 note); and

(ii) a base closure area relating to the closure of a military instillation under the authority described in clauses (i) through (iv) of section 3(p)(4)(D) of the Small Business Act (15 U.S.C. 632(p)(4)(D)) that occurs on or after the date of enactment of this Act.

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**SA 2249.** Mr. TESTER (for himself, Mr. CHAMBLISS, Mr. BEGICH, Mr. BLUMENTHAL, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 514. REVIEW BY PHYSICAL DISABILITY BOARD OF REVIEW OF MILITARY SEPARATION ON BASIS OF A MENTAL CONDITION NOT AMOUNTING TO DISABILITY.**

(a) FINDINGS.—Congress makes the following findings:

(1) Since September 11, 2001, approximately 30,000 veterans have been separated from the Armed Forces on the basis of a personality disorder or adjustment disorder.

(2) Nearly all veterans who are separated on the basis of a personality or adjustment disorder are prohibited from accessing service-connected disability compensation, disability severance pay, and disability retirement pay.

(3) Many veterans who are separated on the basis of a personality or adjustment disorder are unable to find employment because of the ''personality disorder'' or ''adjustment disorder'' label on their Certificate of Release or Discharge from Active Duty.

(4) The Government Accountability Office has found that the regulatory compliance of the Department of Defense in separating members of the Armed Forces on the basis of a personality or adjustment disorder was as low as 40 percent between 2001 and 2007.

(5) Expansion of the authority of the Physical Disability Board of Review to include review of the separation of members of the Armed Forces on the basis of a mental condition not amounting to disability, including separation on the basis of a personality or adjustment disorder, is warranted in order to ensure that any veteran wrongly separated on such basis will have the ability to access disability benefits and employment opportunities available to veterans.

(b) MEMBERS ENTITLED TO REVIEW BY PHYSICAL DISABILITY BOARD OF REVIEW.—Section 1554a of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking ''disability determinations of covered individuals by Physical Evaluation Boards'' and inserting ''disability and separation determinations regarding certain members and former members of the armed forces described in subsection (b)''; and

(2) by striking subsection (b) and inserting the following new subsection:

''(b) COVERED INDIVIDUALS.—For purposes of this section, covered individuals are members and former members of the armed forces who—

''(1) during the period beginning on September 11, 2001, and ending on December 31, 2014, are separated from the armed forces due to unfitness for duty because of a medical condition with a disability rating of 20 percent disabled or less and are found to be not eligible for retirement; or

''(2) before December 31, 2014, are separated from the armed forces due of unfitness for duty because of a mental condition not amounting to disability, including separation on the basis of a personality disorder or adjustment disorder.''.

(c) NATURE AND SCOPE OF REVIEW.—Such section is further amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) REVIEW OF SEPARATIONS DUE TO UNFITNESS FOR DUTY BECAUSE OF A MENTAL CONDITION NOT AMOUNTING TO DISABILITY.—(1) Upon the request of a covered individual described in paragraph (2) of subsection (b), or a surviving spouse, next of kin, or legal representative of a covered individual described in such paragraph, the Physical Disability Board of Review shall review the findings and decisions of the Physical Evaluation Board with respect to such covered individual. In addition, the Physical Disability Board of Review may review, upon its own motion, the findings and decisions of the Physical Evaluation Board with respect to a covered individual described in such paragraph.

''(2) Whenever a review is conducted under paragraph (1), the members of the Physical Disability Board of Review shall include at least one licensed psychologist and one licensed psychiatrist who has not had any fiduciary responsibility to the Department of Defense since December 31, 2001.

''(3) In conducting the review under paragraph (1), the Physical Disability Board of Review shall consider—

''(A) the findings of the psychologist or psychiatrist of the Department of Defense who diagnosed the mental condition;

''(B) the findings and decisions of the separation authority with respect to the covered individual; and

''(C) whether the separation authority correctly followed the process for separation as set forth in law, including Department of Defense regulations, directives, and policies.

''(4) The review by the Physical Disability Board of Review under paragraph (1) shall be based on the records of the Department of Defense and the Department of Veterans Affairs and such other evidence as may be presented to the Board. The Board shall consider any and all evidence to be considered, including private mental health records submitted by the covered individual in support of the claim.

''(5) If the Physical Disability Board of Review proposes, upon its own motion, to conduct a review under paragraph (1) with respect to a covered individual, the Board shall notify the covered individual, or a surviving spouse, next of kin, or legal representative of the covered individual, of the proposed review and obtain the consent of the covered individual or a surviving spouse, next of kin, or legal representative of the covered individual before proceeding with the review.

''(6) After the Physical Disability Board of Review has completed the review under this subsection with respect to the separation of a covered individual, the Board shall provide the claimant with a statement of reasons concerning the Board's decision. The covered individual has the right to raise with the Board a motion for reconsideration if—

''(A) new evidence can be presented that would address the issues raised in the Board's statement of reasons; or

''(B) the Board has made a plain error in making its recommendation.''.

(d) CORRECTION OF MILITARY RECORDS.—Subsection (f) of such section, as redesignated by subsection (c)(1), is amended to read as follows:

''(f) CORRECTION OF MILITARY RECORDS.—(1) The Secretary of the military department concerned shall correct the military records of a covered individual in accordance with the recommendation made by the Physical Disability Board of Review under subsection (e) unless the Secretary determines that the Board has made a clearly erroneous recommendation. Any such correction shall be made effective as of the date of the separation of the covered individual.

''(2) In the case of a covered individual previously separated with a lump-sum or other payment of back pay and allowances at separation, the amount of pay or other monetary benefits to which such individual would be entitled based on the individual's military record as corrected shall be adjusted to take into account receipt of such lump-sum or other payment in such manner as the Secretary of the military department concerned considers appropriate.

''(3) If the Physical Disability Board of Review makes a recommendation not to correct the military records of a covered individual, the action taken on the report of the Physical Evaluation Board to which such recommendation relates shall be treated as final as of the date of such action.''.

(e) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (c)—

(A) by inserting after ''REVIEW'' the following: ''OF SEPARATIONS DUE TO UNFITNESS FOR DUTY BECAUSE OF MEDICAL CONDITION WITH A LOW DISABILITY RATING''; and

(B) in paragraph (1)—

(i) by inserting ''described in paragraph (1) of subsection (b)'' after ''a covered individual'' the first place it appears;

(ii) by inserting ''described in such paragraph'' after ''a covered individual'' the second place it appears; and

(iii) by striking the second sentence and inserting the following new sentence: ''In addition, the Physical Disability Board of Review may review, upon its own motion, the findings and decisions of the Physical Evaluation Board with respect to a covered individual described in such paragraph.''; and

(2) in subsection (e), as redesignated by subsection (c)(1), by striking ''under subsection (c)'' and inserting ''conducted under subsection (c) or (d)''.

(f) NOTIFICATION OF NEW AVAILABILITY OF REVIEW.—

(1) NOTIFICATION REQUIREMENT.—In the case of individuals described in subsection (b)(2) of section 1554a of title 10, United States Code, as amended by subsection (b), who have been separated from the Armed Forces during the period beginning on September 11, 2001, and ending on the date of the enactment of this Act or who are separated after that date, the Secretary of Defense shall ensure, to the greatest extent practicable, that such individuals receive oral and written notification of their right to a review of their separation from the Armed Forces under such section 1554a.

(2) COMPLIANCE.—The Secretary of the military department with jurisdiction over the Armed Force in which the individual served immediately before separation shall be responsible for providing to the individual the notification required by paragraph (1). The Secretary of Defense shall monitor compliance with this notification requirement

and promptly notify Congress of any failures to comply.

(3) LEGAL COUNSEL.—The notification required by paragraph (1) shall—

(A) inform the individual of the right to obtain legal or non-legal counsel to represent the individual before the Physical Disability Board of Review; and

(B) include a list of organizations that may provide such counsel at no cost to the individual.

(g) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

**"§ 1554a. Physical Disability Board of Review: review of separations with disability rating of 20 percent or less and separations on basis of mental condition not amounting to disability".**

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 79 of such title is amended by striking the item relating to section 1554a and inserting the following new item:

''1554a. Physical Disability Board of Review: review of separations with disability rating of 20 percent or less and separations on basis of mental condition not amounting to disability.''.

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**SA 2250.** Mr. TESTER (for himself, Mr. BLUMENTHAL, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

**SEC. 529. DEFERRAL FOR CERTAIN PERIOD IN CONNECTION WITH RECEIPT OF ORDERS FOR MOBILIZATION FOR WAR OR NATIONAL EMERGENCY.**

(a) FEDERAL FAMILY EDUCATION LOANS.—Section 428(b)(1)(M) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)(M)) is amended—

(1) in the matter preceding clause (i), by striking '', during any period'';

(2) in clause (i), by striking ''during which'' and inserting ''during any period during which'';

(3) in clause (ii), by striking ''during which'' and inserting ''during any period during which'';

(4) in clause (iii)—

(A) by striking ''during which'' and inserting ''during any period during which''; and

(B) in the matter following subclause (II), by striking '' or'' after the semicolon;

(5) by redesignating clause (iv) as clause (vi);

(6) by inserting after clause (iii) the following:

''(iv) in the case of any borrower who has received a call or order to duty described in subclause (I) or (II) of clause (iii), during the shorter of—

''(I) the period beginning on the date such call or order to duty is received by the borrower and ending on the first day of the service described in subclause (I) or (II) of clause (iii); and

''(II) the 180-day period preceding the first day of such service;

''(v) notwithstanding clause (iv)—

''(I) in the case of any borrower described in such clause whose call or order to duty is cancelled before the first day of the service described in subclause (I) or (II) of clause (iii) because of a personal injury in connection with training to prepare for such service, during the period described in clause (iv) and during an additional period equal to the duration of such service, as specified by or otherwise determined in the original call or order to duty; and

''(II) in the case of any borrower whose call or order to duty is cancelled before the first day of such service for a reason other than an injury described in subclause (I), during the period beginning on the date the call or order to duty is received by the borrower and ending on the date that is 14 days after such call or order to duty is cancelled; and''; and

(7) in clause (vi) (as redesignated by paragraph (5)), by striking ''not in excess'' and inserting ''during any period not in excess''.

(b) DIRECT LOANS.—Section 455(f)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087e(f)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''during any period'';

(2) in subparagraph (A), by striking ''during which'' and inserting ''during any period during which'';

(3) in subparagraph (B), by striking ''not in excess'' and inserting ''during any period not in excess'';

(4) in subparagraph (C)—

(A) by striking ''during which'' and inserting ''during any period during which''; and

(B) in the matter following clause (ii), by striking '' or'' after the semicolon;

(5) by redesignating subparagraph (D) as subparagraph (F);

(6) by inserting after subparagraph (C) the following:

''(D) in the case of any borrower who has received a call or order to duty described in clause (i) or (ii) of subparagraph (C), during the shorter of—

''(i) the period beginning on the date such call or order to duty is received by the borrower and ending on the first day of the service described in clause (i) or (ii) of subparagraph (C); and

''(ii) the 180-day period preceding the first day of such service;

''(E) notwithstanding subparagraph (D)—

''(i) in the case of any borrower described in such subparagraph whose call or order to duty is cancelled before the first day of the service described in clause (i) or (ii) of subparagraph (C) because of a personal injury in connection with training to prepare for such service, during the period described in subparagraph (D) and during an additional period equal to the duration of such service, as specified by or otherwise determined in the original call or order to duty; and

''(ii) in the case of any borrower whose call or order to duty is cancelled before the first day of such service for a reason other than an injury described in clause (i), during the period beginning on the date the call or order to duty is received by the borrower and ending on the date that is 14 days after such call or order to duty is cancelled; and''; and

(7) in subparagraph (F) (as redesignated by paragraph (5)), by striking ''not in excess'' and inserting ''during any period not in excess''.

(c) PERKINS LOANS.—Section 464(c)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1087dd(c)(2)(A)) is amended—

(1) in the matter preceding clause (i), by striking ''during any period'';

(2) in clause (i), by striking ''during which'' and inserting ''during any period during which'';

(3) in clause (ii), by striking ''not in excess'' and inserting ''during any period not in excess'';

(4) in clause (iii), by striking ''during which'' and inserting ''during any period during which'';

(5) by redesignating clauses (iv) and (v) as clauses (vi) and (vii), respectively;

(6) by inserting after clause (iii) the following:

''(iv) in the case of any borrower who has received a call or order to duty described in subclause (I) or (II) of clause (iii), during the shorter of—

''(I) the period beginning on the date such call or order to duty is received by the borrower and ending on the first day of the service described in subclause (I) or (II) of clause (iii); and

''(II) the 180-day period preceding the first day of such service;

''(v) notwithstanding clause (iv)—

''(I) in the case of any borrower described in such clause whose call or order to duty is cancelled before the first day of the service described in subclause (I) or (II) of clause (iii) because of a personal injury in connection with training to prepare for such service, during the period described in clause (iv) and during an additional period equal to the duration of such service, as specified by or otherwise determined in the original call or order to duty; and

''(II) in the case of any borrower whose call or order to duty is cancelled before the first day of such service for a reason other than an injury described in subclause (I), during the period beginning on the date the call or order to duty is received by the borrower and ending on the date that is 14 days after such call or order to duty is cancelled;'';

(7) in clause (vi) (as redesignated by paragraph (5)), by striking ''not in excess'' and inserting ''during any period not in excess''; and

(8) in clause (vii) (as redesignated by paragraph (5)), by striking ''during which'' and inserting ''during any period during which''.

(d) CONFORMING AMENDMENTS.—Title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) is further amended—

(1) in section 428B(d)(1)(A)(ii) (20 U.S.C. 1078–2(d)(1)(A)(ii)), by striking ''428(b)(1)(M)(i)(I)'' and inserting ''or clause (i)(I), (iv), or (v) of section 428(b)(1)(M)''; and

(2) in section 493D(a) (20 U.S.C. 1098f(a)), by striking ''section 428(b)(1)(M)(iii), 455(f)(2)(C), or 464(c)(2)(A)(iii)'' and inserting ''clause (iii) or (iv) of section 428(b)(1)(M), subparagraph (C) or (D) of section 455(f)(2), or clause (iii) or (iv) of section 464(c)(2)(A)''.

(e) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to authorize any refunding of any repayment of a loan.

(f) APPLICABILITY.—The amendments made by this section shall apply with respect to all loans made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

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**SA 2251.** Mr. MANCHIN (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1066. SENSE OF SENATE ON ANNUAL REPORTS TO CONGRESS ON PLANS FOR THE SIZE, FORCE STRUCTURE, AND READINESS OF THE COMPONENTS OF THE ARMED FORCES TO SUPPORT THE NATIONAL SECURITY STRATEGY.**

(a) FINDINGS.—The Senate makes the following findings:

(1) The strategic environment remains uncertain and dangerous, as threats to our national security persist and continue to emerge.

(2) The fiscal environment is also uncertain, with constrained resources and declining budgets.

(3) The Nation will need trained and ready active and reserve component forces regardless of size or force structure and budgetary pressures. The Department of Defense is expected to provide sufficient military capability at an affordable cost to protect and promote our security interests at acceptable levels of risk.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of Defense should provide a report to the congressional defense committees not later than 180 days after enactment of this Act, and every year thereafter for the next five years, on the Department's analysis, plans, and progress on the implementation of such plans with respect to the size, force structure, and readiness of the active and reserve components of the military departments that are necessary to support the national security strategy or other strategic guidance. Each report should include—

(1) end-strengths of the active and reserve components of the Armed Forces, and projected changes by year over the future years defense program;

(2) force structures of the active and reserve components of the Armed Forces, and projected changes by year over the future years defense program; and

(3) an assessment of the risk associated with the analysis and plans included in paragraphs (1) and (2), and how risk is projected to change over the future years defense program.

(c) FORM.—The reports described in subsection (b) may be in unclassified or classified form.

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**SA 2252.** Mr. MANCHIN (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

**SEC. 510. TREATMENT OF MILITARY TECHNICIANS (DUAL STATUS) AS ESSENTIAL OR EXCEPTED EMPLOYEES OF THE FEDERAL GOVERNMENT IN THE EVENT OF A LAPSE IN APPROPRIATIONS.**

Notwithstanding section 1341 of title 31, United States Code, or any other provision of law, if members of the Armed Forces on active duty are designated as essential or excepted personnel during a lapse in appropriations, military technicians (dual status) shall be deemed to be essential or excepted employees during that lapse in appropriations.

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**SA 2253.** Mr. MANCHIN (for himself, Mrs. BOXER, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 841 and insert the following:

**SEC. 841. MAXIMUM AMOUNT OF ALLOWABLE COSTS OF SALARIES OF CONTRACTOR EMPLOYEES.**

(a) AMENDMENT TO COST PRINCIPLES.—Section 2324(e)(1)(P) of title 10, United States Code, is amended—

(1) by striking ''the benchmark'' and all that follows through ''section 1127 of title 41'' and inserting ''$230,700 per year, adjusted annually to reflect the change in the Employment Cost Index for all workers, as calculated by the Bureau of Labor Statistics''; and

(2) by striking ''scientists and engineers'' and inserting ''scientists, engineers, medical professionals, cybersecurity experts, and other workers with unique areas of expertise''.

(b) REVIEW.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall review alternative benchmarks and industry standards for compensation and provide the congressional defense committees with the views of the Department of Defense as to whether any such benchmarks or standards would provide a more appropriate measure of allowable compensation for the purposes of section 2324(e)(1)(P) of title 10, United States Code, as amended by subsection (a), as it relates to compensation of scientists, engineers, medical professionals, cybersecurity experts, and other workers with unique areas of expertise.

(c) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than 60 days after the end of each fiscal year, the Director of the Office of Management and Budget shall submit a report on contractor compensation to the congressional defense committees, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives.

(2) ELEMENTS.—The report required under paragraph (1) shall include—

(A) the total number of contractor employees, by executive agency, in the narrowly targeted exception positions described under section 2324(e)(1)(P) of title 10, United States Code, during the preceding fiscal year;

(B) the taxpayer-funded compensation amounts received by each contractor employee in a narrowly targeted exception position during such fiscal year; and

(C) the duties and services performed by contractor employees in the narrowly targeted exception positions during such fiscal year.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2014, and shall apply with respect to costs of compensation incurred on or after that date under contracts entered into before, on, or after that date.

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**SA 2254.** Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part I of subtitle E of title V, add the following:

**SEC. 547. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON THE SEXUAL ASSAULT PREVENTION ACTIVITIES OF THE DEPARTMENT OF DEFENSE AND THE ARMED FORCES.**

(a) REPORT REQUIRED.—Not later than September 30, 2015, the Comptroller General of the United States shall submit to the congressional defense committees a report on the sexual assault prevention activities of the Department of Defense and the Armed Forces.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the sexual assault prevention strategy of the Department of Defense.

(2) A description and assessment of the actions taken by each of the Army, the Navy, the Air Force, and the Marine Corps to implement the sexual assault prevention strategy of such Armed Force.

(3) A comprehensive description of the sexual assault prevention activities of the Army, the Navy, the Air Force, and the Marine Corps, as of the submittal of the report and of those planned for the 12 months thereafter.

(4) A comprehensive description of the sexual assault prevention activities at joint installations, and an assessment of the collaborative efforts of the military departments involved, as of the submittal of the report and of those planned for the 12 months thereafter.

(5) A comparative assessment of the sexual assault prevention activities of the Army, the Navy, the Air Force, and the Marine Corps, including an assessment of the extent to which any differences among such activities arise from unique qualities of a particular Armed Force or the efforts of an Armed Force to pursue an innovative approach to sexual assault prevention.

(6) A description and assessment of the procedures and mechanisms used by each of the Army, the Navy, the Air Force, and the Marine Corps to ensure that the sexual assault prevention strategy of such Armed Force, and the training provided pursuant to such strategy, are effective in achieving the intended objectives of such strategy.

(7) Such other recommendations on the sexual assault prevention activities of the Army, the Navy, the Air Force, and the Marine Corps as the Comptroller General considers appropriate.

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**SA 2255.** Ms. AYOTTE (for herself, Mr. CHAMBLISS, Mr. INHOFE, Mrs. FISCHER, Mr. ENZI, Mr. RUBIO, and Mr. BARRASSO) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Strike section 1031 and insert the following:

**SEC. 1031. REQUIREMENTS FOR CERTIFICATIONS RELATING TO THE TRANSFER OF DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES AND OTHER FOREIGN ENTITIES.**

(a) CERTIFICATION REQUIRED PRIOR TO TRANSFER.—

(1) IN GENERAL.—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise available to the Department of Defense to transfer any individual detained at Guantanamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity unless the Secretary submits to Congress the certification described in subsection (b) not later than 30 days before the transfer of the individual.

(2) EXCEPTION.—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance).

(b) CERTIFICATION.—A certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, that—

(1) the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—

(A) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(B) maintains control over each detention facility in which the individual is to be detained if the individual is to be housed in a detention facility;

(C) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;

(D) has taken or agreed to take effective actions to ensure that the individual cannot take action to threaten the United States, its citizens, or its allies in the future;

(E) has taken or agreed to take such actions as the Secretary of Defense determines are necessary to ensure that the individual cannot engage or reengage in any terrorist activity; and

(F) has agreed to share with the United States any information that—

(i) is related to the individual or any associates of the individual; and

(ii) could affect the security of the United States, its citizens, or its allies; and

(2) includes an assessment, in classified or unclassified form, of the capacity, willingness, and past practices (if applicable) of the foreign country or entity in relation to the Secretary's certifications.

(c) PROHIBITION IN CASES OF PRIOR CONFIRMED RECIDIVISM.—

(1) PROHIBITION.—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise made available to the Department of Defense to transfer any individual detained at Guantanamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was transferred to such foreign country or entity and subsequently engaged in any terrorist activity.

(2) EXCEPTION.—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance).

(d) NATIONAL SECURITY WAIVER.—

(1) IN GENERAL.—The Secretary of Defense may waive the applicability to a detainee transfer of a certification requirement specified in subparagraph (D) or (E) of subsection (b)(1) or the prohibition in subsection (c), if the Secretary certifies the rest of the criteria required by subsection (b) for transfers prohibited by (c) and, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, determines that—

(A) alternative actions will be taken to address the underlying purpose of the requirement or requirements to be waived;

(B) in the case of a waiver of subparagraph (D) or (E) of subsection (b)(1), it is not possible to certify that the risks addressed in the paragraph to be waived have been completely eliminated, but the actions to be taken under subparagraph (A) will substantially mitigate such risks with regard to the individual to be transferred;

(C) in the case of a waiver of subsection (c), the Secretary has considered any confirmed case in which an individual who was transferred to the country subsequently engaged in terrorist activity, and the actions to be taken under subparagraph (A) will substantially mitigate the risk of recidivism with regard to the individual to be transferred; and

(D) the transfer is in the national security interests of the United States.

(2) REPORTS.—Whenever the Secretary makes a determination under paragraph (1), the Secretary shall submit to the appropriate committees of Congress, not later than 30 days before the transfer of the individual concerned, the following:

(A) A copy of the determination and the waiver concerned.

(B) A statement of the basis for the determination, including—

(i) an explanation why the transfer is in the national security interests of the United States;

(ii) in the case of a waiver of paragraph (D) or (E) of subsection (b)(1), an explanation why it is not possible to certify that the risks addressed in the paragraph to be waived have been completely eliminated; and

(iii) a classified summary of—

(I) the individual's record of cooperation while in the custody of or under the effective control of the Department of Defense; and

(II) the agreements and mechanisms in place to provide for continuing cooperation.

(C) A summary of the alternative actions to be taken to address the underlying purpose of, and to mitigate the risks addressed in, the paragraph or subsection to be waived.

(D) The assessment required by subsection (b)(2).

(e) RECORD OF COOPERATION.—In assessing the risk that an individual detained at Guantanamo will engage in terrorist activity or other actions that could affect the security of the United States if released for the purpose of making a certification under subsection (b) or a waiver under subsection (d), the Secretary of Defense may give favorable consideration to any such individual—

(1) who has substantially cooperated with United States intelligence and law enforcement authorities, pursuant to a pre-trial agreement, while in the custody of or under the effective control of the Department of Defense; and

(2) for whom agreements and effective mechanisms are in place, to the extent relevant and necessary, to provide for continued cooperation with United States intelligence and law enforcement authorities.

(f) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term ''individual detained at Guantanamo'' means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(3) The term ''foreign terrorist organization'' means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

Strike section 1032.

Strike section 1033 and insert the following:

**SEC. 1033. PROHIBITION ON THE USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act for fiscal year 2014 may be used to transfer, release, or assist in the transfer or release to or within the United States, or the territories or possessions of the United States, of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to an individual who is transferred to United States Naval Station, Guantanamo Bay, Cuba, after the date of the enactment of this Act for the purpose of interrogation by the United States.

At the end of subtitle D of title X, add the following:

**SEC. 1035. PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

(a) IN GENERAL.—No amounts authorized to be appropriated or otherwise made available for fiscal year 2014 by this Act or any other Act may be used to construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment unless authorized by Congress.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—

(1) IN GENERAL.—In this section, the term ''individual detained at Guantanamo'' means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(2) EXCLUSION.—The term does not mean any individual transferred to United States Naval Station, Guantanamo Bay, Cuba, after October 1, 2009, who was not located at United States Naval Station, Guantanamo Bay, Cuba, on that date.

**SEC. 1036. PROHIBITION ON TRANSFER OR RELEASE TO YEMEN OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

None of the amounts authorized to be appropriated or otherwise available to the Department of Defense may be used to transfer, release, or assist in the transfer or release, during the period beginning on the date of the enactment of this Act and ending on December 31, 2014, of any individual detained in the custody or under the control of the Department of Defense at United States Naval Station, Guantanamo Bay, Cuba, to the custody or control of the Republic of Yemen or any entity within Yemen.

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**SA 2256.** Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXVIII, add the following:

**SEC. 2815. COMPREHENSIVE ALASKA INSTALLATION ENERGY REPORT.**

(a) FINDINGS.—Congress makes the following findings:

(1) According to a 2012 Total Energy Cost Analysis conducted by the Alaska Command Energy Steering Group, there exists a significant disparity between the costs of power at all military installations in Alaska.

(2) Military installations differ in energy sources and operating entities by utilizing both public and private means and methods of operation: three interior installations, Clear Air Force Station, Eielson Air Force Base, and Fort Wainwright use coal cogeneration heat and electric plants; fuel oil heat and commercial electric power is used to power Fort Greely; and natural gas heat and commercial electric power is used at Joint Base Elmendorf-Richardson.

(3) Electricity infrastructure in Alaska differs from other States because most consumers in Alaska are not interconnected to large grids through transmission and distribution lines.

(4) Alaska has more fossil and renewable energy resources than any other State.

(5) Alaska has the potential for long-term sustainable energy production through development of its natural gas, coal, oil, hydropower, tidal, geothermal and wind resources to meet the energy needs of the State and beyond.

(6) Renewable energy, when combined with advanced micro-grid and storage technologies, can significantly reduce the energy costs at military installations.

(7) The Department of the Air Force has successfully partnered with the municipality of Anchorage and a local utility company on a renewable energy project converting methane gas into fuel useable for a military installation.

(8) Over the past three years, the Department of the Air Force has invested over $25,000,000 in renewable energy projects at Alaska military installations.

(9) The Department of Defense prepares an Annual Energy Management Report in accordance with section 2925 of title 10, United States Code.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) energy security is critical to United States national security;

(2) cost-saving opportunities exist at Alaska military installations if energy efficiency solutions are sought after and implemented;

(3) evaluating energy efficiency measures at Alaska military installations is essential in order to determine enduring cost-effective energy production and consumption solutions and ensure mission effectiveness; and

(4) a comprehensive and detailed study of energy efficiency options at military installations in the state of Alaska is needed due to its complex and challenging geography, distance from the lower 48 states, resource availability, and lack of energy infrastructure.

(c) REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Deputy Under Secretary of Defense for Installations and Environment, in conjunction with the Service Assistant Secretaries responsible for Installations and Environment for the military services, shall submit a report to the congressional defense committees detailing the current cost and sources of energy at each military installation in Alaska, and viable and feasible options for achieving energy efficiency and cost savings at Alaska military installations.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following elements:

(A) A comprehensive, installation specific assessment of feasible and mission appropriate energy initiatives supporting energy production and consumption at military installations.

(B) An assessment of current sources of energy in Alaska and potential future sources that are technologically feasible, cost effective, and mission appropriate.

(C) A comprehensive implementation strategy to include required investment for feasible energy efficiency options determined to be the most beneficial and cost effective where appropriate and consistent with department priorities.

(D) An explanation on how military services are working collaboratively in order to leverage lessons learned on potential energy efficiency solutions.

(E) An assessment of State and local partnership opportunities that would achieve efficiency and cost savings, and any legislative authorities required to carry out such partnerships or agreements.

(3) UTILIZATION OF OTHER EFFORTS.—In preparing the report required under paragraph (1), the Under Secretary shall take into consideration completed and ongoing efforts by agencies of the Federal Government to analyze and develop energy efficient solutions in the state of Alaska, including the Department of Defense information available in the Annual Energy Management Report.

(4) COORDINATION WITH STATE AND LOCAL AND OTHER ENTITIES.—In preparing the report required under paragraph (1), the Under Secretary is encouraged to work in conjunction and coordinate with the State of Alaska, local communities, and other Federal departments and agencies.

(d) DEFINITIONS.—In this section, the term ''Alaska military installation'' includes Clear Air Force Station, Eielson Air Force Base, Fort Wainwright, Joint Base Elmendorf-Richardson, Fort Greely, and Eareckson Air Station.

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**SA 2257.** Mr. MCCAIN (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

**SEC. 126. LIMITATION ON AVAILABILITY OF FUNDS FOR LITTORAL COMBAT SHIP.**

The Secretary of the Navy may not obligate or expend funds for construction or advanced procurement of materials for the Littoral Combat Ships (LCS) designated as LCS 25 or LCS 26 until the Secretary submits to Congress each of the following:

(1) The report required by section 125(a).

(2) A coordinated determination by the Director of Operational Test and Evaluation and the Under Secretary of Defense for Acquisition, Technology, and Logistics that successful completion of the test evaluation master plan for both seaframes and each mission module will demonstrate operational effectiveness and operational suitability.

(3) A certification that the Joint Requirements Oversight Council—

(A) has reviewed the capabilities of the legacy systems that the Littoral Combat Ship is planned to replace and has compared these capabilities to those to be provided by the Littoral Combat Ship;

(B) has assessed the adequacy of the current Capabilities Development Document (CDD) for the Littoral Combat Ship to meet combatant command requirements and to address future threats as reflected in the latest assessment by the defense intelligence community; and

(C) has either validated the current Capabilities Development Document or directed the Secretary to update the current Capabilities Development Document based on the performance of the Littoral Combat Ship and mission modules to date.

(4) A report on the expected performance of each seaframe variant and mission module against the current or updated Capabilities Development Document.

(5) Certification that a Capability Production Document (CPD) for the seaframes has been completed.

(6) Certification that a Capability Production Document will be completed for each mission module before operational testing.

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**SA 2258.** Mr. MCCAIN (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 20, strike lines 13 and 14 and insert the following:

costs of that ship that are attributable solely to an urgent and unforeseen requirement

identified as a result of the shipboard test program.''.

(c) LIMITATION ON SHIPBOARD TEST PROGRAM COST ADJUSTMENT.—The Secretary of the Navy may use the authority under paragraph (7) of section 122(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007, as added by subsection (b), to adjust the amount set forth in section 122(a)(1) of that Act, as amended by subsection (a), for the ship referred to in such paragraph with respect to an urgent and unforeseen requirement identified as a result of the shipboard test program only if—

(1) the Secretary determines, and certifies to the congressional defense committees, that such requirement was not known before the date of the submittal to Congress of the budget for fiscal year 2014 (as submitted pursuant to section 1105 of title 31, United States Code);

(2) the Secretary determines, and certifies to the congressional defense committees, that waiting on an action by Congress to raise the cost cap specified in such section 122(a)(1) to account for such requirement will result in a delay in the delivery of that ship or a delay in the date of initial operating capability of that ship; and

(3) the Secretary submits to Congress a report setting forth a description of such requirement before the obligation of additional funds pursuant to such authority.

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**SA 2259.** Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

**SEC. 510. NATIONAL GUARD CONDUCT OF FIREFIGHTING HOMELAND DEFENSE MISSIONS WHILE IN STATE STATUS.**

(a) NATIONAL GUARD SUPPORT FOR FEDERAL AND STATE CIVIL AUTHORITIES.—Section 502(f)(2) of title 32, United States Code, is amended by adding at the end the following new subparagraph:

''(C) Support of operations, missions, or activities undertaken in support of a civil authority of a Federal or State agency when expenses related to such operations, missions, or activities are reimbursed.''.

(b) ACTIVE GUARD AND RESERVE DUTY.—Section 328(b) of such title is amended—

(1) by inserting ''(1)'' before ''A member'';

(2) in paragraph (1), as so designated, by inserting ''subparagraphs (A) and (B) of'' after ''additional duties specified in''; and

(3) by adding at the end the following new paragraph:

''(2) A member of the National Guard performing duty under subsection (a) may perform the additional duties specified in subparagraph (C) of section 502(f)(2) of this title without regard to any limitation in paragraph (1).''.

(c) FEDERAL TECHNICIAN OPERATIONAL SUPPORT FOR FEDERAL AND STATE CIVIL AUTHORITIES.—Section 709(a)(3) of such title is amended by adding at the end the following new subparagraph:

''(D) Support of operations, missions, or activities undertaken in support of a civil authority of a Federal or State agency pursuant to section 502(f)(2)(C) of this title.''.

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**SA 2260.** Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1237. CONTINGENT LIMITATION ON AVAILABILITY OF FUNDS FOR UNITED STATES PARTICIPATION IN JOINT MILITARY EXERCISES WITH EGYPT.**

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act may be made used for United States participation in joint military exercises with Egypt if the Government of Egypt abrogates, terminates, or withdraws from the 1979 Egypt-Israel peace treaty signed at Washington, D.C., on March 26, 1979.

(b) WAIVER.—The President may waive the limitation in subsection (a) if the President certifies to Congress in writing that the waiver is in the national security interests of the United States.

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**SA 2261.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In division C, between titles XXXII and XXXV, insert the following:

**TITLE XXXIII—NUCLEAR TERRORISM CONVENTIONS AND MARITIME SAFETY**

**SEC. 3301. SHORT TITLE.**

This title may be cited as the ''Nuclear Terrorism Conventions Implementation and Safety of Maritime Navigation Act of 2012''.

**Subtitle A—Safety of Maritime Navigation**

**SEC. 3311. AMENDMENT TO SECTION 2280 OF TITLE 18, UNITED STATES CODE.**

Section 2280 of title 18, United States Code, is amended—

(1) in subsection (b)(1)(A)—

(A) in clause (i), by striking ''a ship flying the flag of the United States'' and inserting ''a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46)'';

(B) in clause (ii), by inserting '', including the territorial seas'' after ''in the United States''; and

(C) in clause (iii), by inserting '', by a United States corporation or legal entity,'' after ''by a national of the United States'';

(2) in subsection (c), by striking ''section 2(c)'' and inserting ''section 13(c)''; and

(3) by striking subsections (d) and (e) and inserting the following:

''(d) DEFINITIONS.—In this section and in sections 2280a, 2281, and 2281a:

''(1) APPLICABLE TREATY.—The term 'applicable treaty' means—

''(A) the Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on 16 December 1970;

''(B) the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971;

''(C) the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973;

''(D) International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979;

''(E) the Convention on the Physical Protection of Nuclear Material, done at Vienna on 26 October 1979;

''(F) the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24 February 1988;

''(G) the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988;

''(H) International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997; and

''(I) International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999.

''(2) ARMED CONFLICT.—The term 'armed conflict' does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature.

''(3) BIOLOGICAL WEAPON.—The term 'biological weapon' means—

''(A) microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective, or other peaceful purposes; or

''(B) weapons, equipment, or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

''(4) CHEMICAL WEAPON.—The term 'chemical weapon' means, together or separately—

''(A) toxic chemicals and their precursors, except if intended for—

''(i) industrial, agricultural, research, medical, pharmaceutical, or other peaceful purposes;

''(ii) protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons;

''(iii) military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare; or

''(iv) law enforcement, including domestic riot control purposes, if the types and quantities are consistent with such purposes;

''(B) munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (A), which would be released as a result of the employment of such munitions and devices; and

''(C) any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (B).

''(5) COVERED SHIP.—The term 'covered ship' means a ship that is navigating or is scheduled to navigate into, through or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country.

''(6) EXPLOSIVE MATERIALS.—The term 'explosive materials' has the meaning given the term in section 841(c) and includes an explosive (as defined in section 844(j)).

''(7) INFRASTRUCTURE FACILITY.—The term 'infrastructure facility' has the meaning given the term in section 2332f(e)(5).

''(8) INTERNATIONAL ORGANIZATION.—The term 'international organization' has the meaning given the term in section 831(f)(3).

''(9) MILITARY FORCES OF A STATE.—The term 'military forces of a state' means the armed forces of a state which are organized, trained, and equipped under its internal law for the primary purpose of national defense or security, and persons acting in support of those armed forces who are under their formal command, control, and responsibility.

''(10) NATIONAL OF THE UNITED STATES.—The term 'national of the United States' has the meaning given the term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

''(11) NON-PROLIFERATION TREATY.—The term 'Non-Proliferation Treaty' means the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow on 1 July 1968.

''(12) NON-PROLIFERATION STATE PARTY.—The term 'Non-Proliferation Treaty State Party' means any State Party to the Non-Proliferation Treaty, to include Taiwan, which shall be considered to have the obligations under the Non-Proliferation Treaty of a party to that treaty other than a Nuclear Weapon State Party to the Non-Proliferation Treaty.

''(13) NUCLEAR WEAPON STATE PARTY TO THE NON-PROLIFERATION TREATY.—The term 'Nuclear Weapon State Party to the Non-Proliferation Treaty' means a State Party to the Non-Proliferation Treaty that is a nuclear-weapon State, as that term is defined in Article IX(3) of the Non-Proliferation Treaty.

''(14) PLACE OF PUBLIC USE.—The term 'place of public use' has the meaning given the term in section 2332f(e)(6).

''(15) PRECURSOR.—The term 'precursor' has the meaning given the term in section 229F(6)(A).

''(16) PUBLIC TRANSPORTATION SYSTEM.—The term 'public transportation system' has the meaning given the term in section 2332f(e)(7).

''(17) SERIOUS INJURY OR DAMAGE.—The term 'serious injury or damage' means—

''(A) serious bodily injury,

''(B) extensive destruction of a place of public use, State or government facility, infrastructure facility, or public transportation system, resulting in major economic loss, or

''(C) substantial damage to the environment, including air, soil, water, fauna, or flora.

''(18) SHIP.—The term 'ship' means a vessel of any type whatsoever not permanently attached to the sea-bed, including dynamically supported craft, submersibles, or any other floating craft, but does not include a warship, a ship owned or operated by a government when being used as a naval auxiliary or for customs or police purposes, or a ship which has been withdrawn from navigation or laid up.

''(19) SOURCE MATERIAL.—The term 'source material' has the meaning given that term in the International Atomic Energy Agency Statute, done at New York on 26 October 1956.

''(20) SPECIAL FISSIONABLE MATERIAL.—The term 'special fissionable material' has the meaning given that term in the International Atomic Energy Agency Statute, done at New York on 26 October 1956.

''(21) TERRITORIAL SEA OF THE UNITED STATES.—The term 'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law.

''(22) TOXIC CHEMICAL.—The term 'toxic chemical' has the meaning given the term in section 229F(8)(A).

''(23) TRANSPORT.—The term 'transport' means to initiate, arrange or exercise effective control, including decision making authority, over the movement of a person or item.

''(24) UNITED STATES.—The term 'United States', when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and all territories and possessions of the United States.

''(e) EXCEPTIONS.—This section shall not apply to—

''(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

''(2) activities undertaken by military forces of a state in the exercise of their official duties.

''(f) DELIVERY OF SUSPECTED OFFENDER.—The master of a covered ship flying the flag of the United States who has reasonable grounds to believe that there is on board that ship any person who has committed an offense under section 2280 or section 2280a may deliver such person to the authorities of a country that is a party to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation. Before delivering such person to the authorities of another country, the master shall notify in an appropriate manner the Attorney General of the United States of the alleged offense and await instructions from the Attorney General as to what action to take. When delivering the person to a country which is a state party to the Convention, the master shall, whenever practicable, and if possible before entering the territorial sea of such country, notify the authorities of such country of the master's intention to deliver such person and the reasons therefor. If the master delivers such person, the master shall furnish to the authorities of such country the evidence in the master's possession that pertains to the alleged offense.

''(g)(1) CIVIL FORFEITURE.—Any real or personal property used or intended to be used to commit or to facilitate the commission of a violation of this section, the gross proceeds of such violation, and any real or personal property traceable to such property or proceeds, shall be subject to forfeiture.

''(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Attorney General, or the Secretary of Defense.''.

**SEC. 3312. VIOLENCE AGAINST MARITIME NAVIGATION.**

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding after section 2280 the following:

**''§ 2280a. Violence against maritime navigation and maritime transport involving weapons of mass destruction**

''(a) OFFENSES.—

''(1) IN GENERAL.—Subject to the exceptions set forth in subsection (c), a person who unlawfully and intentionally—

''(A) when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act—

''(i) uses against or on a ship or discharges from a ship any explosive or radioactive material, biological, chemical, or nuclear weapon or other nuclear explosive device in a manner that causes or is likely to cause death to any person or serious injury or damage;

''(ii) discharges from a ship oil, liquefied natural gas, or another hazardous or noxious substance that is not covered by clause (i), in such quantity or concentration that causes or is likely to cause death to any person or serious injury or damage; or

''(iii) uses a ship in a manner that causes death to any person or serious injury or damage;

''(B) transports on board a ship—

''(i) any explosive or radioactive material, knowing that it is intended to be used to cause, or in a threat to cause, death to any person or serious injury or damage for the purpose of intimidating a population, or compelling a government or an international organization to do or to abstain from doing any act;

''(ii) any biological, chemical, or nuclear weapon or other nuclear explosive device, knowing it to be a biological, chemical, or nuclear weapon or other nuclear explosive device;

''(iii) any source material, special fissionable material, or equipment or material especially designed or prepared for the processing, use, or production of special fissionable material, knowing that it is intended to be used in a nuclear explosive activity or in any other nuclear activity not under safeguards pursuant to an International Atomic Energy Agency comprehensive safeguards agreement, except where—

''(I) such item is transported to or from the territory of, or otherwise under the control of, a Non-Proliferation Treaty State Party; and

''(II) the resulting transfer or receipt (including internal to a country) is not contrary to the obligations under the Non-Proliferation Treaty of the Non-Proliferation Treaty State Party from which, to the territory of which, or otherwise under the control of which such item is transferred;

''(iv) any equipment, materials, or software or related technology that significantly contributes to the design or manufacture of a nuclear weapon or other nuclear explosive device, with the intention that it will be used for such purpose, unless—

''(I) the country to the territory of which or under the control of which such item is transferred is a Nuclear Weapon State Party to the Non-Proliferation Treaty; and

''(II) the resulting transfer or receipt (including internal to a country) is not contrary to the obligations under the Non-Proliferation Treaty of a Non-Proliferation Treaty State Party from which, to the territory of which, or otherwise under the control of which such item is transferred;

''(v) any equipment, materials, or software or related technology that significantly contributes to the delivery of a nuclear weapon or other nuclear explosive device, with the intention that it will be used for such purpose, except where—

''(I) such item is transported to or from the territory of, or otherwise under the control of, a Non-Proliferation Treaty State Party; and

''(II) such item is intended for the delivery system of a nuclear weapon or other nuclear explosive device of a Nuclear Weapon State Party to the Non-Proliferation Treaty; or

''(vi) any equipment, materials, or software or related technology that significantly contributes to the design, manufacture, or delivery of a biological or chemical weapon, with the intention that it will be used for such purpose;

''(C) transports another person on board a ship knowing that the person has committed an act that constitutes an offense under section 2280 or subparagraphs (A), (B), (D), or (E) of this paragraph or an offense set forth

in an applicable treaty, as specified in section 2280(d)(1), and intending to assist that person to evade criminal prosecution;

''(D) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in subparagraphs (A) through (C), or subsection (a)(2), to the extent that the offense set forth in subsection (a)(2) pertains to subparagraph (A);

''(E) attempts to do any act prohibited under subparagraph (A), (B), or (D); or

''(F) conspires to do any act prohibited under this subsection,

shall be fined under this title, imprisoned not more than 20 years, or both; and if the death of any person results from conduct prohibited by this paragraph, shall be punished by death or imprisoned for any term of years or for life.

''(2) THREATS.—A person who threatens, with apparent determination and will to carry the threat into execution, to do any act prohibited under paragraph (1)(A) shall be fined under this title, imprisoned not more than 5 years, or both.

''(b) JURISDICTION.—There is jurisdiction over the activity prohibited under subsection (a)—

''(1) in the case of a covered ship, if—

''(A) such activity is committed—

''(i) against or on board a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46) at the time the prohibited activity is committed;

''(ii) in the United States, including the territorial seas; or

''(iii) by a national of the United States, by a United States corporation or legal entity, or by a stateless person whose habitual residence is in the United States;

''(B) during the commission of such activity, a national of the United States is seized, threatened, injured, or killed; or

''(C) the offender is later found in the United States after such activity is committed;

''(2) in the case of a ship navigating or scheduled to navigate solely within the territorial sea or internal waters of a country other than the United States, if the offender is later found in the United States after such activity is committed; or

''(3) in the case of any vessel, if such activity is committed in an attempt to compel the United States to do or abstain from doing any act.

''(c) EXCEPTIONS.—This section shall not apply to—

''(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

''(2) activities undertaken by military forces of a state in the exercise of their official duties.

''(d)(1) CIVIL FORFEITURE.—Any real or personal property used or intended to be used to commit or to facilitate the commission of a violation of this section, the gross proceeds of such violation, and any real or personal property traceable to such property or proceeds, shall be subject to forfeiture.

''(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Attorney General, or the Secretary of Defense.''.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 111 of title 18, United States Code, is amended by adding after the item relating to section 2280 the following:

''2280a. Violence against maritime navigation and maritime transport involving weapons of mass destruction.''.

**SEC. 3313. EXCEPTIONS TO LAW PROHIBITING VIOLENCE AGAINST MARITIME FIXED PLATFORMS.**

Section 2281 of title 18, United States Code, is amended—

(1) in subsection (c), by striking ''section 2(c)'' and inserting ''section 13(c)'';

(2) in subsection (d), by striking the definitions of ''national of the United States,'' ''territorial sea of the United States,'' and ''United States''; and

(3) by adding at the end the following:

''(e) EXCEPTIONS.—This section shall not apply to—

''(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

''(2) activities undertaken by military forces of a state in the exercise of their official duties.''.

**SEC. 3314. ADDITIONAL OFFENSES AGAINST MARITIME FIXED PLATFORMS.**

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding after section 2281 the following:

**''§ 2281a. Additional offenses against maritime fixed platforms**

''(a) OFFENSES.—

''(1) IN GENERAL.—A person who unlawfully and intentionally—

''(A) when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act—

''(i) uses against or on a fixed platform or discharges from a fixed platform any explosive or radioactive material, biological, chemical, or nuclear weapon in a manner that causes or is likely to cause death or serious injury or damage; or

''(ii) discharges from a fixed platform oil, liquefied natural gas, or another hazardous or noxious substance that is not covered by clause (i), in such quantity or concentration that causes or is likely to cause death or serious injury or damage;

''(B) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in subparagraph (A); or

''(C) attempts or conspires to do anything prohibited under subparagraph (A) or (B),

shall be fined under this title, imprisoned not more than 20 years, or both; and if death results to any person from conduct prohibited by this paragraph, shall be punished by death or imprisoned for any term of years or for life.

''(2) THREAT TO SAFETY.—A person who threatens, with apparent determination and will to carry the threat into execution, to do any act prohibited under paragraph (1)(A), shall be fined under this title, imprisoned not more than 5 years, or both.

''(b) JURISDICTION.—There is jurisdiction over the activity prohibited under subsection (a) if—

''(1) such activity is committed against or on board a fixed platform—

''(A) that is located on the continental shelf of the United States;

''(B) that is located on the continental shelf of another country, by a national of the United States or by a stateless person whose habitual residence is in the United States; or

''(C) in an attempt to compel the United States to do or abstain from doing any act;

''(2) during the commission of such activity against or on board a fixed platform located on a continental shelf, a national of the United States is seized, threatened, injured, or killed; or

''(3) such activity is committed against or on board a fixed platform located outside the United States and beyond the continental shelf of the United States and the offender is later found in the United States.

''(c) EXCEPTIONS.—This section shall not apply to—

''(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

''(2) activities undertaken by military forces of a state in the exercise of their official duties.

''(d) DEFINITIONS.—In this section:

''(1) CONTINENTAL SHELF.—The term 'continental shelf' means the sea-bed and subsoil of the submarine areas that extend beyond a country's territorial sea to the limits provided by customary international law as reflected in Article 76 of the 1982 Convention on the Law of the Sea.

''(2) FIXED PLATFORM.—The term 'fixed platform' means an artificial island, installation, or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes.''.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 111 of title 18, United States Code, is amended by adding after the item relating to section 2281 the following:

''2281a. Additional offenses against maritime fixed platforms.''.

**SEC. 3315. ANCILLARY MEASURES.**

(a) FEDERAL CRIME OF TERRORISM.—Section 2332b(g)(5)(B) of title 18, United States Code, is amended, by striking ''2281'' and inserting ''2280a (relating to maritime safety), 2281 through 2281a''.

(b) PROVIDING MATERIAL SUPPORT TO TERRORISTS PREDICATE.—Section 2339A(a) of title 18, United States Code, is amended by striking, ''2280, 2281'' and inserting, ''2280, 2280a, 2281, 2281a''

(c) WIRETAP PREDICATES.—Section 2516(1)(q) of title 18, United States Code, is amended by striking ''or section'' and inserting '', section 2280, 2280a, 2281, or 2281(a) (relating to maritime safety), or section''.

**Subtitle B—Prevention of Nuclear Terrorism**

**SEC. 3321. ACTS OF NUCLEAR TERRORISM.**

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding after section 2332h the following:

**''§ 2332i. Acts of nuclear terrorism**

''(a) OFFENSES.—

''(1) IN GENERAL.—Any person who knowingly and unlawfully—

''(A) possesses radioactive material or makes or possesses a device—

''(i) with the intent to cause death or serious bodily injury; or

''(ii) with the intent to cause substantial damage to property or the environment; or

''(B) uses in any way radioactive material or a device, or uses or damages or interferes with the operation of a nuclear facility in a manner that causes the release of or increases the risk of the release of radioactive material, or causes radioactive contamination or exposure to radiation—

''(i) with the intent to cause death or serious bodily injury or with the knowledge that such act is likely to cause death or serious bodily injury;

''(ii) with the intent to cause substantial damage to property or the environment or with the knowledge that such act is likely to cause substantial damage to property or the environment; or

''(iii) with the intent to compel a person, an international organization or a country to do or refrain from doing an act,

shall be punished as prescribed in subsection (c).

''(2) THREATS.—Any person who, under circumstances in which the threat may reasonably be believed, threatens to commit an offense under paragraph (1) shall be punished as prescribed in subsection (c). Whoever demands possession of or access to radioactive material, a device or a nuclear facility by threat or by use of force shall be punished as prescribed in subsection (c).

''(3) ATTEMPTS AND CONSPIRACIES.—Any person who attempts to commit an offense under paragraph (1) or conspires to commit an offense under paragraphs (1) or (2) shall be punished as prescribed in subsection (c).

''(b) JURISDICTION.—Conduct prohibited by subsection (a) is within the jurisdiction of the United States if—

''(1) the prohibited conduct takes place in the United States or the special aircraft jurisdiction of the United States;

''(2) the prohibited conduct takes place outside of the United States and—

''(A) is committed by a national of the United States, a United States corporation or legal entity or a stateless person whose habitual residence is in the United States;

''(B) is committed on board a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46) or on board an aircraft that is registered under United States law, at the time the offense is committed; or

''(C) is committed in an attempt to compel the United States to do or abstain from doing any act, or constitutes a threat directed at the United States;

''(3) the prohibited conduct takes place outside of the United States and a victim or an intended victim is a national of the United States or a United States corporation or legal entity, or the offense is committed against any state or government facility of the United States; or

''(4) a perpetrator of the prohibited conduct is found in the United States.

''(c) PENALTIES.—Any person who violates this section shall be punished by death or imprisoned for any term of years or for life.

''(d) NONAPPLICABILITY.—This section does not apply to—

''(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

''(2) activities undertaken by military forces of a state in the exercise of their official duties.

''(e) DEFINITIONS.—In this section:

''(1) ARMED CONFLICT.—The term 'armed conflict' has the meaning given that term in section 2332f(e)(11).

''(2) DEVICE.—The term 'device' means—

''(A) any nuclear explosive device; or

''(B) any radioactive material dispersal or radiation-emitting device that may, owing to its radiological properties, cause death, serious bodily injury or substantial damage to property or the environment.

''(3) INTERNATIONAL ORGANIZATION.—The term 'international organization' has the meaning given the term in section 831(f)(3).

''(4) MILITARY FORCES OF A STATE.—The term 'military forces of a state' means the armed forces of a country that are organized, trained and equipped under its internal law for the primary purpose of national defense or security and persons acting in support of those armed forces who are under their formal command, control and responsibility.

''(5) NATIONAL OF THE UNITED STATES.—The term 'national of the United States' has the meaning given the term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

''(6) NUCLEAR FACILITY.—The term 'nuclear facility' means—

''(A) any nuclear reactor, including reactors on vessels, vehicles, aircraft or space objects for use as an energy source in order to propel such vessels, vehicles, aircraft or space objects or for any other purpose;

''(B) any plant or conveyance being used for the production, storage, processing or transport of radioactive material; or

''(C) a facility (including associated buildings and equipment) in which nuclear material is produced, processed, used, handled, stored or disposed of, if damage to or interference with such facility could lead to the release of significant amounts of radiation or radioactive material.

''(7) NUCLEAR MATERIAL.—The term 'nuclear material' has the meaning given the term in section 831(f)(1).

''(8) RADIOACTIVE MATERIAL.—The term 'radioactive material' means nuclear material and other radioactive substances that contain nuclides that undergo spontaneous disintegration (a process accompanied by emission of one or more types of ionizing radiation, such as alpha-, beta-, neutron particles and gamma rays) and that may, owing to their radiological or fissile properties, cause death, serious bodily injury or substantial damage to property or to the environment.

''(9) SERIOUS BODILY INJURY.—The term 'serious bodily injury' has the meaning given the term in section 831(f)(4).

''(10) STATE.—The term 'state' has the meaning given the term under international law, and includes all political subdivisions of the state.

''(11) STATE OR GOVERNMENT FACILITY.—The term 'state or government facility' has the meaning given the term in section 2332f(e)(3).

''(12) UNITED STATES CORPORATION OR LEGAL ENTITY.—The term 'United States corporation or legal entity' means any corporation or other entity organized under the laws of the United States or any State, Commonwealth, territory, possession or district of the United States.

''(13) VESSEL.—The term 'vessel' has the meaning given the term in section 1502(19) of title 33.

''(14) VESSEL OF THE UNITED STATES.—The term 'vessel of the United States' has the meaning given the term in section 70502 of title 46.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by inserting after section 2332h the following:

''2332i. Acts of nuclear terrorism.''.

(c) DISCLAIMER.—Nothing contained in this section is intended to affect the applicability of any other Federal or State law that might pertain to the underlying conduct.

**SEC. 3322. AMENDMENT TO SECTION 831 OF TITLE 18, UNITED STATES CODE.**

Section 831 of title 18, United States Code, is amended—

(a) in subsection (a)—

(1) by redesignating paragraphs (3) through (8) as paragraphs (4) through (9), respectively;

(2) by inserting after paragraph (2) the following:

''(3) without lawful authority, intentionally carries, sends or moves nuclear material into or out of a country;'';

(3) in paragraph (8), as redesignated, by striking ''an offense under paragraph (1), (2), (3), or (4)'' and inserting ''any act prohibited under paragraphs (1) through (5)''; and

(4) in paragraph (9), as redesignated, by striking ''an offense under paragraph (1), (2), (3), or (4)'' and inserting ''any act prohibited under paragraphs (1) through (7)'';

(b) in subsection (b)—

(1) in paragraph (1), by striking ''(7)'' and inserting ''(8)''; and

(2) in paragraph (2), by striking ''(8)'' and inserting ''(9)'';

(c) in subsection (c)—

(1) in subparagraph (2)(A), by inserting ''or a stateless person whose habitual residence is in the United States'' after ''United States'';

(2) in paragraph (4), by striking ''or'' at the end; and

(3) by striking paragraph (5) and inserting the following:

''(5) the offense is committed on board a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46) or on board an aircraft that is registered under United States law, at the time the offense is committed;

''(6) the offense is committed outside the United States and against any state or government facility of the United States; or

''(7) the offense is committed in an attempt to compel the United States to do or abstain from doing any act, or constitutes a threat directed at the United States.'';

(d) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(e) by inserting after subsection (c) the following:

''(d) NONAPPLICABILITY.—This section shall not apply to—

''(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

''(2) activities undertaken by military forces of a state in the exercise of their official duties.''; and

(f) in subsection (g), as redesignated—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (7), the following:

''(8) the term 'armed conflict' has the meaning given the term in section 2332f(e)(11);

''(9) the term 'military forces of a state' means the armed forces of a country that are organized, trained and equipped under its internal law for the primary purpose of national defense or security and persons acting in support of those armed forces who are under their formal command, control and responsibility;

''(10) the term 'state' has the meaning given the term under international law, and includes all political subdivisions of the state;

''(11) the term 'state or government facility' has the meaning given the term in section 2332f(e)(3); and

''(12) the term 'vessel of the United States' has the meaning given the term in section 70502 of title 46.''.

**SEC. 3323. ANCILLARY MEASURES.**

(a) FEDERAL CRIME OF TERRORISM.—Section 2332b(g)(5)(B) of title 18, United States Code, is amended by inserting ''2332i (relating to acts of nuclear terrorism),'' before ''2339 (relating to harboring terrorists),''.

(b) PROVIDING MATERIAL SUPPORT TO TERRORISTS PREDICATE.—Section 2339A(a) of title 18, United States Code, is amended by inserting ''2332i,'' before ''2340A,''.

(c) WIRETAP PREDICATES.—Section 2516(1)(q) of title 18, United States Code, is amended by inserting '', 2332i,'' after ''2332h''.

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**SA 2262.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1066. FORCE PROTECTION.**

(a) REPORT.—Not later than March 1, 2014, the Secretary of Defense shall submit to the congressional defense committees a report on current expeditionary physical barrier systems and new systems or technologies that are or can be used for force protection and to provide blast protection for forces supporting contingency operations.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A review of current and projected threats in connection with force protection, a description of any recent changes to policies on force protection, and an assessment of current planning methods on force protection, including standoff distances and physical barriers, to provide consistent and adequate levels of force protection.

(2) An assessment of the use of expeditionary physical barrier systems to meet the goals of the combatant commands for force protection and force resiliency.

(3) A description of the specifications developed by the Department to meet requirements for effectiveness, affordability, lifecycle management, and reuse or disposal of expeditionary physical barrier systems.

(4) A description of the process used within the Department to ensure appropriate consideration of the decommissioning cost, environmental impact, and subsequent disposal of expeditionary physical barrier materials in the procurement process for such materials.

(5) An assessment of the availability of new technologies or designs that improve the capabilities or lifecycle costs of expeditionary physical barrier systems.

(c) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

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**SA 2263.** Mr. FLAKE (for himself, Mr. MCCAIN, and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

**SEC. 126. PROHIBITION ON USE OF NONCOMPETITIVE PROCEDURES FOR OFFENSIVE ANTI-SURFACE WARFARE WEAPON CONTRACTS.**

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2014 for the Offensive Anti-Surface Warfare Weapon may be used to enter into or modify a contract using procedures other than competitive procedures (as that term is defined in section 2302(2) of title 10, United States Code).

(b) NATIONAL SECURITY WAIVER AUTHORITY.—The Secretary of Defense may waive the applicability of subsection (a) if the Secretary determines that such a waiver is in the national security interests of the United States.

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**SA 2264.** Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1237. SENSE OF CONGRESS ON SALES OF DEFENSE ARTICLES AND DEFENSE SERVICES TO EGYPT.**

It is the sense of Congress that it should be the policy of the United States to consider the willingness of the Government of Egypt to sign the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, done at Paris January 13, 1993 (commonly known as the ''Chemical Weapons Convention''), before resuming sales of defense articles or defense services to Egypt.

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**SA 2265.** Mrs. MURRAY (for herself, Mrs. GILLIBRAND, Mr. HARKIN, Mr. WYDEN, Mr. SCHATZ, Mr. DONNELLY, Mr. BROWN, Mr. MENENDEZ, Mr. BLUMENTHAL, Ms. HIRONO, and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 226, between lines 14 and 15, insert the following:

**Subtitle A—TRICARE Program**

**SEC. 701. BEHAVIORAL HEALTH TREATMENT OF DEVELOPMENTAL DISABILITIES UNDER THE TRICARE PROGRAM.**

(a) BEHAVIORAL HEALTH TREATMENT OF DEVELOPMENTAL DISABILITIES UNDER TRICARE.—Section 1077 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g)(1) Subject to paragraph (4), in providing health care under subsection (a), the treatment of developmental disabilities (as defined by section 102(8) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002(8))), including autism spectrum disorder, shall include behavioral health treatment, including applied behavior analysis, when prescribed by a physician.

''(2) In carrying out this subsection, the Secretary shall ensure that—

''(A) except as provided by subparagraph (B), a person who is authorized to provide behavioral health treatment is licensed or certified by a State or accredited national certification board; and

''(B) applied behavior analysis or other behavioral health treatment may be provided by an employee, contractor, or trainee of a person described in subparagraph (A) if the employee, contractor, or trainee meets minimum qualifications, training, and supervision requirements as set forth by the Secretary.

''(3) Nothing in this subsection shall be construed as limiting or otherwise affecting the benefits provided to a covered beneficiary under—

''(A) this chapter;

''(B) title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); or

''(C) any other law.

''(4)(A) Treatment may be provided under this subsection in a fiscal year only to the extent that amounts are provided in advance in appropriations Acts for the provision of such treatment for such fiscal year in the Defense Dependents Developmental Disabilities Account.

''(B) Funds for treatment under this subsection may be derived only from the Defense Dependents Developmental Disabilities Account.''.

(b) DEFENSE DEPENDENTS DEVELOPMENTAL DISABILITIES ACCOUNT.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—There is hereby established on the books of the Treasury an account to be known as the ''Defense Dependents Developmental Disabilities Account'' (in this subsection referred to as the ''Account'').

(B) SEPARATE ACCOUNT.—The Account shall be a separate account for the Department of Defense, and shall not be a subaccount within the Defense Health Program account of the Department.

(2) ELEMENTS.—The Account shall consist of amounts authorized to be appropriated or transferred to the account pursuant to paragraph (5).

(3) EXCLUDED SOURCES OF ELEMENTS.—Amounts in the Account may not be derived from transfers from the following:

(A) The Department of Defense Medicare-Eligible Retiree Health Care Fund under chapter 56 of title 10, United States Code.

(B) The Coast Guard Retired Pay Account.

(C) The National Oceanic and Atmospheric Administration Operations, Research, and Facilities Account.

(D) The Public Health Service Retirement Pay and Medical Benefits for Commissioned Officers Account.

(4) AVAILABILITY.—Amounts in the Account shall be available for the treatment of developmental disabilities in covered beneficiaries pursuant to subsection (g) of section 1077 of title 10, United States Code (as added by subsection (a)). Amounts in the Account shall be so available until expended.

(5) FUNDING.—

(A) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 2014 for the Department of Defense for the Defense Dependents Developmental Disabilities Account, $60,000,000.

(B) OFFSET.—The amount authorized to be appropriated for fiscal year 2014 by section 301 for Operation and Maintenance and available for the Office of the Secretary of Defense as specified in the funding table in section 4301 is hereby reduced by $60,000,000.

(C) TRANSFER FOR CONTINUATION OF EXISTING SERVICES.—From amounts authorized to be appropriated for fiscal year 2014 by section 1406 and available for the Defense Health Program for Operation and Maintenance as specified in the funding table in section 4501, there is hereby transferred to the Defense Dependents Developmental Disabilities Account, $140,000,000.

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**SA 2266.** Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. EXPANSION OF ELIGIBILITY FOR POST-9/11 EDUCATIONAL ASSISTANCE TO INCLUDE SERVICE ON ACTIVE DUTY IN ENTRY LEVEL AND SKILL TRAINING UNDER CERTAIN CIRCUMSTANCES.**

(a) FOR INDIVIDUALS WHO SERVE BETWEEN 18 AND 24 MONTHS.—Section 3311(b)(5)(A) of title 38, United States Code, is amended by striking ''excluding'' and inserting ''including''.

(b) FOR INDIVIDUALS WHO SERVED IN OPERATION ENDURING FREEDOM, OPERATION IRAQI FREEDOM, OR CERTAIN OTHER CONTINGENCY OPERATIONS.—Section 3311(b) of such title is amended in paragraphs (6)(A) and (7)(A) by striking ''excluding service on active duty in entry level and skill training'' and inserting ''including service on active duty in entry level and skill training for individuals who served on active duty in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, Operation New Dawn, or any other contingency operation (as that term is defined in section 101 of title 10) and excluding service on active duty in entry level and skill training for all other individuals''.

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**SA 2267.** Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. INDUSTRY AND BUSINESS TECHNOLOGY TRANSFER WORKING GROUP.**

(a) IN GENERAL.—The Secretary of Energy and the National Nuclear Security Administration shall jointly establish and administer an industry and business technology transfer working group that—

(1) parallels and complements the efforts of the National Laboratory technology working group; and

(2) shall convene regularly to make recommendations to the Department of Energy and the National Laboratories for use to assess capabilities and implement improvements regarding—

(A) priorities for commercialization;

(B) the assessment of technology targets;

(C) the evaluation of the impact of technology transfer activities; and

(D) implementation of technology transfer activities.

(b) REQUIREMENTS.—The working group established under subsection (a) shall carry out technology transfer evaluations, measurement, and reporting functions of the Department of Energy, including—

(1) an annual evaluation of the progress and impact of the technology transfer programs and activities of the Department and the National Nuclear Security Administration;

(2) functions in addition to the metrics included in the annual Federal laboratory technology transfer report of the National Institute of Standards and Technology relating to—

(A) the number of patents filed;

(B) the number of patents granted;

(C) the number of licenses and details regarding the license;

(D) the earned royalty income and other royalty statistical information;

(E) the disposition of royalty income;

(F) the number of licenses terminated for cause; and

(G) other relevant parameters unique to the technology transfer programs and activities of the Department and the National Nuclear Security Administration;

(3) as part of the annual evaluation of technology transfer activities of the Department of Energy, additional information relating to the economic and technology transfer impact of—

(A) North American Industry Classification System (NAICS) employment data;

(B) follow-on investment;

(C) start-up survival and growth rate;

(D) transactional efficiency;

(E) programmatic operational efficiency;

(F) the effectiveness of local and regional partnerships; and

(G) other key metrics determined by the Secretary of Energy and the National Nuclear Security Administration;

(4)(A) the use of random sampling, retroactive data, and other justifiable evaluation methodologies to control the cost and scope of the evaluations; and

(B) to the maximum extent practicable—

(i) the collection and analysis of data relevant to the metrics described in this paragraph; and

(ii) the use of the results to improve the implementation of technology transfer activities;

(5)(A) the continuous monitoring of the fairness and opportunities in the administration of this paragraph;

(B) the assessment of—

(i) accessibility; and

(ii) expectations and limitations relating to employee conflict of interest; and

(C) to the maximum extent practicable, the implementation of annual improvements to enable the Department and the National Laboratories to effectively coordinate technology transfer activities; and

(6) based on input from the National Laboratory and industry technology transfer working groups, an assessment of the degree to which the technology transfer programs and activities of the Department and the National Nuclear Security Administration and National Laboratory technology transfer offices are meeting the technology transfer goals of the Department.

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**SA 2268.** Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. DEPARTMENT OF ENERGY RESEARCH AND DEVELOPMENT GRANTS.**

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''director'' means the director of a National Laboratory.

(2) NATIONAL LABORATORY.—The term ''National Laboratory'' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(b) RESEARCH AND DEVELOPMENT GRANTS.—

(1) IN GENERAL.—A director may accept grants for research and development activities from foundations and other nonprofit organizations.

(2) WAIVER OF INDIRECT COSTS.—

(A) IN GENERAL.—Subject to subparagraph (B), a director may waive the indirect costs for the grants described in paragraph (1) to the extent required by the operating charter of the foundation or nonprofit organization.

(B) LIMITATION ON WAIVER.—The total amount waived under subparagraph (A) shall not be greater than 1 percent of the total budget of the National Laboratory.

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**SA 2269.** Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

**SEC. 662. PREVENTION OF VETERANS HOMELESSNESS THROUGH IMPROVED FINANCIAL EDUCATION FOR MEMBERS OF THE ARMED FORCES.**

(a) FINDINGS.—Congress makes the following findings:

(1) The veterans population, as a percentage of total homeless population, is still extraordinarily high, and higher than the percentage of veterans in the general population.

(2) The Department of Veterans Affairs goal of eliminating homelessness among veterans by 2015 is a laudable goal.

(3) The Department of Veterans Affairs has made significant progress toward reaching the goal of eliminating homelessness among veterans.

(4) Even if the Department of Veterans Affairs reaches the goal of eliminating homelessness among veterans, both the Department of Veterans Affairs and the Department of Defense will need to embrace long-term efforts to prevent future veterans from becoming homeless.

(5) In addition to triggers of homelessness such as lack of employment, Post-Traumatic Stress Disorder (PTSD), substance use and abuse, and a poor support system, veterans who lack basic financial skills may be at a higher risk of becoming homeless.

(6) According to a study by the American Journal of Public Health, many members of the Armed Forces lack basic financial skills such as how to make a household budget.

(7) The lack of basic financial skills puts veterans at higher risk of making poor financial decisions, becoming victims of predatory lenders, and losing housing as a result of these and other financial decisions.

(8) The Department and Defense and the Department of Veterans Affairs have made strides to educate members separating from the Armed Forces through the Transition Assistance Program, but more can be done to educate members about basic financial decision making.

(b) TRAINING FOR ENLISTED ON MEMBERS ON BASIC FINANCIAL SKILLS.—

(1) PLAN FOR TRAINING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a plan for providing improved training on basic financial skills to all enlisted members of the Armed Forces in grade E–3 and above during their military service, The plan shall be based on the reviews required by subsections (c) and (d).

(2) COMMENCEMENT OF TRAINING.—The Secretary shall commence provision of the training described in paragraph (1) in accordance with the plan required by that paragraph by not later than one year after the date of the enactment of this Act.

(c) REVIEWS OF CERTAIN TRAINING.—

(1) TRAINING FOR OFFICER CANDIDATES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a review of the training on financial and economic matters provided to candidates for commissioning as officers in the Armed Forces to determine whether additional training on such matters should be provided to such candidates before commissioning.

(2) TRAINING WITHIN TAP.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall conduct a review of the training provided through the Transition Assistance Program (TAP) to determine whether training on financial skills provided through that Program is adequate for preparing members for civilian life.

(d) PROVISION OF BASIC FINANCIAL SKILLS TRAINING.—

(1) IN GENERAL.—The Secretary of Defense shall—

(A) review the effectiveness of the initial training on basic financial skills that is provided to enlisted members of the Armed Forces;

(B) assess whether yearly training refreshers should be required for members of the Armed Forces in order to build on the initial training described in subparagraph (A);

(C) review the qualifications required of individuals for the provision of training on basic financial skills to members of the Armed Forces; and

(D) in light of the reviews and assessment under this paragraph, establish a revised curriculum to be followed in the provision of training on basic financial skills for both trainees and trainers.

(2) CONSULTATION.—The Secretary of Defense shall carry out paragraph (1) in consultation with the Secretary of Veterans Affairs, the Secretary of Education, the Consumer Financial Protection Bureau, and such public and private organizations dedicated to financial skills education as the Secretary of Defense considers appropriate.

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**SA 2270.** Mr. MURPHY (for himself, Mr. BLUMENTHAL, Mr. MERKLEY, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

**SEC. 843. CONSIDERATION AND VERIFICATION OF INFORMATION RELATING TO EFFECT ON DOMESTIC EMPLOYMENT OF AWARD OF FEDERAL DEFENSE CONTRACTS.**

(a) IN GENERAL.—Section 2305(a)(3) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(C)(i) In prescribing the evaluation factors to be included in each solicitation for competitive proposals for covered contracts, an agency shall include the effects on employment within the United States of the contract as an evaluation factor that must be considered in the evaluation of proposals.

''(ii) In this subparagraph, the term 'covered contract' means—

''(I) a contract in excess of $1,000,000 for the procurement of manufactured goods;

''(II) a contract in excess of $1,000,000 for the procurement of goods or services listed in the report of industrial base capabilities required by section 2504 of title 10; and

''(III) a contract in excess of $1,000,000 for the procurement of any item procured as part of a major defense acquisition program.

''(iii) The head of an agency, in issuing a solicitation for competitive proposals, shall state in the solicitation that the agency may consider, and in the case of a covered contract will consider as an evaluation factor under subparagraph (A), information (in this subsection referred to as a 'jobs impact statement') that the offeror includes in its offer related to the effects on employment within the United States of the contract if it is awarded to the offeror.

''(iv) The information that may be included in a jobs impact statement may include the following:

''(I) The number of jobs expected to be created or retained in the United States if the contract is awarded to the offeror.

''(II) The number of jobs created or retained in the United States by the subcontractors expected to be used by the offeror in the performance of the contract.

''(III) A guarantee from the offeror that jobs created or retained in the United States will not be moved outside the United States after award of the contract unless doing so is required to provide the goods or services stipulated in the contract or is in the best interest of the Federal Government.

''(v) The contracting officer may consider, and in the case of a covered contract will consider, the information in the jobs impact statement in the evaluation of the offer and may request further information from the offeror in order to verify the accuracy of any such information submitted.

''(vi) In the case of a contract awarded to an offeror that submitted a jobs impact statement with the offer for the contract, the agency shall, not later than one year after the award of the contract and annually thereafter for the duration of the contract or contract extension, assess the accuracy of the jobs impact statement.

''(vii) The Secretary of Defense shall submit to Congress an annual report on the frequency of use within the Department of Defense of jobs impact statements in the evaluation of competitive proposals.

''(viii)(I) In any contract awarded to an offeror that submitted a jobs impact statement with its offer in response to the solicitation for proposals for the contract, the agency shall track the number of jobs created or retained during the performance of the contract.

''(II) If the number of jobs that the agency estimates will be created (by using the jobs impact statement) significantly exceeds the number of jobs created or retained, then the agency may consider this as a factor that affects a contractor's past performance in the award of future contracts.

''(III) Contractors shall be provided an opportunity to explain any differences between their original jobs impact statement and the actual amount of jobs created or retained before the discrepancy affects the agency's assessment of the contractor's past performance.''.

(b) REVISION OF FEDERAL ACQUISITION REGULATION.—The Department of Defense Supplement to the Federal Acquisition Regulation shall be revised to implement the amendment made by subsection (a).

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**SA 2271.** Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

**SEC. 722. COMPTROLLER GENERAL REPORT ON RECOVERY AUDIT PROGRAM OF THE TRICARE PROGRAM.**

Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report that evaluates the similarities and differences in the approaches to identifying and recovering improper payments between the Medicare program and the TRICARE program. The report shall contain an evaluation of the following:

(1) Medicare and TRICARE claims processing efforts to prevent improper payments by denying claims prior to payment.

(2) Medicare and TRICARE claims processing efforts to correct improper payments post-payment.

(3) The effectiveness of Medicare and TRICARE post-payment audit programs in identifying and correcting improper payments that are returned to the government plans.

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**SA 2272.** Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 394, between lines 9 and 10, insert the following:

(d) EXPANSION OF LIMITATION ON REIMBURSEMENT OF PAKISTAN PENDING CERTIFICATION ON PAKISTAN.—Subsection (d) of section 1227 of the National Defense Authorization Act for Fiscal Year 2013 is further amended in paragraph (1)(B)(i), by inserting '', Lashkar-e-Tayyiba, Jaish-e-Mohammed,'' after ''the Haqqani Network''.

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**SA 2273.** Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title III, add the following:

**SEC. 353. TRANSFER OF EXCESS PERSONAL PROPERTY OF THE DEPARTMENT OF DEFENSE.**

Section 2576a of title 10, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

''(c) RESTRICTIONS ON TRANSFER.—(1) Such excess military equipment shall not be transferred under the provisions of this section to a State or local law enforcement, firefighting, homeland security, or emergency management agency unless request therefor is made by such agency, in such form and manner as the Secretary of Defense shall prescribe, and such request, with respect to the type and amount of equipment so requested, is certified as being necessary

and suitable for the operation of such agency by the Governor (or such State official as he may designate) of the State in which such agency is located. Equipment transferred to a State or local law enforcement, firefighting, homeland security, or emergency management agency under this section shall not exceed, in quantity, the amount requested and certified for such agency and shall be for the exclusive use of such agency. Such equipment may not be sold, or otherwise transferred, by such agency to any individual or public or private organization or agency.

''(2) The Secretary of Defense shall, as a condition of transfer of personal property under this section, prohibit the additional transfer of such property to any receiving party unless the transfer and such receiving party meet the requirements under paragraph (1).

''(3) The Secretary may require any party receiving personal property pursuant to this section to return such property to the Department of Defense at no cost to the Department if such party does not comply with the requirements of paragraph (1).''.

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**SA 2274.** Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

**SEC. 314. LINKING DOMESTIC MANUFACTURERS TO DEFENSE SUPPLY CHAIN OPPORTUNITIES.**

(a) IN GENERAL.—The Secretary of Defense is authorized to work with other Federal agencies—

(1) to identify United States manufacturers currently producing, or capable of producing, defense and industrial base equipment, component parts, or similarly performing products; and

(2) to work with Department of Defense contractors responsible for the production of major weapons systems to identify and address gaps in domestic supply chains.

(b) CONSULTATION.—In carrying out the actions authorized under this section, the Secretary shall consult with—

(1) the Department of Commerce and other Federal agencies with relevant experience; and

(2) participants in the National Institute of Standards and Technology Hollings Manufacturing Extension Partnership program authorized under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k), and other industry groups.

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**SA 2275.** Mr. BROWN (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII, add the following:

**SEC. 804. INCLUSION OF FLAGS OF THE UNITED STATES OF AMERICA UNDER BUY AMERICAN REQUIREMENTS OF THE DEPARTMENT OF DEFENSE.**

Section 2533a(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) A flag of the United States of America (within the meaning of chapter 1 of title 4).''.

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**SA 2276.** Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 311.

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**SA 2277.** Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII, add the following:

**SEC. 804. REVISION OF DEFENSE SUPPLEMENT TO THE FEDERAL ACQUISITION REGULATION TO TAKE INTO ACCOUNT SOURCING LAWS.**

Not later than 60 days after the date of the enactment of this Act, the Department of Defense Supplement to the Federal Acquisition Regulation shall be revised to implement the requirements imposed by sections 129, 129a, 2330a, 2461, and 2463 of title 10, United States Code.

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**SA 2278.** Mr. DURBIN (for himself, Mr. BOOZMAN, Mr. COONS, Mr. KIRK, Mr. GRAHAM, Mrs. SHAHEEN, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. UNITED STATES EXPORTS TO AFRICA.**

(a) PURPOSE.—The purpose of this section is to create jobs in the United States by increasing United States exports to Africa by 200 percent in real dollar value within 10 years.

(b) DEFINITIONS.—In this section:

(1) AFRICA.—The term ''Africa'' refers to the entire continent of Africa and its 54 countries, including the Republic of South Sudan.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on Finance of the Senate; and

(B) the Committee on Appropriations, the Committee on Energy and Commerce, the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on Ways and Means of the House of Representatives.

(3) TRADE PROMOTION COORDINATING COMMITTEE.—The term ''Trade Promotion Coordinating Committee'' means the Trade Promotion Coordinating Committee established by Executive Order 12870 (58 Fed. Reg. 51753).

(4) UNITED STATES AND FOREIGN COMMERCIAL SERVICE.—The term ''United States and Foreign Commercial Service'' means the United States and Foreign Commercial Service established by section 2301 of the Export Enhancement Act of 1988 (15 U.S.C. 4721).

(c) COORDINATED AGENCY EFFORTS.—Not later than 60 days after the date of the enactment of this Act, the President shall designate an existing senior United States Government official with existing interagency authority for export policy for Africa to coordinate among various United States Government agencies existing export strategies with the goal of significantly increasing United States exports to Africa in real dollar value. Such coordination shall occur for not less than 2 years after the date of the enactment of this Act.

(d) TRADE MISSION TO AFRICA.—It is the sense of Congress that, not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce and other high-level officials of the United States Government with responsibility for export promotion, financing, and development should conduct a joint trade mission to Africa.

(e) PERSONNEL.—

(1) UNITED STATES AND FOREIGN COMMERCIAL SERVICE.—

(A) IN GENERAL.—The Secretary of Commerce shall ensure that not less than 10 total United States and Foreign Commercial Service officers are assigned to Africa for each of the first 5 fiscal years beginning after the date of the enactment of this Act.

(B) ASSIGNMENT.—The Secretary shall, in consultation with the Trade Promotion Coordinating Committee, the Under Secretary for International Trade of the Department of Commerce, and the person designated pursuant to subsection (c), assign the United States and Foreign Commercial Service officers described in subparagraph (A) to United States embassies in Africa after conducting a timely resource allocation analysis that represents a forward-looking assessment of future United States trade opportunities in Africa.

(C) COORDINATION.—As soon as practicable after the date of the enactment of this Act, the Secretary of Commerce shall ensure that the Department of Commerce coordinates with the United States Executive Director at the World Bank and the African Development Bank on United States export strategy related to Africa.

(2) OVERSEAS PRIVATE INVESTMENT CORPORATION.—

(A) STAFFING.—Of the net offsetting collections collected by the Overseas Private Investment Corporation used for administrative expenses, the Corporation shall use sufficient funds to ensure that adequate staff, not to increase by more than two new staff, are available to promote stable and sustainable economic growth and development in Africa, to strengthen and expand the private sector in Africa, and to facilitate the general economic development of Africa, with a particular focus on helping United States businesses expand into African markets.

(B) REPORT.—The Corporation shall report to the appropriate congressional committees on whether recent technology upgrades have

resulted in more effective and efficient processing and tracking of applications for financing received by the Corporation.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as permitting the reduction of Department of Commerce, Department of State, Export Import Bank, or Overseas Private Investment Corporation personnel or the alteration of planned personnel increases in other regions, except where a personnel decrease was previously anticipated or where decreased export opportunities justify personnel reductions.

(f) TRAINING.—Not later than 90 days after the date of the enactment of this Act, the President shall develop and implement a plan—

(1) to standardize the training received by United States and Foreign Commercial Service officers, economic officers of the Department of State, and economic officers of the United States Agency for International Development with respect to the programs and procedures of the Export-Import Bank of the United States, the Overseas Private Investment Corporation, the Small Business Administration, and the United States Trade and Development Agency; and

(2) to ensure that—

(A) all United States and Foreign Commercial Service officers that are stationed overseas receive the training described in paragraph (1); and

(B) in the case of a country to which no United States and Foreign Commercial Service officer is assigned, any economic officer of the Department of State stationed in that country shall receive that training.

(g) SMALL BUSINESS ADMINISTRATION.—Section 22(b) of the Small Business Act (15 U.S.C. 649(b)) is amended—

(1) in the matter preceding paragraph (1), by inserting ''the Trade Promotion Coordinating Committee,'' after ''Director of the United States Trade and Development Agency,''; and

(2) in paragraph (3), by inserting ''regional offices of the Export-Import Bank,'' after ''Retired Executives,''.

(h) NON-OECD LENDING AND REPORTING.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that foreign export credit agencies are providing non-OECD arrangement compliant financing in Africa, which distorts trade and threatens United States jobs.

(2) REPORT.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter for five years, the senior coordinator named in subsection (c) shall submit to the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives a report on United States Government export financing related to United States exports to Africa.

(B) ELEMENTS.—The report required under subparagraph (A) shall include the following elements:

(i) A summary of progress made to significantly increase United States exports to Africa in real dollars.

(ii) An explanation of challenges hindering further United States exports to Africa, including plans to overcome such challenges.

(iii) An assessment of challenges that prevented United States Government export financing for viable United States export business to Africa for which commercial lending was not available.

(iv) A summary of all Export Import Bank loans made and rejected that were considered to counter non-OECD arrangement compliant financing offered by other countries.

(v) A description of trade distorting non-OECD arrangement compliant financing loans made by other countries during that fiscal year to firms that competed against United States firms.

(C) NON-DISCLOSURE.—The report required under subparagraph (A) shall not disclose any information that is confidential or business proprietary, or that would violate section 1905 of title 18, United States Code (commonly referred to as the ''Trade Secrets Act'').

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**SA 2279.** Mr. DURBIN (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

**SEC. 722. EXTREMITY TRAUMA AND AMPUTATION RESEARCH.**

Section 723 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4508) is amended—

(1) in subsection (c)(2), by adding at the end the following: ''Such research may be conducted by awarding competitive grants for peer-reviewed research on patient outcomes, materials, and technology to advance orthotic and prosthetic clinical care for members of the Armed Forces and veterans who have undergone amputation, traumatic brain injury, and other serious physical injury as a result of combat or military experience.''; and

(2) in subsection (d)(2), by adding at the end the following new subparagraph:

''(C) Identification and prioritization of the most significant gaps in orthotic and prosthetic research pertinent to the provision of evidence-based clinical care to members of the Armed Forces and veterans, and a summary of how any grants awarded under subsection (c)(2) will address such gaps.''.

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**SA 2280.** Mr. DURBIN (for himself, Mrs. HAGAN, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

**SEC. 529. REVENUE, RECRUITING, AND MARKETING RESTRICTIONS FOR INSTITUTIONS OF HIGHER EDUCATION RECEIVING FUNDS FROM VOLUNTARY MILITARY EDUCATION PROGRAMS.**

(a) 90/10 RULE FOR PARTICIPATION IN VOLUNTARY MILITARY EDUCATION PROGRAMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in order for a proprietary institution of higher education (as defined in section 102(b) of the Higher Education Act of 1965 (20 U.S.C. 1002(b))) to be eligible to participate in a voluntary military education program, such institution shall demonstrate to the Secretary of Defense that not less than 10 percent of such institution's revenues are derived from sources other than—

(A) funds provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

(B) funds provided under voluntary military education programs, as calculated in a manner to be determined by the Secretary of Defense and consistent with section 487(d)(1) of such Act.

(2) VOLUNTARY MILITARY EDUCATION PROGRAMS DEFINED.—In this subsection, the term ''voluntary military education programs'' means—

(A) the programs to assist military spouses in achieving education and training for extended employment and portable career opportunities under section 1784a of title 10, United States Code (commonly referred to as ''MyCAA''); and

(B) the authority to pay tuition for off-duty training or education of members of the Armed Forces under section 2005 or 2007 of title 10, United States Code.

(b) MARKETING BAN.—

(1) IN GENERAL.—In order to be eligible to receive voluntary military education program funds and in addition to any other requirements to receive such funds, an institution of higher education or other postsecondary educational institution shall not use revenues derived from voluntary military education program funds for recruiting or marketing activities described in paragraph (2).

(2) COVERED ACTIVITIES.—Except as provided in paragraph (3), the recruiting and marketing activities subject to paragraph (1) shall include the following:

(A) Advertising and promotion activities, including—

(i) paid announcements in newspapers, magazines, radio, television, billboards or electronic media;

(ii) naming rights; and

(iii) any other public medium of communication, including paying for displays or promotions at job fairs, military installations, or college recruiting events.

(B) Efforts to identify and attract prospective students, either directly or through a contractor or other third party, including contact concerning a prospective student's potential enrollment or application for grant, loan, or work assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) or participation in preadmission or advising activities, which may include—

(i) paying employees responsible for overseeing enrollment and for contacting potential students in-person, by phone, by email, or by other internet communications regarding enrollment; and

(ii) soliciting an individual to provide contact information to an institution of higher education, including websites established for such purpose and funds paid to third parties for such purpose.

(C) Such other activities as the Secretary of Defense may prescribe, including paying for promotion or sponsorship of education-related or military-related associations.

(3) EXCEPTIONS.—The recruiting and marketing activities subject to paragraph (1) shall not include the following:

(A) Any activity that is required as a condition of receipt of funds by an institution of higher education under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), is specifically authorized under such title, or is otherwise specified by the Secretary of Education.

(B) Any activity that is required to qualify for voluntary military education program funds or is otherwise specified by the Secretary of Defense.

(4) REPORTING.—Each institution of higher education, or other postsecondary educational institution, that receives revenues derived from voluntary military education program funds shall annually prepare and submit a report to the Secretary of Defense and to Congress regarding the institution's expenditures on advertising, marketing, and recruiting.

(5) DEFINITION OF VOLUNTARY MILITARY EDUCATION PROGRAM FUNDS.—In this subsection, the term ''voluntary military education program funds'' means funds provided under—

(A) the programs to assist military spouses in achieving education and training for extended employment and portable career opportunities under section 1784a of title 10, United States Code (commonly referred to as ''MyCAA''); and

(B) the authority to pay tuition for off-duty training or education of members of the Armed Forces under section 2005 or 2007 of title 10, United States Code.

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**SA 2281.** Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. PROGRAM TO PROVIDE FEDERAL PROCUREMENT CONTRACTS TO EARLY-STAGE SMALL BUSINESS CONCERNS.**

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by adding at the end the following:

**''SEC. 48. PROGRAM TO PROVIDE FEDERAL PROCUREMENT CONTRACTS TO EARLY-STAGE SMALL BUSINESS CONCERNS.**

''(a) DEFINITIONS.—In this section—

''(1) the term 'early-stage small business concern' means a small business concern—

''(A) that has not more than 15 employees;

''(B) that—

''(i) has average annual receipts that total not more than $1,000,000; or

''(ii) is in an industry with a size standard of less than $1,000,000 in average annual receipts; and

''(C) that is certified as an early-stage small business concern—

''(i) by the Administrator; or

''(ii) by a Federal agency, State government, or national certifying entity approved by the Administrator to certify that the small business concern is an early-stage small business concern;

''(2) the term 'Federal procurement contract' means a contract with a Federal agency for the procurement of goods or services; and

''(3) the term 'program' means the program established under subsection (b).

''(b) ESTABLISHMENT.—The Administrator shall establish and carry out a program to provide improved access to Federal procurement contract opportunities for early-stage small business concerns in accordance with this section.

''(c) PROCUREMENT CONTRACTS.—

''(1) IN GENERAL.—In carrying out the program, the Administrator shall, in consultation with other Federal agencies, identify Federal procurement contracts of not less than $3,000 and not more than $50,000 to be awarded to early-stage small business concerns under the program.

''(2) CONTRACT AWARDS.—A Federal agency may award a contract identified under paragraph (1) to an early-stage small business concern selected, and determined to be responsible, by the Federal agency.

''(3) COMPETITION.—

''(A) SOLE SOURCE.—A contracting officer may award a sole source contract to an early-stage small business concern under the program if—

''(i) the contracting officer determines that the early-stage small business concern is a responsible contractor with respect to performance of the contract;

''(ii) the contracting officer does not have a reasonable expectation that 2 or more early-stage small business concerns will submit offers for the contract; and

''(iii) in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price.

''(B) RESTRICTED COMPETITION.—A contracting officer may award a contract under the program on the basis of competition restricted to early-stage small business concerns if the contracting officer has a reasonable expectation that—

''(i) 2 or more early-stage small business concerns will submit offers for the contract; and

''(ii) the contract award can be made at a fair and reasonable price.

''(4) CONTRACT VALUE.—A contract awarded under the program shall have a value greater than $3,000 and less than $50,000.

''(d) TECHNICAL ASSISTANCE.—The Administrator shall provide early-stage small business concerns with technical assistance and counseling regarding—

''(1) applying and competing for Federal procurement contracts; and

''(2) fulfilling administrative responsibilities associated with the performance of a Federal procurement contract.

''(e) ATTAINMENT OF CONTRACT GOALS.—Contract awards made under the program shall count toward the attainment of the goals established under section 15(g).

''(f) REGULATIONS.—The Administrator shall—

''(1) not later than 180 days after the date of enactment of this section, propose regulations to carry out this section; and

''(2) not later than 270 days after the date of enactment of this section, issue final regulations to carry out this section.

''(g) REPORT TO CONGRESS.—Not later than April 30, 2015, the Administrator shall submit to Congress a report on the performance of the program.''.

(b) REPEAL OF SIMILAR PROGRAM.—Section 304 of the Small Business Administration Reauthorization and Amendments Act of 1994 (15 U.S.C. 644 note) is repealed.

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**SA 2282.** Mr. WYDEN (for himself, Ms. MURKOWSKI, Mr. UDALL of New Mexico, Mr. BLUMENTHAL, and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVIII, add the following:

**Subtitle F—Military Land Withdrawals**

**SEC. 2851. SHORT TITLE.**

This subtitle may be cited as the ''Military Land Withdrawals Act of 2013''.

**SEC. 2852. DEFINITIONS.**

In this subtitle:

(1) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

(2) MANAGE; MANAGEMENT.—

(A) INCLUSIONS.—The terms ''manage'' and ''management'' include the authority to exercise jurisdiction, custody, and control over the land withdrawn and reserved by title LI.

(B) EXCLUSIONS.—The terms ''manage'' and ''management'' do not include authority for disposal of the land withdrawn and reserved by title LI.

(3) SECRETARY CONCERNED.—The term ''Secretary concerned'' has the meaning given the term in section 101(a) of title 10, United States Code.

**PART 1—GENERAL PROVISIONS**

**SEC. 2861. GENERAL APPLICABILITY; DEFINITIONS.**

(a) APPLICABILITY OF PART.—The provisions of this part apply to any withdrawal made by this subtitle.

(b) RULES OF CONSTRUCTION.—Nothing in this part assigns management of real property under the administrative jurisdiction of the Secretary concerned to the Secretary of the Interior.

**SEC. 2862. MAPS AND LEGAL DESCRIPTIONS.**

(a) PREPARATION OF MAPS AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the land withdrawn and reserved by part 2; and

(2) file maps and legal descriptions of the land withdrawn and reserved by part 2 with—

(A) the Committee on Armed Services and the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Armed Services and the Committee on Natural Resources of the House of Representatives.

(b) LEGAL EFFECT.—The maps and legal descriptions filed under subsection (a)(2) shall have the same force and effect as if the maps and legal descriptions were included in this subtitle, except that the Secretary of the Interior may correct any clerical and typographical errors in the maps and legal descriptions.

(c) AVAILABILITY.—Copies of the maps and legal descriptions filed under subsection (a)(2) shall be available for public inspection—

(1) in the appropriate offices of the Bureau of Land Management;

(2) in the office of the commanding officer of the military installation for which the land is withdrawn; and

(3) if the military installation is under the management of the National Guard, in the office of the Adjutant General of the State in which the military installation is located.

(d) COSTS.—The Secretary concerned shall reimburse the Secretary of the Interior for the costs incurred by the Secretary of the Interior in implementing this section.

**SEC. 2863. ACCESS RESTRICTIONS.**

(a) IN GENERAL.—If the Secretary concerned determines that military operations, public safety, or national security require the closure to the public of any road, trail, or other portion of land withdrawn and reserved by this subtitle, the Secretary may take such action as the Secretary determines to be necessary to implement and maintain the closure.

(b) LIMITATION.—Any closure under subsection (a) shall be limited to the minimum area and duration that the Secretary concerned determines are required for the purposes of the closure.

(c) CONSULTATION REQUIRED.—

(1) IN GENERAL.—Subject to paragraph (3), before a closure is implemented under this

section, the Secretary concerned shall consult with the Secretary of the Interior.

(2) INDIAN TRIBE.—Subject to paragraph (3), if a closure proposed under this section may affect access to or use of sacred sites or resources considered to be important by an Indian tribe, the Secretary concerned shall consult, at the earliest practicable date, with the affected Indian tribe.

(3) LIMITATION.—No consultation shall be required under paragraph (1) or (2)—

(A) if the closure is provided for in an integrated natural resources management plan, an installation cultural resources management plan, or a land use management plan; or

(B) in the case of an emergency, as determined by the Secretary concerned.

(d) NOTICE.—Immediately preceding and during any closure implemented under subsection (a), the Secretary concerned shall post appropriate warning notices and take other appropriate actions to notify the public of the closure.

**SEC. 2864. CHANGES IN USE.**

(a) OTHER USES AUTHORIZED.—In addition to the purposes described in part 2, the Secretary concerned may authorize the use of land withdrawn and reserved by this subtitle for defense-related purposes.

(b) NOTICE TO SECRETARY OF THE INTERIOR.—

(1) IN GENERAL.—The Secretary concerned shall promptly notify the Secretary of the Interior if the land withdrawn and reserved by this subtitle is used for additional defense-related purposes.

(2) REQUIREMENTS.—A notification under paragraph (1) shall specify—

(A) each additional use;

(B) the planned duration of each additional use; and

(C) the extent to which each additional use would require that additional or more stringent conditions or restrictions be imposed on otherwise-permitted nondefense-related uses of the withdrawn and reserved land or portions of withdrawn and reserved land.

**SEC. 2866. BRUSH AND RANGE FIRE PREVENTION AND SUPPRESSION.**

(a) REQUIRED ACTIVITIES.—The Secretary concerned shall, consistent with any applicable land management plan, take necessary precautions to prevent, and actions to suppress, brush and range fires occurring as a result of military activities on the land withdrawn and reserved by this subtitle, including fires that occur on other land that spread from the withdrawn and reserved land.

(b) COOPERATION OF SECRETARY OF THE INTERIOR.—

(1) IN GENERAL.—At the request of the Secretary concerned, the Secretary of the Interior shall—

(A) provide assistance in the suppression of fires under subsection (a); and

(B) be reimbursed by the Secretary concerned for the costs of the Secretary of the Interior in providing the assistance.

(2) TRANSFER OF FUNDS.—Notwithstanding section 2215 of title 10, United States Code, the Secretary concerned may transfer to the Secretary of the Interior, in advance, funds to reimburse the costs of the Department of the Interior in providing assistance under this subsection.

**SEC. 2867. ONGOING DECONTAMINATION.**

(a) IN GENERAL.—During the period of a withdrawal and reservation of land under this subtitle, the Secretary concerned shall maintain a program of decontamination of contamination caused by defense-related uses on the withdrawn land—

(1) to the extent funds are available to carry out this subsection; and

(2) consistent with applicable Federal and State law.

(b) ANNUAL REPORT.—The Secretary of Defense shall include in the annual report required by section 2711 of title 10, United States Code, a description of decontamination activities conducted under subsection (a).

**SEC. 2868. WATER RIGHTS.**

(a) NO RESERVATION OF WATER RIGHTS.—Nothing in this subtitle—

(1) establishes a reservation of the United States with respect to any water or water right on the land withdrawn and reserved by this subtitle; or

(2) authorizes the appropriation of water on the land withdrawn and reserved by this subtitle, except in accordance with applicable State law.

(b) EFFECT ON PREVIOUSLY ACQUIRED OR RESERVED WATER RIGHTS.—

(1) IN GENERAL.—Nothing in this section affects any water rights acquired or reserved by the United States before the date of enactment of this Act.

(2) AUTHORITY OF SECRETARY CONCERNED.—The Secretary concerned may exercise any water rights described in paragraph (1).

**SEC. 2869. HUNTING, FISHING, AND TRAPPING.**

Section 2671 of title 10, United States Code, shall apply to all hunting, fishing, and trapping on the land—

(1) that is withdrawn and reserved by this subtitle; and

(2) for which management of the land has been assigned to the Secretary concerned.

**SEC. 2870. LIMITATION ON EXTENSIONS AND RENEWALS.**

The withdrawals and reservations established under this subtitle may not be extended or renewed except by a law enacted after the date of enactment of this Act.

**SEC. 2871. APPLICATION FOR RENEWAL OF A WITHDRAWAL AND RESERVATION.**

To the extent practicable, not later than 5 years before the date of termination of a withdrawal and reservation established by this subtitle, the Secretary concerned shall—

(1) notify the Secretary of the Interior as to whether the Secretary concerned will have a continuing defense-related need for any of the land withdrawn and reserved by this subtitle after the termination date of the withdrawal and reservation; and

(2) transmit a copy of the notice submitted under paragraph (1) to—

(A) the Committee on Armed Services and the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Armed Services and the Committee on Natural Resources of the House of Representatives.

**SEC. 2872. LIMITATION ON SUBSEQUENT AVAILABILITY OF LAND FOR APPROPRIATION.**

On the termination of a withdrawal and reservation by this subtitle, the previously withdrawn land shall not be open to any form of appropriation under the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws, unless the Secretary of the Interior publishes in the Federal Register an appropriate order specifying the date on which the land shall be—

(1) restored to the public domain; and

(2) opened for appropriation under the public land laws.

**SEC. 2873. RELINQUISHMENT.**

(a) NOTICE OF INTENTION TO RELINQUISH.—If, during the period of withdrawal and reservation under this subtitle, the Secretary concerned decides to relinquish any or all of the land withdrawn and reserved by this subtitle, the Secretary concerned shall submit to the Secretary of the Interior notice of the intention to relinquish the land.

(b) DETERMINATION OF CONTAMINATION.—The Secretary concerned shall include in the notice submitted under subsection (a) a written determination concerning whether and to what extent the land that is to be relinquished is contaminated with explosive materials or toxic or hazardous substances.

(c) PUBLIC NOTICE.—The Secretary of the Interior shall publish in the Federal Register the notice of intention to relinquish the land under this section, including the determination concerning the contaminated state of the land.

(d) DECONTAMINATION OF LAND TO BE RELINQUISHED.—

(1) DECONTAMINATION REQUIRED.—The Secretary concerned shall decontaminate land subject to a notice of intention under subsection (a) to the extent that funds are appropriated for that purpose, if—

(A) the land subject to the notice of intention is contaminated, as determined by the Secretary concerned; and

(B) the Secretary of the Interior, in consultation with the Secretary concerned, determines that—

(i) decontamination is practicable and economically feasible, after taking into consideration the potential future use and value of the contaminated land; and

(ii) on decontamination of the land, the land could be opened to operation of some or all of the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws.

(2) ALTERNATIVES TO RELINQUISHMENT.—The Secretary of the Interior shall not be required to accept the land proposed for relinquishment under subsection (a), if—

(A) the Secretary of the Interior, after consultation with the Secretary concerned, determines that—

(i) decontamination of the land is not practicable or economically feasible; or

(ii) the land cannot be decontaminated sufficiently to be opened to operation of some or all of the public land laws; or

(B) sufficient funds are not appropriated for the decontamination of the land.

(3) STATUS OF CONTAMINATED LAND ON TERMINATION.—If, because of the contaminated state of the land, the Secretary of the Interior declines to accept land withdrawn and reserved by this subtitle that has been proposed for relinquishment, or if at the expiration of the withdrawal and reservation made by this subtitle, the Secretary of the Interior determines that a portion of the land withdrawn and reserved by this subtitle is contaminated to an extent that prevents opening the contaminated land to operation of the public land laws—

(A) the Secretary concerned shall take appropriate steps to warn the public of—

(i) the contaminated state of the land; and

(ii) any risks associated with entry onto the land;

(B) after the expiration of the withdrawal and reservation under this subtitle, the Secretary concerned shall undertake no activities on the contaminated land, except for activities relating to the decontamination of the land; and

(C) the Secretary concerned shall submit to the Secretary of the Interior and Congress a report describing—

(i) the status of the land; and

(ii) any actions taken under this paragraph.

(e) REVOCATION AUTHORITY.—

(1) IN GENERAL.—If the Secretary of the Interior determines that it is in the public interest to accept the land proposed for relinquishment under subsection (a), the Secretary of the Interior may order the revocation of a withdrawal and reservation established by this subtitle.

(2) REVOCATION ORDER.—To carry out a revocation under paragraph (1), the Secretary of

the Interior shall publish in the Federal Register a revocation order that—

(A) terminates the withdrawal and reservation;

(B) constitutes official acceptance of the land by the Secretary of the Interior; and

(C) specifies the date on which the land will be opened to the operation of some or all of the public land laws, including the mining laws.

(f) ACCEPTANCE BY SECRETARY OF THE INTERIOR.—

(1) IN GENERAL.—Nothing in this section requires the Secretary of the Interior to accept the land proposed for relinquishment if the Secretary determines that the land is not suitable for return to the public domain.

(2) NOTICE.—If the Secretary makes a determination that the land is not suitable for return to the public domain, the Secretary shall provide notice of the determination to Congress.

**SEC. 2874. LAND WITHDRAWALS; IMMUNITY OF THE UNITED STATES.**

The United States and officers and employees of the United States shall be held harmless and shall not be liable for any injuries or damages to persons or property incurred as a result of any mining or mineral or geothermal leasing activity or other authorized nondefense-related activity conducted on land withdrawn and reserved by this subtitle.

**PART 2—MILITARY LAND WITHDRAWALS**

**SEC. 2881. CHINA LAKE, CALIFORNIA.**

(a) WITHDRAWAL AND RESERVATION.—

(1) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this section, the public land (including the interests in land) described in paragraph (2), and all other areas within the boundary of the land depicted on the map described in that paragraph that may become subject to the operation of the public land laws, is withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing laws).

(2) DESCRIPTION OF LAND.—The public land (including interests in land) referred to in paragraph (1) is the Federal land located within the boundaries of the Naval Air Weapons Station China Lake, comprising approximately 1,045,000 acres in Inyo, Kern, and San Bernardino Counties, California, as generally depicted on the maps entitled ''Naval Air Weapons Station China Lake Withdrawal—Renewal'', ''North Range'', and ''South Range'', dated March 18, 2013, and filed in accordance with section 2862.

(3) RESERVATION.—The land withdrawn by paragraph (1) is reserved for use by the Secretary of the Navy for the following purposes:

(A) Use as a research, development, test, and evaluation laboratory.

(B) Use as a range for air warfare weapons and weapon systems.

(C) Use as a high-hazard testing and training area for aerial gunnery, rocketry, electronic warfare and countermeasures, tactical maneuvering and air support, and directed energy and unmanned aerial systems.

(D) Geothermal leasing, development, and related power production activities.

(E) Other defense-related purposes consistent with the purposes described in subparagraphs (A) through (D) and authorized under section 2864.

(b) MANAGEMENT OF WITHDRAWN AND RESERVED LAND.—

(1) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—

(A) IN GENERAL.—Except as provided in paragraph (2), during the period of the withdrawal and reservation of land by this section, the Secretary of the Interior shall manage the land withdrawn and reserved by this section in accordance with—

(i) this subtitle;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iii) any other applicable law.

(B) AUTHORIZED ACTIVITIES.—To the extent consistent with applicable law and Executive orders, the land withdrawn by this section may be managed in a manner that permits the following activities:

(i) Grazing.

(ii) Protection of wildlife and wildlife habitat.

(iii) Preservation of cultural properties.

(iv) Control of predatory and other animals.

(v) Recreation and education.

(vi) Prevention and appropriate suppression of brush and range fires resulting from non-military activities.

(vii) Geothermal leasing and development and related power production activities.

(C) NONDEFENSE USES.—All nondefense-related uses of the land withdrawn by this section (including the uses described in subparagraph (B)), shall be subject to any conditions and restrictions that the Secretary of the Interior and the Secretary of the Navy jointly determine to be necessary to permit the defense-related use of the land for the purposes described in this section.

(D) ISSUANCE OF LEASES.—

(i) IN GENERAL.—The Secretary of the Interior shall be responsible for the issuance of any lease, easement, right-of-way, permit, license, or other instrument authorized by law with respect to any activity that involves geothermal resources on—

(I) the land withdrawn and reserved by this section; and

(II) any other land not under the administrative jurisdiction of the Secretary of the Navy.

(ii) CONSENT REQUIRED.—Any authorization issued under clause (i) shall—

(I) only be issued with the consent of the Secretary of the Navy; and

(II) be subject to such conditions as the Secretary of the Navy may require with respect to the land withdrawn and reserved by this section.

(2) ASSIGNMENT TO THE SECRETARY OF THE NAVY.—

(A) IN GENERAL.—The Secretary of the Interior may assign the management responsibility, in whole or in part, for the land withdrawn and reserved by this section to the Secretary of the Navy.

(B) APPLICABLE LAW.—On assignment of the management responsibility under subparagraph (A), the Secretary of the Navy shall manage the land in accordance with—

(i) this subtitle;

(ii) title I of the Sikes Act (16 U.S.C. 670a et seq.);

(iii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(iv) cooperative management arrangements entered into by the Secretary of the Interior and the Secretary of the Navy; and

(v) any other applicable law.

(3) GEOTHERMAL RESOURCES.—

(A) IN GENERAL.—Nothing in this section or section 2865 affects—

(i) geothermal leases issued by the Secretary of the Interior before the date of enactment of this Act; or

(ii) the responsibility of the Secretary of the Interior to administer and manage the leases described in clause (i), consistent with the provisions of this section.

(B) AUTHORITY OF THE SECRETARY OF THE INTERIOR.—Nothing in this section or any other provision of law prohibits the Secretary of the Interior from issuing, subject to the concurrence of the Secretary of the Navy, and administering any lease under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and any other applicable law for the development and use of geothermal steam and associated geothermal resources on the land withdrawn and reserved by this section.

(C) APPLICABLE LAW.—Nothing in this section affects the geothermal exploration and development authority of the Secretary of the Navy under section 2917 of title 10, United States Code, with respect to the land withdrawn and reserved by this section, except that the Secretary of the Navy shall be required to obtain the concurrence of the Secretary of the Interior before taking action under section 2917 of title 10, United States Code.

(D) NAVY CONTRACTS.—On the expiration of the withdrawal and reservation of land under this section or the relinquishment of the land, any Navy contract for the development of geothermal resources at Naval Air Weapons Station, China Lake, in effect on the date of the expiration or relinquishment shall remain in effect, except that the Secretary of the Interior, with the consent of the Secretary of the Navy, may offer to substitute a standard geothermal lease for the contract.

(E) CONCURRENCE OF SECRETARY OF THE NAVY REQUIRED.—Any lease issued under section 2865(d) with respect to land withdrawn and reserved by this section shall require the concurrence of the Secretary of the Navy, if—

(i) the Secretary of the Interior anticipates the surface occupancy of the withdrawn land; or

(ii) the Secretary of the Interior determines that the proposed lease may interfere with geothermal resources on the land.

(4) WILD HORSES AND BURROS.—

(A) IN GENERAL.—The Secretary of the Navy—

(i) shall be responsible for the management of wild horses and burros located on the land withdrawn and reserved by this section; and

(ii) may use helicopters and motorized vehicles for the management of the wild horses and burros.

(B) REQUIREMENTS.—The activities authorized under subparagraph (A) shall be conducted in accordance with laws applicable to the management of wild horses and burros on public land.

(C) AGREEMENT.—The Secretary of the Interior and the Secretary of the Navy shall enter into an agreement for the implementation of the management of wild horses and burros under this paragraph.

(5) CONTINUATION OF EXISTING AGREEMENT.—The agreement between the Secretary of the Interior and the Secretary of the Navy entered into before the date of enactment of this Act under section 805 of the California Military Lands Withdrawal and Overflights Act of 1994 (Public Law 103–433; 108 Stat. 4503) shall continue in effect until the earlier of—

(A) the date on which the Secretary of the Interior and the Secretary of the Navy enter into a new agreement; or

(B) the date that is 1 year after the date of enactment of this Act.

(6) COOPERATION IN DEVELOPMENT OF MANAGEMENT PLAN.—

(A) IN GENERAL.—The Secretary of the Navy and the Secretary of the Interior shall update and maintain cooperative arrangements concerning land resources and land uses on the land withdrawn and reserved by this section.

(B) REQUIREMENTS.—A cooperative arrangement entered into under subparagraph (A) shall—

(i) focus on and apply to sustainable management and protection of the natural and cultural resources and environmental values found on the withdrawn and reserved land, consistent with the defense-related purposes for which the land is withdrawn and reserved; and

(ii) include a comprehensive land use management plan that—

(I) integrates and is consistent with any applicable law, including—

(aa) title I of the Sikes Act (16 U.S.C. 670a et seq.); and

(bb) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(II) shall be—

(aa) annually reviewed by the Secretary of the Navy and the Secretary of the Interior; and

(bb) updated, as the Secretary of the Navy and the Secretary of the Interior determine to be necessary—

(AA) to respond to evolving management requirements; and

(BB) to complement the updates of other applicable land use and resource management and planning.

(7) IMPLEMENTING AGREEMENT.—

(A) IN GENERAL.—The Secretary of the Interior and the Secretary of the Navy may enter into a written agreement to implement the comprehensive land use management plan developed under paragraph (6)(B)(ii).

(B) COMPONENTS.—An agreement entered into under subparagraph (A)—

(i) shall be for a duration that is equal to the period of the withdrawal and reservation of land under this section; and

(ii) may be amended from time to time.

(c) TERMINATION OF PRIOR WITHDRAWALS.—

(1) IN GENERAL.—Subject to paragraph (2), the withdrawal and reservation under section 803(a) of the California Military Lands Withdrawal and Overflights Act of 1994 (Public Law 103–433; 108 Stat. 4502) is terminated.

(2) LIMITATION.—Notwithstanding the termination under paragraph (1), all rules, regulations, orders, permits, and other privileges issued or granted by the Secretary of the Interior or the Secretary of the Navy with respect to the land withdrawn and reserved under that section, unless inconsistent with the provisions of this section, shall remain in force until modified, suspended, overruled, or otherwise changed by—

(A) the Secretary of the Interior or the Secretary of the Navy (as applicable);

(B) a court of competent jurisdiction; or

(C) operation of law.

(d) DURATION OF WITHDRAWAL AND RESERVATION.—The withdrawal and reservation made by this section terminate on March 31, 2039.

**SEC. 2882. LIMESTONE HILLS, MONTANA.**

(a) WITHDRAWAL AND RESERVATION OF PUBLIC LAND FOR LIMESTONE HILLS TRAINING AREA, MONTANA.—

(1) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this section, the public land (including the interests in land) described in paragraph (3), and all other areas within the boundaries of the land as depicted on the map provided for by paragraph (4) that may become subject to the operation of the public land laws, is withdrawn from all forms of appropriation under the public land laws (including the mining laws, the mineral leasing laws, and the geothermal leasing laws).

(2) RESERVATION; PURPOSE.—Subject to the limitations and restrictions contained in subsection (c), the public land withdrawn by paragraph (1) is reserved for use by the Secretary of the Army for the following purposes:

(A) The conduct of training for active and reserve components of the Armed Forces.

(B) The construction, operation, and maintenance of organizational support and maintenance facilities for component units conducting training.

(C) The conduct of training by the Montana Department of Military Affairs, provided that the training does not interfere with the purposes specified in subparagraphs (A) and (B).

(D) The conduct of training by State and local law enforcement agencies, civil defense organizations, and public education institutions, provided that the training does not interfere with the purposes specified in subparagraphs (A) and (B).

(E) Other defense-related purposes consistent with the purposes specified in subparagraphs (A) through (D).

(3) DESCRIPTION OF LAND.—The public land (including the interests in land) referred to in paragraph (1) comprises approximately 18,644 acres in Broadwater County, Montana, generally depicted as ''Proposed Land Withdrawal'' on the map entitled ''Limestone Hills Training Area Land Withdrawal'' and dated April 10, 2013.

(4) INDIAN TRIBES.—

(A) IN GENERAL.—Nothing in this subtitle alters any rights reserved for an Indian tribe for tribal use of the public land withdrawn by paragraph (1) by treaty or Federal law.

(B) CONSULTATION REQUIRED.—The Secretary of the Army shall consult with any Indian tribes in the vicinity of the public land withdrawn by paragraph (1) before taking any action within the public land affecting tribal rights or cultural resources protected by treaty or Federal law.

(b) MANAGEMENT OF WITHDRAWN AND RESERVED LAND.—During the period of the withdrawal and reservation specified in subsection (e), the Secretary of the Army shall manage the public land withdrawn by paragraph (1) of subsection (a) for the purposes specified in paragraph (2) of that subsection, subject to the limitations and restrictions contained in subsection (c).

(c) SPECIAL RULES GOVERNING MINERALS MANAGEMENT.—

(1) INDIAN CREEK MINE.—

(A) IN GENERAL.—Of the land withdrawn by subsection (a)(1), locatable mineral activities in the approved Indian Creek Mine plan of operations, MTM–78300, shall be regulated in accordance with subparts 3715 and 3809 of title 43, Code of Federal Regulations.

(B) RESTRICTIONS ON SECRETARY OF THE ARMY.—

(i) IN GENERAL.—The Secretary of the Army shall make no determination that the disposition of, or exploration for, minerals as provided for in the approved plan of operations described in subparagraph (A) is inconsistent with the defense-related uses of the land withdrawn under this section.

(ii) COORDINATION.—The coordination of the disposition of and exploration for minerals with defense-related uses of the land shall be determined in accordance with procedures in an agreement provided for under paragraph (3).

(2) REMOVAL OF UNEXPLODED ORDNANCE ON LAND TO BE MINED.—

(A) REMOVAL ACTIVITIES.—

(i) IN GENERAL.—Subject to the availability of funds appropriated for such purpose, the Secretary of the Army shall remove unexploded ordnance on land withdrawn by subsection (a)(1) that is subject to mining under paragraph (1), consistent with applicable Federal and State law.

(ii) PHASES.—The Secretary of the Army may provide for the removal of unexploded ordnance in phases to accommodate the development of the Indian Creek Mine under paragraph (1).

(B) REPORT ON REMOVAL ACTIVITIES.—

(i) IN GENERAL.—The Secretary of the Army shall annually submit to the Secretary of the Interior a report regarding any unexploded ordnance removal activities conducted during the previous fiscal year in accordance with this paragraph.

(ii) INCLUSIONS.—The report under clause (i) shall include—

(I) a description of the amounts expended for unexploded ordnance removal on the land withdrawn by subsection (a)(1) during the period covered by the report; and

(II) the identification of the land cleared of unexploded ordnance and approved for mining activities by the Secretary of the Interior under this paragraph.

(3) IMPLEMENTATION AGREEMENT FOR MINING ACTIVITIES.—

(A) IN GENERAL.—The Secretary of the Interior and the Secretary of the Army shall enter into an agreement to implement this subsection with respect to the coordination of defense-related uses and mining and the ongoing removal of unexploded ordnance.

(B) DURATION.—The duration of an agreement entered into under subparagraph (A) shall be equal to the period of the withdrawal under subsection (a)(1), but may be amended from time to time.

(C) REQUIREMENTS.—The agreement shall provide the following:

(i) That Graymont Western US, Inc., or any successor or assign of the approved Indian Creek Mine mining plan of operations, MTM–78300, shall be invited to be a party to the agreement.

(ii) Provisions regarding the day-to-day joint-use of the Limestone Hills Training Area.

(iii) Provisions addressing periods during which military and other authorized uses of the withdrawn land will occur.

(iv) Provisions regarding when and where military use or training with explosive material will occur.

(v) Provisions regarding the scheduling of training activities conducted within the withdrawn land that restrict mining activities.

(vi) Procedures for deconfliction with mining operations, including parameters for notification and resolution of anticipated changes to the schedule.

(vii) Procedures for access through mining operations covered by this section to training areas within the boundaries of the Limestone Hills Training Area.

(viii) Procedures for scheduling of the removal of unexploded ordnance.

(4) EXISTING MEMORANDUM OF AGREEMENT.—Until the date on which the agreement under paragraph (3) becomes effective, the compatible joint use of the land withdrawn and reserved by subsection (a)(1) shall be governed, to the extent compatible, by the terms of the 2005 Memorandum of Agreement among the Montana Army National Guard, Graymont Western US, Inc., and the Bureau of Land Management.

(d) GRAZING.—

(1) ISSUANCE AND ADMINISTRATION OF PERMITS AND LEASES.—The Secretary of the Interior shall manage the issuance and administration of grazing permits and leases, including the renewal of permits and leases, on the public land withdrawn by subsection (a)(1), consistent with all applicable laws (including regulations) and policies of the Secretary of the Interior relating to the permits and leases.

(2) SAFETY REQUIREMENTS.—With respect to any grazing permit or lease issued after the date of enactment of this Act for land withdrawn by subsection (a)(1), the Secretary of the Interior and the Secretary of the Army shall jointly establish procedures that—

(A) are consistent with Department of the Army explosive and range safety standards; and

(B) provide for the safe use of the withdrawn land.

(3) ASSIGNMENT.—The Secretary of the Interior may, with the agreement of the Secretary of the Army, assign the authority to issue and to administer grazing permits and leases to the Secretary of the Army, except

that the assignment may not include the authority to discontinue grazing on the land withdrawn by subsection (a)(1).

(e) DURATION OF WITHDRAWAL AND RESERVATION.—The withdrawal of public land by subsection (a)(1) shall terminate on March 31, 2039.

**SEC. 2883. CHOCOLATE MOUNTAIN, CALIFORNIA.**

(a) WITHDRAWAL AND RESERVATION.—

(1) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this section, the public land (including the interests in land) described in paragraph (2), and all other areas within the boundary of the land depicted on the map described in that paragraph that become subject to the operation of the public land laws, is withdrawn from all forms of appropriation under the public land laws (including the mining laws, the mineral leasing laws, and the geothermal leasing laws).

(2) DESCRIPTION OF LAND.—The public land (including the interests in land) referred to in paragraph (1) is the Federal land comprising approximately 228,324 acres in Imperial and Riverside Counties, California, generally depicted on the map entitled ''Chocolate Mountain Aerial Gunnery Range—Administration's Land Withdrawal Legislative Proposal Map'', dated October 30, 2013, and filed in accordance with section 2862.

(3) RESERVATION.—The land withdrawn by paragraph (1) is reserved for use by the Secretary of the Navy for the following purposes:

(A) Testing and training for aerial bombing, missile firing, tactical maneuvering, and air support.

(B) Small unit ground forces training, including artillery firing, demolition activities, and small arms field training.

(C) Other defense-related purposes consistent with the purposes that are—

(i) described in subparagraphs (A) and (B); and

(ii) authorized under section 2864.

(b) MANAGEMENT OF WITHDRAWN AND RESERVED LAND.—

(1) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—Except as provided in paragraph (2), during the period of the withdrawal and reservation of land by this section, the Secretary of the Interior shall manage the land withdrawn and reserved by this section in accordance with—

(A) this subtitle;

(B) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(C) any other applicable law.

(2) ASSIGNMENT OF MANAGEMENT TO THE SECRETARY OF THE NAVY.—

(A) IN GENERAL.—The Secretary of the Interior may assign the management responsibility, in whole or in part, for the land withdrawn and reserved by this section to the Secretary of the Navy.

(B) ACCEPTANCE.—If the Secretary of the Navy accepts the assignment of responsibility under subparagraph (A), the Secretary of the Navy shall manage the land in accordance with—

(i) this subtitle;

(ii) title I of the Sikes Act (16 U.S.C. 670a et seq.); and

(iii) any other applicable law.

(3) IMPLEMENTING AGREEMENT.—The Secretary of the Interior and the Secretary of the Navy may enter into a written agreement—

(A) that implements the assignment of management responsibility under paragraph (2);

(B) the duration of which shall be equal to the period of the withdrawal and reservation of the land under this section; and

(C) that may be amended from time to time.

(4) ACCESS AGREEMENT.—The Secretary of the Interior and the Secretary of the Navy may enter into a written agreement to address access to and maintenance of Bureau of Reclamation facilities located within the boundary of the Chocolate Mountain Aerial Gunnery Range.

(c) ACCESS.—Notwithstanding section 2863, the land withdrawn and reserved by this section (other than the land comprising the Bradshaw Trail) shall be—

(1) closed to the public and all uses (other than the uses authorized by subsection (a)(3) or under section 2864); and

(2) subject to any conditions and restrictions that the Secretary of the Navy determines to be necessary to prevent any interference with the uses authorized by subsection (a)(3) or under section 2864.

(d) DURATION OF WITHDRAWAL AND RESERVATION.—The withdrawal and reservation made by this section terminates on March 31, 2039.

**SEC. 2884. TWENTYNINE PALMS, CALIFORNIA.**

(a) WITHDRAWAL AND RESERVATION.—

(1) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this section, the public land (including the interests in land) described in paragraph (2), and all other areas within the boundary of the land depicted on the map described in that paragraph that may become subject to the operation of the public land laws, is withdrawn from all forms of appropriation under the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws.

(2) DESCRIPTION OF LAND.—The public land (including the interests in land) referred to in paragraph (1) is the Federal land comprising approximately 150,928 acres in San Bernardino County, California, generally depicted on the map entitled ''MCAGCC 29 Palms Expansion Map'', dated November 13, 2013 (3 sheets), and filed in accordance with section 2862, which are divided into the following 2 areas:

(A) The Exclusive Military Use Area, divided into 4 areas, consisting of—

(i) 1 area to the west of the Marine Corps Air Ground Combat Center, consisting of approximately 91,293 acres;

(ii) 1 area south of the Marine Corps Air Ground Combat Center, consisting of approximately 19,704 acres; and

(iii) 2 other areas, each measuring approximately 300 meters square (approximately 22 acres), located inside the boundaries of the Shared Use Area described in subparagraph (B), totaling approximately 44 acres.

(B) The Shared Use Area, consisting of approximately 40,931 acres.

(3) RESERVATION FOR SECRETARY OF THE NAVY.—The land withdrawn by paragraph (2)(A) is reserved for use by the Secretary of the Navy for the following purposes:

(A) Sustained, combined arms, live-fire, and maneuver field training for large-scale Marine air ground task forces.

(B) Individual and unit live-fire training ranges.

(C) Equipment and tactics development.

(D) Other defense-related purposes that are—

(i) consistent with the purposes described in subparagraphs (A) through (C); and

(ii) authorized under section 2864.

(4) RESERVATION FOR SECRETARY OF THE INTERIOR.—The land withdrawn by paragraph (2)(B) is reserved—

(A) for use by the Secretary of the Navy for the purposes described in paragraph (3); and

(B) for use by the Secretary of the Interior for the following purposes:

(i) Public recreation—

(I) during any period in which the land is not being used for military training; and

(II) as determined to be suitable for public use.

(ii) Natural resources conservation.

(b) MANAGEMENT OF WITHDRAWN AND RESERVED LAND.—

(1) MANAGEMENT BY THE SECRETARY OF THE NAVY.—Except as provided in paragraph (2), during the period of withdrawal and reservation of land by this section, the Secretary of the Navy shall manage the land withdrawn and reserved by this section for the purposes described in subsection (a)(3), in accordance with—

(A) an integrated natural resources management plan prepared and implemented under title I of the Sikes Act (16 U.S.C. 670a et seq.);

(B) this subtitle;

(C) a programmatic agreement between the Marine Corps and the California State Historic Preservation Officer regarding operation, maintenance, training, and construction at the United States Marine Air Ground Task Force Training Command, Marine Corps Air Ground Combat Center, Twentynine Palms, California; and

(D) any other applicable law.

(2) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—

(A) IN GENERAL.—Except as provided in subparagraph (B), during the period of withdrawal and reservation of land by this section, the Secretary of the Interior shall manage the area described in subsection (a)(2)(B).

(B) EXCEPTION.—Twice a year during the period of withdrawal and reservation of land by this section, there shall be a 30-day period during which the Secretary of the Navy shall—

(i) manage the area described in subsection (a)(2)(B); and

(ii) exclusively use the area described in subsection (a)(2)(B) for military training purposes.

(C) APPLICABLE LAW.—The Secretary of the Interior, during the period of the management by the Secretary of the Interior under subparagraph (A), shall manage the area described in subsection (a)(2)(B) for the purposes described in subsection (a)(4), in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(ii) any other applicable law.

(D) SECRETARY OF THE NAVY.—

(i) IN GENERAL.—The Secretary of the Navy, during the period of the management by the Secretary of the Navy under subparagraph (A), shall manage the area described in subsection (a)(2)(B) for the purposes described in subsection (a)(3), in accordance with—

(I) an integrated natural resources management plan prepared and implemented in accordance with title I of the Sikes Act (16 U.S.C. 670a et seq.);

(II) this subtitle;

(III) the programmatic agreement described in paragraph (1)(C); and

(IV) any other applicable law.

(ii) LIMITATION.—The Department of the Navy shall not fire dud-producing ordnance onto the land withdrawn by subsection (a)(2)(B).

(3) PUBLIC ACCESS.—

(A) IN GENERAL.—Notwithstanding section 2863, the area described in subsection (a)(2)(A) shall be closed to all public access unless otherwise authorized by the Secretary of the Navy.

(B) PUBLIC RECREATIONAL USE.—

(i) IN GENERAL.—The area described in subsection (a)(2)(B) shall be open to public recreational use during the period in which the area is under the management of the Secretary of the Interior, if there is a determination by the Secretary of the Navy that the area is suitable for public use.

(ii) DETERMINATION.—A determination of suitability under clause (i) shall not be withheld without a specified reason.

(C) RESOURCE MANAGEMENT GROUP.—

(i) IN GENERAL.—The Secretary of the Navy and the Secretary of the Interior, by agreement, shall establish a Resource Management Group comprised of representatives of the Departments of the Interior and Navy.

(ii) DUTIES.—The Resource Management Group established under clause (i) shall—

(I) develop and implement a public outreach plan to inform the public of the land uses changes and safety restrictions affecting the land; and

(II) advise the Secretary of the Interior and the Secretary of the Navy with respect to the issues associated with the multiple uses of the area described in subsection (a)(2)(B).

(iii) MEETINGS.—The Resource Management Group established under clause (i) shall—

(I) meet at least once a year; and

(II) solicit input from relevant State agencies, private off-highway vehicle interest groups, event managers, environmental advocacy groups, and others relating to the management and facilitation of recreational use within the area described in subsection (a)(2)(B).

(D) MILITARY TRAINING.—

(i) NOT CONDITIONAL.—Military training within the area described in subsection (a)(2)(B) shall not be conditioned on, or precluded by—

(I) the lack of a recreation management plan or land use management plan for the area described in subsection (a)(2)(B) developed and implemented by the Secretary of the Interior; or

(II) any legal or administrative challenge to a recreation management plan or land use plan developed under subclause (I).

(ii) MANAGEMENT.—The area described in subsection (a)(2)(B) shall be managed in a manner that does not compromise the ability of the Department of the Navy to conduct military training in the area.

(4) IMPLEMENTATION AGREEMENT.—

(A) IN GENERAL.—The Secretary of the Interior and the Secretary of the Navy shall enter into a written agreement to implement the management responsibilities of the respective Secretaries with respect to the area described in subsection (a)(2)(B).

(B) COMPONENTS.—The agreement entered into under subparagraph (A)—

(i) shall be of a duration that is equal to the period of the withdrawal and reservation of land under this section;

(ii) may be amended from time to time;

(iii) may provide for the integration of the management plans required of the Secretary of the Interior and the Secretary of the Navy by this section;

(iv) may provide for delegation to civilian law enforcement personnel of the Department of the Navy of the authority of the Secretary of the Interior to enforce the laws relating to protection of natural and cultural resources and fish and wildlife; and

(v) may provide for the Secretary of the Interior and the Secretary of the Navy to share resources so as to most efficiently and effectively manage the area described in subsection (a)(2)(B).

(5) JOHNSON VALLEY OFF-HIGHWAY VEHICLE RECREATION AREA.—

(A) DESIGNATION.—The following areas are designated as the ''Johnson Valley Off-Highway Vehicle Recreation Area'':

(i) Approximately 45,000 acres (as depicted on the map referred to in subsection (a)(2)) of the existing Bureau of Land Management-designated Johnson Valley Off-Highway Vehicle Area that is not withdrawn and reserved for defense-related uses by this section.

(ii) The area described in subsection (a)(2)(B).

(B) AUTHORIZED ACTIVITIES.—To the extent consistent with applicable Federal law (including regulations) and this section, any authorized recreation activities and use designation in effect on the date of enactment of this Act and applicable to the Johnson Valley Off-Highway Vehicle Recreation Area may continue, including casual off-highway vehicular use and recreation.

(C) ADMINISTRATION.—The Secretary of the Interior shall administer the Johnson Valley Off-Highway Vehicle Recreation Area (other than the portion of the area described in subsection (a)(2)(B) that is being managed in accordance with the other provisions of this section), in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(ii) any other applicable law.

(D) TRANSIT.—In coordination with the Secretary of the Interior, the Secretary of the Navy may authorize transit through the Johnson Valley Off-Highway Vehicle Recreation Area for defense-related purposes supporting military training (including military range management and management of exercise activities) conducted on the land withdrawn and reserved by this section.

(c) DURATION OF WITHDRAWAL AND RESERVATION.—The withdrawal and reservation made by this section terminate on March 31, 2039.

**SEC. 2885. WHITE SANDS MISSILE RANGE AND FORT BLISS.**

(a) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights and paragraph (3), the Federal land described in paragraph (2) is withdrawn from—

(A) entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) DESCRIPTION OF FEDERAL LAND.—The Federal land referred to in paragraph (1) consists of—

(A) the approximately 5,100 acres of land depicted as ''Parcel 1'' on the map entitled ''White Sands Missile Range/Fort Bliss/BLM Land Transfer and Withdrawal'' and dated April 3, 2012 (referred to in this section as the ''map'');

(B) the approximately 37,600 acres of land depicted as ''Parcel 2'', ''Parcel 3'', and ''Parcel 4'' on the map; and

(C) any land or interest in land that is acquired by the United States within the boundaries of the parcels described in subparagraph (B).

(3) LIMITATION.—Notwithstanding paragraph (1), the land depicted as ''Parcel 4'' on the map is not withdrawn for purposes of the issuance of oil and gas pipeline rights-of-way.

(b) RESERVATION.—The Federal land described in subsection (a)(2)(A) is reserved for use by the Secretary of the Army for military purposes in accordance with Public Land Order 833, dated May 27, 1952 (17 Fed. Reg. 4822).

(c) REVOCATION OF WITHDRAWAL.—Effective on the date of enactment of this Act—

(1) Public Land Order 833, dated May 21, 1952 (17 Fed. Reg. 4822), is revoked with respect to the approximately 2,050 acres of land generally depicted as ''Parcel 2'' on the map; and

(2) the land described in paragraph (1) shall be managed by the Secretary of the Interior as public land, in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) any other applicable laws.

**SA 2283.** Mrs. GILLIBRAND (for herself and Mr. KIRK) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

**SEC. 237. UNITED STATES-ISRAEL MISSILE DEFENSE COOPERATION.**

(a) FINDINGS.—Congress makes the following findings:

(1) The State of Israel remains under the threat of continuing attack from missiles, rockets, and mortars fired at Israel by militants from terrorist organizations on its southern border and by Hezbollah on its northern border, which have killed and wounded many innocent Israeli civilians. Israel also faces significant ballistic missile threats from Iran and Syria.

(2) The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) expressed the sense of Congress that the United States should have an active program of ballistic missile defense cooperation with Israel, and should take steps to improve the coordination, interoperability, and integration of United States and Israeli missile defense capabilities, and to enhance the capability of both nations to defend against ballistic missile threats present in the Middle East region.

(3) The United States-Israel Enhanced Security Cooperation Act of 2012 (22 U.S.C. 8601 et seq.) states the policy of the United States to support the inherent right of Israel to self-defense and expresses the sense of Congress that the United States Government should provide the Government of Israel such support as may be necessary to increase development and production of joint missile defense systems, particularly such systems that defend against the urgent threat posed to Israel and United States forces in the region.

(4) It is central to the national security interests of the United States to support Israel's ability to defend itself against missiles and rockets, including through joint cooperation on the Arrow Weapon System (with Arrow–2 and Arrow–3 interceptors) and the David's Sling Weapons System, along with continued support for the Iron Dome short-range rocket defense system.

(5) The Arrow Weapon System, deployed with the Arrow–2 interceptor jointly developed by Israel and the United States, has been operational since 2000 and defends Israel against medium-range ballistic missiles.

(6) The Arrow–3 interceptor, being jointly developed by the United States and Israel, is designed to intercept ballistic missiles with nuclear or chemical warheads at high altitude. The Arrow–3 interceptor completed a successful fly-out test in February 2013.

(7) The David's Sling Weapon System, being jointly developed by the United States and Israel, is designed to intercept short-range ballistic missiles, medium-range and long-range rockets, and cruise missiles. The David's Sling Weapon System successfully intercepted an inert medium-range rocket target in a November 2012 test.

(8) The Israeli Defense Forces report that, during Operation Pillar of Defense in November 2012, the Iron Dome short-range rocket defense system achieved a success rate of about 85 percent against rockets bound for

Israeli population centers and infrastructure, thus averting large-scale casualties in Israel and enhancing Israel's operational flexibility during the conflict.

(9) Continued missile defense cooperation between the United States and Israel will further develop and enhance the missile defense capability, and thus the security, of both the United States and Israel.

(b) SENSE OF CONGRESS.—Congress—

(1) reaffirms its commitment to the security of our strategic partner Israel;

(2) supports maintenance of an active program of ballistic missile defense cooperation with Israel;

(3) supports efforts to enhance the capability of both the United States and Israel to defend against ballistic missile threats present in the Middle East region; and

(4) urges the Department of Defense to take all appropriate steps as may be necessary to improve the coordination, interoperability, and integration of United States and Israeli missile defense capabilities.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the status of missile defense cooperation between the United States and Israel.

(2) ELEMENTS.—The report under this subsection shall include the following:

(A) A description of the current program of ballistic missile defense cooperation between the United States and Israel, including its objectives and results to date.

(B) A description of the actions taken within the previous year to improve the coordination, interoperability, and integration of the missile defense capabilities of the United States and Israel.

(C) A description of the actions planned to be taken by the Government of the United States and the Government Israel over the next year to improve the coordination, interoperability, and integration of their missile defense capabilities.

(D) A description of the joint efforts of the United States and Israel to develop ballistic missile defense technologies and capabilities.

(E) A description of the joint missile defense exercises and training that have been conducted by the United States and Israel, and the lessons learned from those exercises.

(F) A description of the cooperation by the United States and Israel in sharing ballistic missile threat assessments.

(G) Any other matters the Secretary considers appropriate.

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**SA 2284.** Mr. DONNELLY (for himself, Mr. CRUZ, Mr. LEAHY, Mr. BLUNT, Mr. BEGICH, Mr. PRYOR, Mr. SCHATZ, Mr. BENNET, Mr. JOHANNS, Mr. MENENDEZ, Mr. BOOZMAN, Ms. HEITKAMP, Mr. CHAMBLISS, and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. TIERED PREFERENCE ELIGIBILITY FOR MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES.**

(a) SHORT TITLE.—This section may be cited as the ''Military Reserve Jobs Act of 2013''.

(b) PREFERENCE ELIGIBILITY FOR MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES.—Section 2108 of title 5, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (G)(iii), by striking ''and'' at the end;

(B) in subparagraph (H), by adding ''and'' at the end; and

(C) by inserting after subparagraph (H) the following:

''(I) a qualified reservist;'';

(2) in paragraph (4), by striking ''and'' at the end;

(3) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(6) 'qualified reservist' means an individual who is a member of a reserve component of the Armed Forces on the date of the applicable determination—

''(A) who—

''(i) has completed at least 4 years of service in a reserve component of the Armed Forces; and

''(ii) in each year of service in a reserve component of the Armed Forces, was credited with at least 50 points under section 12732 of title 10; or

''(B) who—

''(i) has completed at least 10 years of service in a reserve component of the Armed Forces; and

''(ii) in each year of service in a reserve component of the Armed Forces, was credited with at least 50 points under section 12732 of title 10; and

''(7) 'reserve component of the Armed Forces' means a reserve component specified in section 101(27) of title 38.''.

(c) TIERED HIRING PREFERENCE FOR MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES.—Section 3309 of title 5, United States Code, is amended—

(1) in paragraph (1), by striking ''and'' at the end; and

(2) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(3) a preference eligible described in section 2108(6)(B) - 4 points; and

''(4) a preference eligible described in section 2108(6)(A) - 3 points.''.

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**SA 2285.** Mr. WARNER (for himself, Ms. COLLINS, Mr. KAINE, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 511 and insert the following:

**SEC. 511. EXPANSION AND ENHANCEMENT OF AUTHORITIES RELATING TO PROTECTED COMMUNICATIONS OF MEMBERS OF THE ARMED FORCES AND PROHIBITED RETALIATORY ACTIONS.**

(a) EXPANSION OF PROHIBITED RETALIATORY PERSONNEL ACTIONS.—Subsection (b) of section 1034 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting ''or being perceived as making or preparing'' after ''making or preparing'';

(B) in subparagraph (A), by striking ''or'' at the end;

(C) in subparagraph (B)—

(i) in clause (i), by inserting ''or a representative of a Member of Congress'' after ''a Member of Congress'';

(ii) in clause (iv), by striking ''or'' at the end;

(iii) by redesignating clause (v) as clause (vi);

(iv) by inserting after clause (v) the following new clause (v):

''(v) a court, grand jury, or court-martial proceeding, or an authorized official of the Department of Justice or another law enforcement agency; or''; and

(v) in clause (vi), as redesignated by clause (iii) of this subparagraph, by striking the period at the end and inserting ''; or''; and

(D) by adding at the end the following new subparagraph:

''(C) testimony, or otherwise participating in or assisting in an investigation or proceeding related to a communication under subparagraph (A) or (B), or filing, causing to be filed, participating in, or otherwise assisting in an action brought under this section.''; and

(2) in paragraph (2), by inserting after ''any favorable action'' the following: '', or a significant change in a members duties or responsibilities not commensurate with the member's grade''.

(b) INSPECTOR GENERAL INVESTIGATIONS OF ALLEGATIONS.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking ''paragraph (3)'' and inserting ''paragraph (4)'';

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively;

(3) by inserting after paragraph (2) the following new paragraph (3):

''(3) A communication described in paragraph (2) shall not be excluded from the protections provided in this section because—

''(A) the communication was made to a person who participated in an activity that the member reasonably believed to be covered by paragraph (2);

''(B) the communication revealed information that had previously been disclosed;

''(C) of the member's motive for making the communication;

''(D) the communication was not made in writing;

''(E) the communication was made while the member was off duty; and

''(F) the communication was made during the normal course of duties of the member.'';

(4) in paragraph (4), as so redesignated, by striking ''subsection (h)'' each place it appears and inserting ''subsection (j)'';

(5) in paragraph (5), as so redesignated—

(A) by striking ''paragraph (3)(A)'' and inserting ''paragraph (4)(A)'';

(B) by striking ''paragraph (3)(D)'' and inserting ''paragraph (4)(D)''; and

(C) by striking ''60 days'' and inserting ''one year''; and

(6) in paragraph (6), as so redesignated, by striking ''outside the immediate chain of command'' and all that follows and inserting ''both of the following:

''(A) Outside the immediate chain of command of both the member submitting the allegation and the individual or individuals alleged to have taken the retaliatory action.

''(B) At least one organization higher in the chain of command than the organization of the member submitting the allegation and the individual or individuals alleged to have taken the retaliatory action.''.

(c) INSPECTOR GENERAL INVESTIGATIONS OF UNDERLYING ALLEGATIONS.—Subsection (d) of such section is amended by striking ''subparagraph (A) or (B) of subsection (c)(2)'' and inserting ''subparagraph (A), (B), or (C) of subsection (c)(2)''.

(d) REPORTS ON INVESTIGATIONS.—Subsection (e) of such section is amended—

(1) in paragraph (1)—

(A) by striking ''subsection (c)(3)(E)'' both places it appears and inserting ''subsection (c)(4)(E)'';

(B) by inserting ''and the Secretary of the military department concerned'' after ''the Secretary of Defense''; and

(C) by striking ''to the Secretary,'' and inserting ''to such Secretaries,''; and

(2) in paragraph (3), by inserting ''and the Secretary of the military department concerned'' after ''the Secretary of Defense''.

(e) ACTION IN CASE OF VIOLATIONS.—Such section is further amended—

(1) by redesignating subsections (f), (g), (h), and (i) as subsections (g), (h), (i), and (j), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) ACTION IN CASE OF VIOLATIONS.—(1) Not later than 30 days after receiving a report from the Inspector General under subsection (e), the Secretary of Homeland Security or the Secretary of the military department concerned, as applicable, shall determine whether there is sufficient basis to conclude whether a personnel action prohibited by subsection (b) has occurred, and, if so, shall order such action as is necessary to correct the record of a personnel action prohibited by subsection (b). Such Secretary shall take any appropriate disciplinary action against the individual who committed such prohibited personnel action.

''(2) If the Secretary of Homeland Security or the Secretary of the military department concerned, as applicable, determines that an order for corrective or disciplinary action is not appropriate, not later than 30 days after making the determination, such Secretary shall—

''(A) provide to the Secretary of Defense and the member or former member, a notice of the determination and the reasons for not taking action; and

''(B) refer the report to the appropriate board for the correction of military records for further review under subsection (g).''.

(f) CORRECTION OF RECORDS.—Subsection (g) of such section, as redesignated by subsection (e)(1) of this section, is further amended—

(1) in paragraph (1), by adding at the end the following new sentence: ''In a case referred to the Board by the Secretary of Homeland Security or the Secretary of a military Department pursuant to subsection (f), the Board shall review the matter.''; and

(2) in paragraph (3), by striking ''board elects to hold'' in the matter preceding subparagraph (A) and inserting ''board holds''.

(g) REVIEW.—Subsection (h) of such section, as redesignated by subsection (e)(1) of this section, is further amended by striking ''subsection (f)'' and inserting ''subsection (g)''.

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**SA 2286.** Mr. COONS (for himself and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. CREDIT FOR CERTAIN SUBCONTRACTORS.**

(a) IN GENERAL.—Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

''(16) CREDIT FOR CERTAIN SUBCONTRACTOR.—

''(A) IN GENERAL.—For purposes of determining whether a prime contractor has attained the percentage goals specified in paragraph (6)—

''(i) if the subcontracting goals pertain only to a single contract with an executive agency, the prime contractor shall receive credit for a small business concern performing as a first tier subcontractor or a subcontractor at any tier under the subcontracting plans required under paragraph (6)(D), in an amount equal to the dollar value of work awarded to the small business concern; and

''(ii) if the subcontracting goals pertain to more than 1 contract with 1 or more executive agencies, or to 1 contract with more than 1 executive agency, the prime contractor shall only receive credit for a small business concern that is a first tier subcontractor, in an amount equal to the dollar value of work awarded to the small business concern.

''(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to limit the responsibility of a prime contractor to provide the maximum practicable opportunities for participation by small business concerns as first tier subcontractors.''

(b) DEFINITIONS PERTAINING TO SUBCONTRACTING.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

''(dd) DEFINITIONS PERTAINING TO SUBCONTRACTING.—In this Act:

''(1) AT ANY TIER.—The term 'at any tier' means any subcontractor that is not a first tier subcontractor.

''(2) FIRST TIER SUBCONTRACTOR.—The term 'first tier subcontractor' means a subcontractor who has a subcontract directly with the prime contractor.

''(3) SUBCONTRACT.—The term 'subcontract' means a legally binding agreement between a contractor that is already under contract to another party to perform work, and a third party, for the third party to perform a part, or all, of the work that the contractor has undertaken.

''(4) SUBCONTRACTOR.—The term 'subcontractor' means any a third party entering a subcontract.''.

(c) IMPLEMENTATION AND EFFECTIVE DATE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Small Business Administration, the Secretary of Defense, and the Administrator of General Services shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Armed Services of the Senate and the Committee on Small Business and the Committee on Armed Services of the House of Representatives a plan to—

(A) implement this section and the amendments made by this section; and

(B) ensure that the appropriate tracking mechanisms are in place to enable transparency of subcontracting activities at all tiers.

(2) COMPLETION.—Not later 180 days after the date on which the plan described in paragraph (1) is submitted, the Administrator of the Small Business Administration, the Secretary of Defense, and the Administrator of General Services shall complete the actions required by the plan.

(3) REGULATIONS.—Not later than 1 year after the date on which the actions required under the plan described in paragraph (1) are completed, the Administrator of the Small Business Administration and the Federal Acquisition Council shall promulgate any regulations necessary to implement this section and the amendments made by this section.

(4) APPLICATION.—Any regulations promulgated under paragraph (3) shall not apply to any contract entered into before the first day of the first full fiscal year after the date on which the regulations are promulgated.

(d) GAO STUDY ON SUBCONTRACTING REPORTING SYSTEMS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report studying the feasibility of using Federal subcontracting reporting systems (including the Federal subaward reporting system required by section 2 of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note) and any electronic subcontracting reporting award system used by the Small Business Administration) to attribute subcontractors to particular contracts in the case of contractors that have subcontracting plans under section 8(d) of the Small Business Act that pertain to multiple contracts with executive agencies.

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**SA 2287.** Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes ; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

**SEC. 237. PROHIBITION ON INTEGRATION OF CHINESE MISSILE DEFENSE SYSTEMS INTO UNITED STATES MISSILE DEFENSE SYSTEMS.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that missile defense systems of the People's Republic of China should not be integrated into the missile defense systems of the United States or the North Atlantic Treaty Organization.

(b) FUNDING PROHIBITION.—None of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2014 for the Department of Defense may be obligated or expended to integrate missile defense systems of the People's Republic of China into United States missile defense systems.

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**SA 2288.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

**SEC. 2815. LAND CONVEYANCE, CAMP WILLIAMS, UTAH.**

(a) CONVEYANCE REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Interior, acting through the Bureau of Land Management, shall convey, without consideration, to the State of Utah all right, title, and interest of the United States in and to certain lands comprising approximately 420 acres, as generally depicted on a map entitled ''Proposed Camp Williams Land Transfer'' and dated June 14, 2011, which are located within the boundaries of the public lands currently

withdrawn for military use by the Utah National Guard and known as Camp Williams, Utah, for the purpose of permitting the Utah National Guard to use the conveyed land for National Guard and national defense purposes.

(b) SUPERSEDENCE OF EXECUTIVE ORDER.—Executive Order No. 1922 of April 24, 1914, as amended by section 907 of the Camp W.G. Williams Land Exchange Act of 1989 (title IX of Public Law 101–628; 104 Stat. 4501), is hereby superseded, only insofar as it affects the lands identified for conveyance to the State of Utah under subsection (a).

(c) REVERSIONARY INTEREST.—The lands conveyed to the State of Utah under subsection (a) shall revert to the United States if the Secretary of Defense determines that the land, or any portion thereof, is sold or attempted to be sold, or that the land, or any portion thereof, is used for non-National Guard or non-national defense purposes.

(d) HAZARDOUS MATERIALS.—With respect to any portion of the land conveyed under subsection (a) that the Secretary of Defense determines is subject to reversion under subsection (c), if the Secretary of Defense also determines that the portion of the conveyed land contains hazardous materials, the State of Utah shall pay the United States an amount equal to the fair market value of that portion of the land, and the reversionary interest shall not apply to that portion of the land.

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**SA 2289.** Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. RELEASE OF REPORT ON ENERGY AND COST SAVINGS IN NONBUILDING APPLICATIONS.**

Not later than 15 days after the date of enactment of this Act, the Secretary of Energy and the Secretary of Defense shall jointly publish on a public website and otherwise make available to the public the report on the results of the study of energy and cost savings in nonbuilding applications required under section 518(b) of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1660).

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**SA 2290.** Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXVIII, add the following:

**SEC. 2815. LONG-TERM ENERGY SAVINGS CONTRACTS.**

(a) DEPARTMENT OF DEFENSE.—Section 2913(d) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting ''for up to 25 years'' after ''enter into agreements''; and

(2) by adding at the end the following new paragraph:

''(5) An agreement entered into under this subsection shall include requirements for measurement, verification, and performance assurances or guarantees of energy savings.''.

(b) OTHER AGENCIES.—Section 546(c) of the National Energy Conservation Policy Act (42 U.S.C. 8256(c)) is amended—

(1) in paragraph (3), by inserting ''with agreements for up to 25 years'' after ''conservation incentive programs''; and

(2) by adding at the end the following new paragraph:

''(5) Any agreement entered into under paragraph (3) shall include requirements for measurement, verification, and performance assurances or guarantees of energy savings.''.

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**SA 2291.** Mr. MANCHIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

**SEC. 573. NOTICE TO COMMANDING OFFICERS ON CHILD ABUSE COMMITTED BY MEMBERS OF THE ARMED FORCES.**

Section 1794 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g) NOTICE TO COMMANDING OFFICERS ON CHILD ABUSE COMMITTED BY MEMBERS.—Notice on an incident of child abuse committed by a member of the armed forces shall be submitted to an officer in grade O–6 in the chain of command of the member.''.

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**SA 2292.** Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1054. PROHIBITION RELATING TO TOBACCO PRODUCTS.**

(a) FINDINGS.—Congress makes the following findings:

(1) Tobacco use by military personnel has two major economic effects on the Department of Defense, the cost of health care for military personnel (active-duty, retired, and dependents), and the cost of lost productivity.

(2) The Department of Defense spends over $1,600,000,000 a year on tobacco-related medical care, increased hospitalization, and lost days of work (according to Department of Defense figures for 2008).

(3) Over the next 10 years, the net present value of preventable smoking-attributable health-care expenditures is $19,685,000,000 for the entire population of veterans, an average of $21,444 for each current veteran smoker.

(4) The cost of treating individuals for tobacco-related diseases in the TRICARE system is estimated to be over $500,000,000 per year (or 4 percent of the total TRICARE budget) for medical care and $346,000,000 in lost productivity. These expenses are primarily for care of individuals who had cardiovascular disease or respiratory problems. Other tobacco related costs included treatment of cancer, cerebrovascular diseases, and newborn health complications.

(5) In 2008, the Department of Veterans Affairs spent over $5,000,000,000 to treat chronic obstructive pulmonary disease. More than 80 percent of chronic obstructive pulmonary disease is attributed to smoking.

(6) The Department of Veterans Affairs spent an additional 1,300,000,000 in 2008 on arteriosclerosis, another smoking-related disease.

(7) Tobacco use has been implicated in higher dropout rates during and after basic training, poorer visual acuity, and a higher rate of absenteeism in active-duty military personnel in addition to a multitude of health problems.

(8) Military retirees and their dependents incur greater tobacco-related health costs than do active-duty members of the military or their dependents.

(9) Over 9,200 hospital-bed days for active-duty personnel were attributed to tobacco-related diseases, or about 10 percent of the total Department of Defense hospital-bed days and 1.5 percent of all active-duty hospital-bed days (Helyer et al., 1998).

(10) Tobacco-related medical costs amounted to $20,000,000 in a 1997 Centers for Disease Control and Prevention study of smoking in active-duty Air Force personnel, or 6 percent of total Air Force medical system expenditures (2000).

(11) A 2007 study (Dall et al) calculated that moderate to heavy smoking was associated with greater absenteeism in the TRICARE Prime enrolled population, 356,000 full time equivalent days were lost per year, and 30,000 full time equivalent days were lost as a result of below-normal work performance.

(12) The Centers for Disease Control and Prevention has determined the following mortality rates :

(A) Cigarette smoking is associated with about one of every five deaths in the United States each year.

(B) Cigarette smoking is associated with more than 440,000 deaths annually (including deaths from secondhand smoke).

(C) Life expectancy for smokers is at least 10 years shorter than for nonsmokers.

(b) PROHIBITION.—The Secretary of Defense shall promulgate regulations to prohibit the sale of discounted tobacco products in any commissary store or exchange store under the commissary system and the exchange system operated under chapter 147 of title 10, United States Code.

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**SA 2293.** Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title V, add the following:

**SEC. 502. DEMONSTRATION PROGRAM ON ACCESSION OF CANDIDATES WITH AUDITORY IMPAIRMENTS AS AIR FORCE OFFICERS.**

(a) DEMONSTRATION PROGRAM REQUIRED.—Beginning not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall carry out a demonstration program to assess the feasibility and advisability of permitting individuals with auditory impairments (including

deafness) to access as officers of the Air Force.

(b) CANDIDATES.—

(1) NUMBER OF CANDIDATES.—The total number of individuals with auditory impairments who may participate in the demonstration program shall be not fewer than 15 individuals or more than 20 individuals.

(2) MIX AND RANGE OF AUDITORY IMPAIRMENTS.—The individuals who participate in the demonstration program shall include individuals who are deaf and individuals who have a range of other auditory impairments.

(3) QUALIFICATION FOR ACCESSION.—Any individual who is chosen to participate in the demonstration program shall meet all essential qualifications for accession as an officer in the Air Force, other than those related to having an auditory impairment.

(c) SELECTION OF PARTICIPANTS.—

(1) IN GENERAL.—The Secretary of the Air Force shall—

(A) publicize the demonstration program nationally, including to individuals who have auditory impairments and would be otherwise qualified for officer training;

(B) create a process whereby interested individuals can apply for the demonstration program; and

(C) select the participants for the demonstration program, from among the pool of applicants, based on the criteria in subsection (b).

(2) NO PRIOR SERVICE AS AIR FORCE OFFICERS.—Participants selected for the demonstration program shall be individuals who have not previously served as officers in the Air Force.

(d) BASIC OFFICER TRAINING.—

(1) IN GENERAL.—The participants in the demonstration program shall undergo, at the election of the Secretary of the Air Force, the Basic Officer Training course or the Commissioned Officer Training course at Maxwell Air Force Base, Alabama.

(2) NUMBER OF PARTICIPANTS.—Once individuals begin participating in the demonstration program, each Basic Officer Training course or Commissioned Officer Training course at Maxwell Air Force Base, Alabama, shall include not fewer than 4, or more than 6, participants in the demonstration program until all participants have completed such training.

(3) AUXILIARY AIDS AND SERVICES.—The Secretary of Defense shall ensure that participants in the demonstration program have the necessary auxiliary aids and services (as that term is defined in section 4 of the Americans With Disabilities Act of 1990 (42 U.S.C. 12103)) in order to fully participate in the demonstration program.

(e) COORDINATION.—

(1) SPECIAL ADVISOR.—The Secretary of the Air Force shall designate a special advisor to the demonstration program to act as a resource for participants in the demonstration program, as well as a liaison between participants in the demonstration program and those providing the officer training.

(2) QUALIFICATIONS.—The special advisor shall be a member of the Armed Forces on active duty—

(A) who—

(i) if a commissioned officer, shall be in grade O–3 or higher; or

(ii) if an enlisted member, shall be in grade E–5 or higher; and

(B) who is knowledgeable about issues involving, and accommodations for, individuals with auditory impairments (including deafness).

(3) RESPONSIBILITIES.—The special advisor shall be responsible for facilitating the officer training for participants in the demonstration program, intervening and resolving issues and accommodations during the training, and such other duties as the Secretary of the Air Force may assign to facilitate the success of the demonstration program and participants.

(f) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the appropriate committees of Congress a report on the demonstration program. The report shall include the following:

(1) A description of the demonstration program and the participants in the demonstration program.

(2) The outcome of the demonstration program, including—

(A) the number of participants in the demonstration program that successfully completed the Basic Officer Training course or the Commissioned Officer Training course;

(B) the number of participants in the demonstration program that were recommended for continued military service;

(C) the issues that were encountered during the program; and

(D) such recommendation for modifications to the demonstration program as the Secretary considers appropriate to increase further inclusion of individuals with auditory disabilities serving as officers in the Air Force or other Armed Forces.

(3) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the demonstration program.

(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

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**SA 2294.** Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. REPORTING ON GOALS FOR PROCUREMENT CONTRACTS AWARDED TO SMALL BUSINESS CONCERNS.**

Section 15(h)(1) of the Small Business Act (15 U.S.C. 644(h)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''describing'' and inserting ''including'';

(2) in subparagraph (B), by striking ''and''; and

(3) by striking subparagraph (C) and inserting the following:

''(C) if the agency failed to achieve the goals established for the agency under subsection (g)(2) for such fiscal year—

''(i) any justifications for the failure to achieve such goals; and

''(ii) a remediation plan, which shall—

''(I) be based on an analysis of factors that led to the failure to achieve such goals; and

''(II) include proposed new practices to better achieve such goals;

''(D) methods of enforcement, including any penalties imposed, with respect to prime contractors that did not meet the subcontracting goals established for the agency under subsection (g)(2) for such fiscal year;

''(E) methods to incentivize prime contractors to achieve the subcontracting goals established for the agency under subsection (g)(2); and

''(F) a certification by the agency regarding whether prime contractors took all feasible steps to implement the subcontracting plans required under section 8(d) for such fiscal year.''.

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**SA 2295.** Mr. KIRK (for himself, Mr. MCCONNELL, Mr. CORNYN, Mr. RUBIO, Mr. GRAHAM, Ms. AYOTTE, and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

**Subtitle D—Iran Sanctions**

**SEC. 1241. FINDINGS; SENSE OF CONGRESS; STATEMENT OF POLICY.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Government of Iran continues to expand the nuclear and missile programs of Iran in violation of multiple United Nations Security Council resolutions.

(2) The Government of Iran has a decades-long track record of cheating on and violating commitments regarding the nuclear program of Iran and has used more than 10 years of diplomatic negotiations to allow more time to expand its nuclear weapons program.

(3) Iran remains the number one exporter of terrorism in the world and as recently as 2011 was plotting to assassinate a foreign official in the United States.

(4) Over the last 30 years, the Government of Iran and its terrorist proxies have been responsible for the deaths of citizens of the United States.

(5) The Government of Iran and its terrorist proxies continue to provide military and financial support to the regime of Bashar al-Assad in Syria, aiding that regime in the mass killing of the people of Syria.

(6) The Government of Iran continues to sow instability in the Middle East and threaten its neighbors, including allies of the United States such as Israel.

(7) The Government of Iran denies its people fundamental freedoms, including freedom of the press, freedom of assembly, freedom of religion, and freedom of conscience.

(8) Sanctions imposed with respect to Iran by the United States and the international community have assisted in bringing Iran to the negotiating table, but other countries, such as North Korea, have used diplomatic talks regarding their nuclear programs to allow time for the development of nuclear weapons.

(9) President Hasan Rouhani of Iran has in the past bragged about his success in buying time for Iran to make nuclear advances.

(10) Based on the stockpile of low enriched uranium held by the Government of Iran and its plan to continue installing advanced centrifuges, the Government of Iran could agree to suspend all enrichment of uranium to greater than 3.5 percent and still be in a position to produce weapons-grade uranium without detection by the middle of 2014.

(11) If the Government of Iran commences the operation of its heavy water reactor in Arak, it could establish an alternate pathway to a nuclear weapon, producing enough plutonium each year for one or 2 nuclear weapons.

(12) As of the date of the enactment of this Act, 19 countries access nuclear energy for peaceful purposes without conducting any enrichment or reprocessing activities within that country.

(13) The Government of Iran could likewise access nuclear energy for peaceful purposes without conducting any enrichment or reprocessing activities within Iran.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Government of Iran must not be allowed to develop nuclear weapons capabilities;

(2) all instruments of power and influence of the United States should remain on the table to prevent the Government of Iran from developing nuclear weapons capabilities;

(3) the Government of Iran does not have an absolute or inherent right to enrichment and reprocessing capabilities and technologies under the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the ''Nuclear Non-Proliferation Treaty'');

(4) any interim agreement with Iran regarding its nuclear program must require that Iran comply with all United Nations Security Council resolutions concerning the nuclear program of Iran, including by—

(A) suspending enrichment at all facilities;

(B) suspending construction of a heavy water nuclear reactor in Arak; and

(C) ceasing all work related to nuclear weaponization and providing full transparency with respect to the cessation of that work;

(5) given the decades-long history of deception by the Government of Iran with respect to the nuclear program of Iran, and violations by that government of its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, any final agreement with Iran regarding its nuclear program must—

(A) prevent that government from possessing any enrichment or reprocessing capabilities;

(B) provide for the continuous monitoring of the nuclear program of Iran under a strict verification regime, including inspections at any time or place;

(C) result in Iran surrendering its supply of enriched material to the International Atomic Energy Agency;

(D) prevent any operation of the reactor in Arak; and

(E) require that Iran sign and abide by the Protocol Additional to the Agreement Between Iran and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, done at Vienna December 18, 2003 (commonly referred to as the ''Additional Protocol'');

(6) a violation by Iran of any interim or final agreement with respect to the nuclear program of Iran should result in the immediate imposition of comprehensive economic sanctions, including on all petroleum-related exports and additional restrictions on financial and commercial activity by Iran; and

(7) if the Government of Israel is compelled to take military action against Iran in self-defense, the Government of the United States should provide diplomatic, military, and economic support to the Government of Israel in its defense of its territory, people, and existence.

(c) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to prevent the proliferation of nuclear weapons and material related to nuclear weapons because of the significant negative impact of that proliferation, particularly to countries that do not possess nuclear weapons, including Iran, on the national security and economic interests of the United States and other countries;

(2) to ensure that the proliferation of nuclear weapons and material related to nuclear weapons be strictly restricted;

(3) to ensure that countries that do not possess nuclear weapons, including Iran, do not obtain nuclear weapons;

(4) to take such actions as may be necessary to implement the policy described in paragraph (3);

(5) to ensure that Iran ceases all domestic uranium enrichment and reprocessing technology development, installation, and operation;

(6) to ensure that Iran ceases all plutonium-related activities and dismantles all plutonium-related facilities; and

(7) that any negotiated agreement with the Government of Iran regarding its nuclear program, whether interim or otherwise, must—

(A) include clear, measurable, and verifiable requirements for the Government of Iran to substantially and effectively terminate any activities that may be related to the development of a nuclear weapons capability before any existing sanctions or other measures with respect to Iran are modified, whether temporarily or otherwise; and

(B) because of the significant impact of such an agreement on the national security and economic interests of the United States, including the impact on commerce, trade, and sanctions policy, be submitted to Congress and be subject to a congressional resolution of disapproval.

**SEC. 1242. DEFINITIONS.**

In this subtitle:

(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms ''account'', ''correspondent account'', and ''payable-through account'' have the meanings given those terms in section 5318A of title 31, United States Code.

(2) AGRICULTURAL COMMODITY.—The term ''agricultural commodity'' has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives.

(4) FOREIGN FINANCIAL INSTITUTION.—The term ''foreign financial institution'' has the meaning determined by the Secretary of the Treasury pursuant to section 104(i) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(i)).

(5) KNOWINGLY.—The term ''knowingly'', with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(6) MEDICAL DEVICE.—The term ''medical device'' has the meaning given the term ''device'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(7) MEDICINE.—The term ''medicine'' has the meaning given the term ''drug'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(8) NATIONAL BALANCE SHEET.—The term ''national balance sheet of Iran'' refers to the ratio of the assets of the Government of Iran to the liabilities of that Government.

**SEC. 1243. IMPOSITION OF SANCTIONS WITH RESPECT TO FOREIGN FINANCIAL INSTITUTIONS THAT PROVIDE THE GOVERNMENT OF IRAN ACCESS TO ASSETS OF THAT GOVERNMENT OR UNDERWRITING, INSURANCE, OR REINSURANCE SERVICES.**

(a) PROHIBITION ON PROVIDING ACCESS TO OR USE OF CERTAIN ASSETS.—Notwithstanding any other provision of law, the President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines has knowingly, on or after the date of the enactment of this Act, directly or indirectly provided to a person described in subsection (c) access to, the use of, or the ability to make a payment with, any asset, fund, or account owned or controlled by, or owed to, that person or another person described in subsection (c).

(b) PROHIBITION ON PROVIDING UNDERWRITING, INSURANCE, AND REINSURANCE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of this Act, provides underwriting services or insurance or reinsurance to a person described in subsection (c).

(2) TREATMENT OF SANCTIONS RELATING TO IMPORTATION OF GOODS.—The requirement to impose sanctions under paragraph (1) shall not include the authority to impose sanctions relating to the importation of goods under paragraph (8)(A) or (12) of section 6(a) of the Iran Sanctions Act of 1996, and any sanction relating to the importation of goods shall not count for purposes of the requirement to impose sanctions under paragraph (1).

(3) EXCEPTION FOR UNDERWRITERS AND INSURANCE PROVIDERS EXERCISING DUE DILIGENCE.—The President may not impose sanctions under paragraph (1) with respect to a person that provides underwriting services or insurance or reinsurance if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not underwrite or enter into a contract to provide insurance or reinsurance for a person described in subsection (c).

(c) PERSON DESCRIBED.—A person described in this subsection is any of the following:

(1) The state and the Government of Iran, or any political subdivision, agency, or instrumentality of that Government, including the Central Bank of Iran.

(2) Any person owned or controlled, directly or indirectly, by that Government.

(3) Any person acting or purporting to act, directly or indirectly, for or on behalf of that Government.

(4) Any other person determined by the President to be described in paragraph (1), (2), or (3).

**SEC. 1244. IMPOSITION OF SANCTIONS WITH RESPECT TO THE SALE, SUPPLY, OR TRANSFER OF CERTAIN GOODS AND SERVICES TO OR FROM IRAN.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of this Act, sells, supplies, or transfers to Iran, directly or indirectly, a good or service that is a type of good or service that is—

(1) used by Iran as a medium for barter, swap, or any other exchange or transaction; or

(2) listed as an asset of the Government of Iran for the purpose of the national balance sheet of Iran.

(b) TREATMENT OF SANCTIONS RELATING TO IMPORTATION OF GOODS.—The requirement to impose sanctions under subsection (a) shall not include the authority to impose sanctions relating to the importation of goods under paragraph (8)(A) or (12) of section 6(a) of the Iran Sanctions Act of 1996, and any sanction relating to the importation of goods shall not count for purposes of the requirement to impose sanctions under subsection (a).

**SEC. 1245. HUMANITARIAN EXCEPTION.**

The President may not impose sanctions under this subtitle with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

**SEC. 1246. SUSPENSION OF SANCTIONS.**

(a) IN GENERAL.—The President may suspend the imposition of sanctions under this subtitle if the President determines and reports to the appropriate congressional committees that Iran has—

(1) suspended all enrichment, reprocessing, and heavy water-related activities and facility construction;

(2) suspended any activity related to ballistic missiles capable of delivering nuclear weapons, including any launch using ballistic missile technology;

(3) ratified and begun to make substantial efforts toward the full implementation of the Protocol Additional to the Agreement Between Iran and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, done at Vienna December 18, 2003 (commonly referred to as the ''Additional Protocol'');

(4) fully cooperated with the International Atomic Energy Agency on all outstanding issues, particularly those that give rise to concerns about the possible military dimensions of the Iranian nuclear program; and

(5) fulfilled its obligations pursuant to United Nations Security Council Resolution 1929 (2010).

(b) REINSTATEMENT OF SANCTIONS.—If the President, during a period in which the President has suspended sanctions under subsection (a), receives information from any entity, including the International Atomic Energy Agency, the Secretary of Defense, the Secretary of State, the Secretary of Energy, or the Director of National Intelligence, that Iran has, since the suspension of sanctions took effect, engaged in any enrichment, reprocessing, heavy water, or ballistic missile-related activity or construction, or has refused to cooperate in any way with the requests of the International Atomic Energy Agency, the President shall—

(1) not later than 10 days after receiving the information, determine whether the information is credible and accurate;

(2) notify the appropriate congressional committees of that determination; and

(3) if the President determines that the information is credible and accurate, not later than 5 days after that determination, reinstate the sanctions suspended under subsection (a).

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**SA 2296.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

**SEC. 585. MEDALS FOR MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE WHO WERE KILLED OR WOUNDED IN THE NOVEMBER 5, 2009, ATTACK AT FORT HOOD, TEXAS.**

(a) PURPLE HEART.—

(1) AWARD.—

(A) IN GENERAL.—Chapter 57 of title 10, United States Code, is amended by inserting after section 1129 the following new section:

**''§ 1129a. Purple Heart: members killed or wounded in attacks of homegrown violent extremists motivated or inspired by foreign terrorist organizations**

''(a) IN GENERAL.—For purposes of the award of the Purple Heart, the Secretary concerned shall treat a member of the armed forces described in subsection (b) in the same manner as a member who is killed or wounded in action as a result of an act of an enemy of the United States.

''(b) COVERED MEMBERS.—A member described in this subsection is a member who was killed or wounded in an attack perpetrated by a homegrown violent extremist who was inspired or motivated to engage in violent action by a foreign terrorist organization, unless the death or wound is the result of willful misconduct of the member.

''(c) DEFINITIONS.—In this section:

''(1) The term 'foreign terrorist organization' means an entity designated as a foreign terrorist organization by the Secretary of State pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

''(2) The term 'homegrown violent extremist' shall have the meaning given that term by the Secretary of Defense in regulations prescribed for purposes of this section.''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 57 of such title is amended by inserting after the item relating to section 1129 the following new item:

''1129a. Purple Heart: members killed or wounded in attacks of homegrown violent extremists motivated or inspired by foreign terrorist organizations.''.

(2) RETROACTIVE EFFECTIVE DATE AND APPLICATION.—

(A) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as of September 11, 2001.

(B) REVIEW OF CERTAIN PREVIOUS INCIDENTS.—The Secretaries concerned shall undertake a review of each death or wounding of a member of the Armed Forces that occurred between September 11, 2001, and the date of the enactment of this Act under circumstances that could qualify as being the result of the attack of a homegrown violent extremist as described in section 1129a of title 10, United States Code (as added by paragraph (1)), to determine whether the death or wounding qualifies as a death or wounding resulting from a homegrown violent extremist attack motivated or inspired by a foreign terrorist organization for purposes of the award of the Purple Heart pursuant to such section (as so added).

(C) ACTIONS FOLLOWING REVIEW.—If the death or wounding of a member of the Armed Forces reviewed under subparagraph (B) is determined to qualify as a death or wounding resulting from a homegrown violent extremist attack motivated or inspired by a foreign terrorist organization as described in section 1129a of title 10, United States Code (as so added), the Secretary concerned shall take appropriate action under such section to award the Purple Heart to the member.

(D) SECRETARY CONCERNED DEFINED.—In this paragraph, the term ''Secretary concerned'' has the meaning given that term in section 101(a)(9) of title 10, United States Code.

(b) SECRETARY OF DEFENSE MEDAL FOR THE DEFENSE OF FREEDOM.—

(1) REVIEW OF THE NOVEMBER 5, 2009 ATTACK AT FORT HOOD, TEXAS.—If the Secretary concerned determines, after a review under subsection (a)(2)(B) regarding the attack that occurred at Fort Hood, Texas, on November 5, 2009, that the death or wounding of any member of the Armed Forces in that attack qualified as a death or wounding resulting from a homegrown violent extremist attack motivated or inspired by a foreign terrorist organization as described in section 1129a of title 10, United States Code (as added by subsection (a)), the Secretary of Defense shall make a determination as to whether the death or wounding of any civilian employee of the Department of Defense or civilian contractor in the same attack meets the eligibility criteria for the award of the Secretary of Defense Medal for the Defense of Freedom.

(2) AWARD.—If the Secretary of Defense determines under paragraph (1) that the death or wounding of any civilian employee of the Department of Defense or civilian contractor in the attack that occurred at Fort Hood, Texas, on November 5, 2009, meets the eligibility criteria for the award of the Secretary of Defense Medal for the Defense of Freedom, the Secretary shall take appropriate action to award the Secretary of Defense Medal for the Defense of Freedom to the employee or contractor.

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**SA 2297.** Mr. CHAMBLISS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

**SEC. 529. SENSE OF SENATE ON FUNDING FOR THE UNITED STATES NAVAL SEA CADET CORPS.**

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States Naval Sea Cadet Corps, chartered by Congress in 1962, focuses on the development of youth ages 11 through 17, and has trained more than 150,000 young Americans since its creation.

(2) The United States Naval Sea Cadet Corps directly enhances the primary recruiting goal of the Navy of ensuring awareness of the Navy and its mission.

(3) The Navy has not increased funding for the United States Naval Sea Cadet Corps since fiscal year 2006.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of the Navy should fully fund the United States Naval Sea Cadet Corps during fiscal year 2014.

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**SA 2298.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. INPATIENT HEALTH CARE FACILITY AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY IN HARLINGEN, TEXAS.**

(a) FINDINGS.—Congress makes the following findings:

(1) The current and future health care needs of veterans residing in Far South Texas are not being fully met by the Department of Veterans Affairs.

(2) According to recent census data, more than 108,000 veterans reside in Far South Texas.

(3) Travel times for veterans from the Valley Coastal Bend area from their homes to the nearest Department of Veterans Affairs hospital for acute inpatient health care can exceed six hours.

(4) Even with the significant travel times, veterans from Far South Texas demonstrate a high demand for health care services from the Department of Veterans Affairs.

(5) Ongoing overseas deployments of members of the Armed Forces from Texas, including members of the Armed Forces on active duty, members of the Texas National Guard, and members of the other reserve components of the Armed Forces, will continue to increase demand for medical services provided by the Department of Veterans Affairs.

(6) The Department of Veterans Affairs employs an annual Strategic Capital Investment Planning process to ''enable the VA to continually adapt to changes in demographics, medical and information technology, and health care delivery'', which results in the development of a multi-year investment plan that determines where gaps in services exist or are projected and develops an appropriate solution to meet those gaps.

(7) According to the Department of Veterans Affairs, final approval of the Strategic Capital Investment Planning priority list serves as the ''building block'' of the annual budget request for the Department.

(8) Arturo ''Treto'' Garza, a veteran who served in the Marine Corps, rose to the rank of Sergeant, and served two tours in the Vietnam War, passed away on October 3, 2012.

(9) Treto Garza, who was also a former co-chairman of the Veterans Alliance of the Rio Grande Valley, tirelessly fought to improve health care services for veterans in the Rio Grande Valley, with his efforts successfully leading to the creation of the South Texas VA Health Care Center at Harlingen, located in Harlingen, Texas.

(b) REDESIGNATION OF SOUTH TEXAS DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE CENTER.—

(1) IN GENERAL.—The South Texas Department of Veterans Affairs Health Care Center at Harlingen, located in Harlingen, Texas, is redesignated as the ''Treto Garza South Texas Department of Veterans Affairs Health Care Center''.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the medical facility of the Department of Veterans Affairs referred to in paragraph (1) shall be deemed to be a reference to the ''Treto Garza South Texas Department of Veterans Affairs Health Care Center''.

(c) REQUIREMENT OF FULL-SERVICE INPATIENT FACILITY.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall ensure that the Treto Garza South Texas Department of Veterans Affairs Health Care Center includes a full-service inpatient health care facility of the Department and shall modify the existing facility as necessary to meet that requirement.

(2) PLAN TO EXPAND FACILITY CAPABILITIES.—The Secretary shall include in the annual Strategic Capital Investment Plan of the Department a project to expand the capabilities of the Treto Garza South Texas Department of Veterans Affairs Health Care Center by adding the following:

(A) Inpatient capability for 50 beds with appropriate administrative, clinical, diagnostic, and ancillary services needed for support.

(B) An urgent care center.

(C) The capability to provide a full range of services to meet the needs of women veterans.

(d) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, 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 report detailing a plan to implement the requirements in subsection (c), including an estimate of the cost of required actions and the time necessary for the completion of those actions.

(e) FAR SOUTH TEXAS DEFINED.—In this section, the term ''Far South Texas'' means the following counties in Texas: Aransas, Bee, Brooks, Calhoun, Cameron, DeWitt, Dimmit, Duval, Goliad, Hidalgo, Jackson, Jim Hogg, Jim Wells, Kenedy, Kleberg, Nueces, Refugio, San Patricio, Starr, Victoria, Webb, Willacy, Zapata.

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**SA 2299.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1237. REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE RUSSIAN FEDERATION.**

(a) REPORT.—Not later than June 1, 2014, the Secretary of Defense shall submit to the specified congressional committees a report, in both classified and unclassified form, on the current and future military strategy of the Russian Federation (in this section referred to as ''Russia''). The report shall address the development of Russian security strategy and military strategy.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) An assessment of the security situation in the independent states of the former Soviet Union.

(2) The goals and factors shaping Russian security strategy and military strategy.

(3) An assessment of Russia's security objectives, including objectives that would affect the North Atlantic Treaty Organization, Iran, Syria, the broader Middle East region, and the People's Republic of China.

(4) Developments in Russian military doctrine and training and trends in military spending and investments.

(5) An assessment of the United States military-to-military relationship with the Russian Federation armed forces, including the following elements:

(A) A comprehensive and coordinated strategy for military-to-military activities and updates to the strategy.

(B) A summary of all such military-to-military activities during the one-year period preceding the report, including objectives of the activities and perceived benefits to Russia of those activities.

(C) A description of military-to-military activities planned for the following 12-month period.

(D) The Secretary's assessment of the benefits the Department of Defense expects to gain from such military-to-military activities, and any risks associated with such activities.

(E) The Secretary's assessment of how such military-to-military activities fit into the larger security relationship between the United States and the Russian Federation.

(6) A description of Russian military-to-military relationships with the independent states of the former Soviet Union, Iran, and Syria, including the size of associated military attaché offices.

(7) Other military and security developments involving Russia that the Secretary of Defense considers relevant to United States national security.

(c) SPECIFIED CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''specified congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

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**SA 2300.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

**SEC. 1534. COMPREHENSIVE LONG-TERM PLAN FOR AFGHAN NATIONAL SECURITY FORCES AVIATION CAPABILITIES.**

(a) LONG-TERM PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees report setting forth a comprehensive long-term plan for training, equipping, advising, and sustaining the aviation capabilities of the Afghan National Security Forces (ANSF) through 2024 (when the 2012 United States–Afghan Strategic Partnership Agreement expires).

(b) SCOPE AND COVERAGE.—

(1) IN GENERAL.—The plan required by subsection (a) shall cover the plans of the Department of Defense to ensure that the Afghan National Security Forces are able to independently maintain and sustain a professional and safe military aviation program.

(2) COVERED COMPONENTS.—The plan shall cover the Special Mission Wing (SMW) and the Afghan Air Force (AAF), the two main components of the aviation assistance effort of the United States and its coalition allies in Afghanistan.

(c) ELEMENTS.—The plan shall include the following:

(1) Elements regarding the aviation capabilities of the Afghan National Security Forces, including—

(A) the manner in which the Department of Defense will maintain and evaluate safety, airworthiness, and pilot proficiency standards of the Afghan National Security Forces;

(B) means by which the Department will train the Afghan National Security Forces to minimum aviation proficiency levels; and

(C) means by which the Department will assist the Afghan National Security Forces in recruiting the requisite number of pilots, other crewmembers, and aircraft maintenance personnel.

(2) Elements regarding training of Afghanistan National Security Forces aviation personnel.

(3) Elements regarding the aviation equipment of the Afghan National Security Forces, including—

(A) the type and number of aircraft required to equip each Afghan National Security Forces aviation unit;

(B) the additional aircraft to be procured by the Afghan National Security Forces to meet such requirements; and

(C) for each aircraft platform required to equip Afghan National Security Forces aviation units, the date on which the Afghan National Security Forces are expected to be capable of maintaining and operating such platform without support from the United States Armed Forces or contractors.

(4) Elements regarding the cost of training, equipping, advising, and sustaining the aviation capabilities of the Afghan National Security Forces, including—

(A) the amount required on an annual basis for operations and sustainment costs for the aviation capabilities;

(B) means by which such costs will be borne by the United States or its coalition allies in Afghanistan; and

(C) means by which some or all such costs will be borne by Afghanistan commencing in 2014.

(5) Elements regarding vetting and end-user monitoring systems for both Afghanistan and the United States with respect to any aircraft and training provided the Afghan National Security Forces by the United States.

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) SIGAR REVIEW.—Not later than 180 days after the date of the submittal of the report required by subsection (a), the Special Inspector General for Afghanistan Reconstruction shall submit to the congressional defense committee a report on the plan covered by such report. The report under this subsection shall include the following:

(1) A review and assessment of the plan by the Special Inspector General.

(2) Such recommendations for additional actions on training, equipping, advising, and sustaining the aviation capabilities of the Afghan National Security Forces as the Special Inspector General considers appropriate.

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**SA 2301.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

**SEC. 713. PILOT PROGRAM ON INVESTIGATIONAL TREATMENT OF MEMBERS OF THE ARMED FORCES FOR TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER.**

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a 3-year pilot program under which the Secretary shall establish a process for randomized placebo-controlled clinical trials of investigational treatments (including diagnostic testing) of Traumatic Brain Injury (TBI) or Post-Traumatic Stress Disorder (PTSD) received by members of the Armed Forces in health care facilities other than military treatment facilities.

(b) CONDITIONS FOR APPROVAL.—The approval by the Secretary for payment for a treatment pursuant to subsection (a) shall be subject to the following conditions:

(1) Any drug or device used in the treatment must be approved or cleared by the Food and Drug Administration for any purpose and its use must comply with rules of the Food and Drug Administration applicable to investigational new drugs or investigational devices.

(2) The treatment must be approved by the Secretary following approval by an institutional review board operating in accordance with regulations issued by the Secretary of Health and Human Services.

(3) The patient receiving the treatment may not be a retired member of the Armed Forces who is entitled to benefits under part A, or eligible to enroll under part B, of title XVIII of the Social Security Act.

(c) ADDITIONAL RESTRICTIONS AUTHORIZED.—The Secretary may establish additional restrictions or conditions for reimbursement as the Secretary determines appropriate to ensure the protection of human research subjects, appropriate fiscal management, and the validity of the research results.

(d) DATA COLLECTION AND AVAILABILITY.—The Secretary shall develop and maintain a database containing data from each patient case involving the use of a treatment under this section. The Secretary shall ensure that the database preserves confidentiality and that any use of the database or disclosures of such data are limited to such use and disclosures permitted by law and applicable regulations.

(e) REPORT TO CONGRESS.—Not later than 30 days after the last day of each fiscal year during which the Secretary is authorized to make payments under this section, the Secretary shall submit to Congress an annual report on the implementation of this section and any available results on investigational treatment studies authorized under this section.

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**SA 2302.** Mr. CORNYN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VI, add the following:

**SEC. 673. SURVEY OF PREFERENCES OF MEMBERS OF THE ARMED FORCES REGARDING MILITARY PAY AND BENEFITS.**

(a) SURVEY REQUIRED.—The Secretary of Defense shall carry out an anonymous survey of random members of the Armed Forces regarding their preferences in military pay and benefits.

(b) ELEMENTS.—The survey under this section shall be conducted for the purpose of soliciting information on the following:

(1) The value that members of the Armed Forces place on the following forms of compensation relative to one another:

(A) Basic pay.

(B) Allowances for housing and subsistence.

(C) Bonuses and special pays.

(D) Dependent healthcare benefits.

(E) Healthcare benefits for retirees under 65 years old.

(F) Healthcare benefits for Medicare-eligible retirees.

(G) Retirement pay.

(2) How the members value different levels of pay or benefits, including the impact of co-payments or deductibles on the value of benefits.

(3) Any other matters related to military pay and benefits that the Secretary considers appropriate.

(4) How information collected pursuant to paragraph (1), (2), or (3) varies by age, grade, dependent status, and other factors the Secretary considers appropriate.

(c) SUBMITTAL OF RESULTS.—

(1) IN GENERAL.—Upon the completion of the survey required by this section, the Secretary shall submit a report on the analysis and raw data of the survey to each of the following:

(A) The Military Compensation and Retirement Modernization Commission under subtitle H of title VI of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239).

(B) Congress.

(2) AVAILABILITY TO PUBLIC.—At the same time the Secretary submits the report required by paragraph (1), the Secretary shall make the report available to the public.

(d) USE OF RESULTS BY COMMISSION.—Section 671(b)(1) of the National Defense Authorization Act for Fiscal Year 2013 (126 Stat. 1787) is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) examining the report and corresponding analysis and raw data collected pursuant to the survey of preference of members of the Armed Forces regarding military pay and benefits required by section 673(a) of the National Defense Authorization Act for Fiscal Year 2014; and''.

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**SA 2303.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 411, beginning on line 6, strike ''may be used to enter'' and all that follows through line 9 and insert ''may be used—

(1) to enter into a contract or subcontract, memorandum of understanding, or cooperative agreement with, to make a grant to, or to provide a loan or loan guarantee to Rosoboronexport; or

(2) to modify any existing contract or subcontract with Rosoboronexport.

On page 411, beginning on line 12, strike ''determines that such waiver is in the national security interests of the United States'' and insert '', in consultation with the Secretary of State and the Director of National Intelligence, certifies in writing to the congressional defense committees that, to the best of the Secretary's knowledge, Rosoboronexport has ceased the transfer of

lethal military equipment to, and the maintenance of existing lethal military equipment for, the Government of the Syrian Arab Republic''.

On page 412, between lines 7 and 8, insert the following:

**SEC. 1233A. MODIFICATION OF FISCAL YEAR 2013 PROHIBITION ON USE OF FUNDS TO ENTER INTO CONTRACTS OR AGREEMENTS WITH ROSOBORONEXPORT.**

(a) SCOPE OF PROHIBITION.—Subsection (a) of section 1277 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2030) is amended by striking ''may be used'' and all that follows and inserting ''may be used—

''(1) to enter into a contract or subcontract, memorandum of understanding, or cooperative agreement with, to make a grant to, or to provide a loan or loan guarantee to Rosoboronexport; or

''(2) to modify any existing contract or subcontract with Rosoboronexport.''.

(b) NATIONAL SECURITY WAIVER AUTHORITY.—Subsection (b) of that section is amended by striking ''determines that such waiver is in the national security interests of the United States.'' and inserting '', in consultation with the Secretary of State and the Director of National Intelligence, certifies in writing to the congressional defense committees that, to the best of the Secretary's knowledge, Rosoboronexport has ceased the transfer of lethal military equipment to, and the maintenance of existing lethal military equipment for, the Government of the Syrian Arab Republic.''.

**SEC. 1233B. PROHIBITION ON USE OF FISCAL YEAR 2012 FUNDS TO ENTER INTO CONTRACTS OR AGREEMENTS WITH ROSOBORONEXPORT.**

(a) PROHIBITION.—None of the funds authorized to be appropriated for the Department of Defense for fiscal year 2012 by the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) that remain available for obligation or expenditure as of the date of the enactment of this Act may be used—

(1) to enter into a contract or subcontract, memorandum of understanding, or cooperative agreement with, to make a grant to, or to provide a loan or loan guarantee to Rosoboronexport; or

(2) to modify any existing contract or subcontract with Rosoboronexport.

(b) NATIONAL SECURITY WAIVER AUTHORITY.—The Secretary of Defense may waive the applicability of subsection (a) if the Secretary, in consultation with the Secretary of State and the Director of National Intelligence, certifies in writing to the congressional defense committees that, to the best of the Secretary's knowledge, Rosoboronexport has ceased the transfer of lethal military equipment to, and the maintenance of existing lethal military equipment for, the Government of the Syrian Arab Republic.

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**SA 2304.** Mr. BOOZMAN (for himself, Mr. MANCHIN, and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

**SEC. 593. CONTENTS OF TRANSITION ASSISTANCE PROGRAM.**

(a) IN GENERAL.—Section 1144 of title 10, United States Code, is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

''(9) Provide information about disability-related employment and education protections.'';

(2) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(3) by inserting after subsection (b) the following new subsection (c):

''(c) ADDITIONAL ELEMENTS OF PROGRAM.—The mandatory program carried out under this section shall include—

''(1) for any member who plans to use the member's entitlement to educational assistance under title 38—

''(A) instruction providing an overview of the use of such entitlement; and

''(B) testing to determine academic readiness for post-secondary education, courses of post-secondary education appropriate for the member, courses of post-secondary education compatible with the member's education goals, and instruction on how to finance the member's post-secondary education; and

''(2) instruction in the benefits under laws administered by the Secretary of Veterans Affairs and in other subjects determined by the Secretary concerned.''.

(b) DEADLINE FOR IMPLEMENTATION.—The program carried out under section 1144 of title 10, United States Code, shall comply with the requirements of subsections (b)(9) and (c) of such section, as added by subsection (a), by not later than April 1, 2015.

(c) FEASIBILITY STUDY.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives the results of a study carried out by the Secretary to determine the feasibility of providing the instruction described in subsection (b) of section 1142 of title 10, United States Code, at all overseas locations where such instruction is provided by entering into a contract jointly with the Secretary of Labor for the provision of such instruction.

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**SA 2305.** Mr. REID proposed an amendment to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end, add the following:

This Act shall become effective 3 days after enactment.

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**SA 2306.** Mr. REID proposed an amendment to amendment SA 2305 proposed by Mr. REID to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

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

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**SA 2307.** Mr. REID proposed an amendment to amendment SA 2306 proposed by Mr. REID to the amendment SA 2305 proposed by Mr. REID to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

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

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**SA 2308.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1066. REPORT ON ROLE OF MILITARY BANDS IN NATIONAL DEFENSE.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on role of military bands in the national defense. The report shall include the following:

(1) A description of the average annual cost of military bands over the three fiscal years ending with fiscal year 2013, set forth by Armed Force, including costs of training centers, support and logistics, cadre, and other personnel and equipment.

(2) An assessment of the direct contributions of military bands to the national security of the United States.

(3) A justification, if any, from the Secretary of each military department for the continuation of military band capabilities by the Armed Forces under the jurisdiction of such Secretary in light of an austere fiscal environment and upcoming reductions in end strengths for the Armed Forces.

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**SA 2309.** Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

**SEC. 593. PILOT PROGRAM ON PROVISION OF CERTAIN INFORMATION TO STATE VETERANS AGENCIES TO FACILITATE THE TRANSITION OF MEMBERS OF THE ARMED FORCES FROM MILITARY SERVICE TO CIVILIAN LIFE.**

(a) PILOT PROGRAM REQUIRED.—Commencing not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of providing the information described in subsection (b) on members of the Armed Forces who are separating from the Armed Forces to State veterans agencies as a means of facilitating the transition of members of the Armed Forces from military service to civilian life.

(b) COVERED INFORMATION.—The information described in this subsection with respect to a member is as follows:

(1) Department of Defense Form DD 214.
(2) A personal email address.
(3) A personal telephone number.
(4) A mailing address.

(c) VOLUNTARY PARTICIPATION.—The participation of a member in the pilot program shall be at the election of the member.

(d) FORM OF PROVISION OF INFORMATION.—Information shall be provided to State veterans agencies under the pilot program in digitized electronic form.

(e) USE OF INFORMATION.—Information provided to State veterans agencies under the pilot program may be shared by such agencies with appropriate county veterans service offices in such manner and for such purposes as the Secretary shall specify for purposes of the pilot program.

(f) REPORT.—Not later than 15 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the pilot program. The report shall include a description of the pilot program and such recommendations, including recommendations for continuing or expanding the pilot program, as the Secretary considers appropriate in light of the pilot program.

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**SA 2310.** Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. REQUIREMENT FOR PROMPT RESPONSES FROM SECRETARY OF DEFENSE WHEN SECRETARY OF VETERANS AFFAIRS REQUESTS INFORMATION NECESSARY TO ADJUDICATE BENEFITS CLAIMS.**

(a) DEADLINE FOR PROMPT RESPONSE.—Whenever the Secretary of Veterans Affairs submits a request to the Secretary of Defense for information that the Secretary of Veterans Affairs determines is necessary to adjudicate a claim for a benefit under a law administered by the Secretary of Veterans Affairs, the Secretary of Defense shall attempt to furnish such information to the Secretary of Veterans Affairs by not later than 30 days after receiving the request from the Secretary of Veterans Affairs.

(b) INITIAL EXTENSION OF DEADLINE.—In a case in which the Secretary of Defense is unable to furnish the Secretary of Veterans Affairs with information requested under subsection (a) within the 30-day period set forth in such subsection, the Secretary of Defense shall—

(1) notify the Secretary of Veterans Affairs of the Secretary of Defense's inability to furnish the Secretary of Veterans Affairs with the information requested within the 30-day period set forth in such subsection; and

(2) attempt to furnish the Secretary of Veterans Affairs with the information requested by not later than 30 days after the end of the 30-day period set forth in such subsection.

(c) SUBSEQUENT EXTENSION.—In a case in which the Secretary of Defense is unable to furnish the Secretary of Veterans Affairs with information requested under subsection (a) within 60 days, the Secretary of Defense shall submit to the Secretary of Veterans Affairs—

(1) an explanation as to why the Secretary of Defense is unable to furnish the Secretary of Veterans Affairs with the requested information; and

(2) an estimate as to when the Secretary of Defense will furnish the Secretary of Veterans Affairs with the requested information.

(d) ANNUAL REPORT.—Not less frequently than once each year, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate and the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives a report that summarizes, with respect to the most recently completed one-year period—

(1) the number of requests for information received from the Secretary of Veterans Affairs under subsection (a);

(2) the number of requests for information received from the Secretary of Veterans Affairs under subsection (a) with respect to which the Secretary of Defense supplied the requested information; and

(3) the number of requests for information received from the Secretary of Veterans Affairs under subsection (a) with respect to which the Secretary of Defense was unable to furnish the requested information to the Secretary of Veterans Affairs within 60 days.

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**SA 2311.** Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

**SEC. 713. DEADLINE FOR COMPLETION OF IMPLEMENTATION OF THE HEALTHCARE ARTIFACT AND IMAGE MANAGEMENT SOLUTION PROGRAM.**

(a) DEADLINE.—The Secretary of Defense shall complete the implementation of the Healthcare Artifact and Image Management Solution (HAIMS) program of the Department of Defense by not later than the date that is 180 days after the date of the enactment of this Act.

(b) REPORT.—Upon completion of the implementation of the Healthcare Artifact and Image Management Solution program, the Secretary shall submit to Congress a report describing the extent of the interoperability between the Healthcare Artifact and Image Management Solution program and the Veterans Benefits Management System (VBMS) of the Department of Veterans Affairs.

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**SA 2312.** Mr. ALEXANDER (for himself and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

**SEC. 314. TRANSPORTATION OF SUPPLIES AND EQUIPMENT IN THE UNITED STATES BY COMMERCIAL MOTOR VEHICLES.**

(a) STATEMENT OF POLICY.—It is the policy of the United States to maximize the operational effectiveness, efficiency, and cost savings of the Defense Transportation System, especially surface and related intermodal transportation requirements in support of contingency and peacetime operations by allowing surface transportation supplies to be transported in longer tractor-trailer combinations.

(b) INCREASE IN ALLOWABLE LENGTH OF TRACTOR TRAILER COMBINATIONS.—Section 31111(b)(1)(A) of title 49, United States Code, is amended by striking ''or of less than 28 feet'' and inserting ''or, notwithstanding section 31112, of less than 33 feet''.

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**SA 2313.** Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1237. LIMITATION ON ASSISTANCE TO ASSAD REGIME DURING DESTRUCTION OF SYRIAN CHEMICAL WEAPONS.**

(a) IN GENERAL.—The United States Government may not provide financial assistance or license, approve, facilitate, contribute, or otherwise allow the sale, lease, transfer, or delivery of any items for the purposes of the dismantlement and destruction of Syria's chemical program that could be adapted for military use to the Organization for the Prohibition of Chemical Weapons (OPCW) or the government of any country until the Secretary of Defense submits to the appropriate congressional committees—

(1) a certification that—

(A) such assistance will not be transferred or provided to the Government of Syria; and

(B) the final disposition of any items or equipment, after the chemical weapons are removed from Syria or are destroyed in Syria, will not remain with the Government of Syria; and

(2) an assessment of whether the Government of Syria's declaration to the OPCW regarding its chemical weapons program is complete, including a list of undeclared chemical weapons stockpiles, munitions, and facilities in Syria.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional defense committees;

(2) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate; and

(3) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

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**SA 2314.** Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1035. PROHIBITION ON USE OF FUNDS TO CLOSE DETENTION FACILITIES AT GUANTANAMO BAY, CUBA.**

None of the amounts authorized to be appropriated by this Act or otherwise made

available for fiscal year 2014 for the Department of Defense may be obligated or expended for the purpose of funding personnel or programs whose primary focus is facilitating the closure of Guantanamo Bay prison.

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**SA 2315.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

**SEC. 2833. CONVEYANCE, AIR NATIONAL GUARD RADAR SITE, FRANCIS PEAK, WASATCH MOUNTAINS, UTAH.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the State of Utah (in this section referred to as the ''State''), all right, title, and interest of the United States in and to the structures, including equipment and any other personal property related thereto, comprising the Air National Guard radar site located on Francis Peak, Utah, for the purpose of permitting the State to use the structures to support emergency public safety communications, including 911 emergency response service for Northern Utah.

(b) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Air Force may require the State to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts paid to the Secretary in advance exceed the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the State.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) DESCRIPTION OF PROPERTY.—The exact inventory of equipment and other personal property to be conveyed under subsection (a) shall be determined by the Secretary of the Air Force.

(d) TIME OF CONVEYANCE.—The conveyance under this section shall occur as soon as practicable after the date of the enactment of this Act. Until such time as the conveyance occurs, the Secretary of the Air Force shall take no action with regard to the structures described in subsection (a) that will result in the likely disruption of emergency communications by the State and local authorities.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(f) ISSUANCE OF LAND USE AUTHORIZATION.—The conveyance of the structures under subsection (a) shall not affect the validity and continued applicability of the land use. Upon completion of the conveyance under subsection (a), the State of Utah shall submit for a land use authorization to the Forest Service for placement and use of structures on National Forest System land. Such land use authorization shall comply with Forest Service land use authorization requirements for similar land uses on National Forest System land.

(g) DURATION OF AUTHORITY.—The authority to make a conveyance under this section shall expire on the later of—

(1) September 30, 2014; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2015.

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**SA 2316.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 514. PROTECTION OF RELIGIOUS FREEDOMS OF MILITARY CHAPLAINS DURING NON-MILITARY SERVICES.**

(a) ARMY CHAPLAINS.—Section 3547 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) A chaplain may close a prayer lead by the chaplain outside of a religious service in accordance with the traditions, expressions, and religious exercises of the group for whom the prayer is lead.''.

(b) NAVY CHAPLAINS.—Section 6031 of such title is amended by adding at the end the following new subsection:

''(d) A chaplain may close a prayer lead by the chaplain outside of devine service in accordance with the traditions, expressions, and religious exercises of the group for whom the prayer is lead.''.

(c) AIR FORCE CHAPLAINS.—Section 8547 of such title is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) A chaplain may close a prayer lead by the chaplain outside of a religious service in accordance with the traditions, expressions, and religious exercises of the group for whom the prayer is lead.''.

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**SA 2317.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1054. NOTIFICATION OF MODIFICATION OF ARMY FORCE STRUCTURE.**

(a) CERTIFICATION OF ENVIRONMENTAL COMPLIANCE.—The Secretary of the Army shall certify to the congressional defense committees that Army force structure modifications, reductions, and additions authorized as of the date of the enactment of this Act that will utilize funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2014 for the Department of the Army are compliant with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) NOTIFICATION OF NECESSARY ASSESSMENTS OR STUDIES.—The Secretary of the Army, when making congressional notifications in accordance with section 993 of title 10, United States Code, shall include the Secretary's assessment whether or not such changes require an Environmental Assessment or Environmental Impact Statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and, if such an assessment or study is required, the plan for conducting such assessment or study.

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**SA 2318.** Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1237. INTELLIGENCE ASSESSMENT AND REPORT ON AL-SHABAAB.**

(a) INTELLIGENCE ASSESSMENT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a classified intelligence assessment of the terrorist organization known as Al-Shabaab. Such assessment shall include the following:

(1) A description of organizational structure, operational objectives, and funding sources for Al-Shabaab.

(2) An assessment of the extent to which Al-Shabaab threatens security and stability within Somalia and surrounding countries.

(3) An assessment of the extent to which Al-Shabaab threatens the security of United States citizens or the national security or interests of the United States.

(4) The description of the relationship between Al-Shabaab and Al-Qaeda and Al-Qaeda affiliates.

(5) An assessment of the capacity of the Government of Somalia to counter the threat posed by Al-Shabaab.

(6) An assessment of the capacity of regional countries and organizations, including the African Union, to counter the threat posed by Al-Shabaab.

(b) SECRETARY OF STATE AND SECRETARY OF DEFENSE JOINT REPORT.—Not later than 90 days after the date on which the intelligence assessment required by subsection (a) is submitted, the Secretary of State and the Secretary of Defense, jointly, shall submit to the appropriate committees of Congress a report describing the strategy of the United States to counter the threat posed by Al-Shabaab.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

**SA 2319.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. EXEMPTION FROM SEQUESTRATION FOR FISCAL YEAR 2014.**

Section 251A(5) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(5)) is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(2) by inserting before subparagraph (B), as redesignated, the following:

''(A) MODIFICATION OF DEFENSE FUNCTION REDUCTIONS.—Notwithstanding any other provision of this Act, for discretionary appropriations and direct spending accounts within function 050 (defense function)—

''(i) for fiscal year 2014, OMB shall decrease the otherwise applicable amount of the reduction to such discretionary appropriations and direct spending accounts by $25,000,000,000;

''(ii) for fiscal year 2015, OMB shall decrease the otherwise applicable amount of the reduction to such discretionary appropriations and direct spending accounts by $17,000,000,000;

''(iii) for fiscal year 2016, OMB shall decrease the otherwise applicable amount of the reduction to such discretionary appropriations and direct spending accounts by $12,000,000,000;

''(iv) for fiscal year 2017, OMB shall decrease the otherwise applicable amount of the reduction to such discretionary appropriations and direct spending accounts by $4,000,000,000;

''(v) for fiscal year 2018, OMB shall increase the otherwise applicable amount of the reduction to such discretionary appropriations and direct spending accounts by $3,000,000,000;

''(vi) for fiscal year 2019, OMB shall increase the otherwise applicable amount of the reduction to such discretionary appropriations and direct spending accounts by $10,000,000,000;

''(vii) for fiscal year 2020, OMB shall increase the otherwise applicable amount of the reduction to such discretionary appropriations and direct spending accounts by $18,000,000,000;

''(viii) for fiscal year 2021, OMB shall increase the otherwise applicable amount of the reduction to such discretionary appropriations and direct spending accounts by $27,000,000,000; and

''(ix) for each of fiscal years 2014 through 2021, OMB shall calculate the amount of the respective reductions to discretionary appropriations and direct spending (as adjusted under this subparagraph) in accordance with subparagraphs (B) and (C).'';

(3) in subparagraph (B)(i), as redesignated, by inserting ''as adjusted, if adjusted, in accordance with subparagraph (A)'' after ''paragraph (4)''; and

(4) in subparagraph (C), as redesignated—

(A) by inserting ''as adjusted, if adjusted, in accordance with subparagraph (A)'' after ''paragraph (4)''; and

(B) by striking ''subparagraph (A)'' and inserting ''subparagraph (B)''.

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**SA 2320.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

**SEC. 843. MINIMUM WAGE FOR WORK UNDER CONTRACTS BY THE DEPARTMENT OF DEFENSE.**

(a) IN GENERAL.—Notwithstanding section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206), any entity awarded a contract by the Department of Defense for services performed in the United States, or property manufactured in the United States, shall pay each individual performing such services or manufacturing such property a wage not less than $14.00 an hour while such individual performs such services or manufactures such property.

(b) APPLICABILITY TO SUBCONTRACTORS.—Subsection (a) shall apply to an entity awarded a subcontract under a contract for services or property described in such subsection, in the same manner as such subsection applies to the entity awarded such contract.

(c) EFFECTIVE DATE.—Subsection (a) shall apply with respect to contracts awarded by the Department of Defense after the date of enactment of this Act for fiscal year 2014 and each fiscal year thereafter.

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**SA 2321.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. ENHANCED PRIVACY PROTECTIONS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.**

(a) LIMITING OVERBROAD SURVEILLANCE REQUESTS.—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended—

(1) in subsection (a)(1), by striking ''to protect against international terrorism or clandestine intelligence activities,'' and inserting ''for an investigation concerning international terrorism which investigation is being conducted by the Federal Bureau of Investigation,'';

(2) in subsection (b)(2)(A)—

(A) in the matter preceding clause (i)—

(i) by striking ''a statement of facts showing that there are reasonable grounds'' and inserting ''specific and articulable facts giving reason'';

(ii) by inserting ''each of'' before ''the tangible things'';

(iii) by striking ''are'' and inserting ''is''; and

(iv) by striking ''to protect against international terrorism or clandestine intelligence activities,'' and inserting ''an investigation concerning international terrorism which investigation is being conducted by the Federal Bureau of Investigation,'';

(B) in clause (i), by adding ''or'' at the end;

(C) in clause (ii), by striking ''or'' and inserting ''and''; and

(D) by striking clause (iii); and

(3) in subsection (c)(1), after ''the release of tangible things.'' by inserting ''For each tangible thing to be released, the judge shall enter a finding that the Director of the Federal Bureau of Investigation or the Director's designee has presented specific and articulable facts giving reason to believe that the thing is relevant to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2) of this section to obtain foreign intelligence information not concerning a United States person or an investigation concerning international terrorism which investigation is being conducted by the Federal Bureau of Investigation.''.

(b) EXPANSION OF REPORTING REQUIREMENTS UNDER FISA.—Section 502 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1862) is amended by striking subsections (a), (b), and (c) and inserting the following:

''(a) On a semiannual basis, the Attorney General shall fully inform Congress concerning all requests for the production of tangible things under section 501, including with respect to the preceding 6-month period—

''(1) the total number of applications made for orders approving requests for the production of tangible things under section 501; and

''(2) the total number of such orders either granted, modified, or denied.

''(b) In informing Congress under subsection (a), the Attorney General shall include the following:

''(1) A description with respect to each application for an order requiring the production of any tangible things for the specific purpose for such production.

''(2) An analysis of the effectiveness of each application that was granted or modified in protecting citizens of the United States against terrorism.

''(c) In a manner consistent with the protection of the national security of the United States, the Attorney General shall make available to the public the information provided to Congress under subsection (a).''.

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**SA 2322.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1066. ANNUAL REPORT ON DEPARTMENT OF DEFENSE GREENHOUSE GAS EMISSIONS.**

Not later than June 30, 2014, and annually thereafter, the Secretary of Defense shall submit to Congress a report on greenhouse gas emissions of the Department of Defense during the previous calendar year. The report shall include a review and description of greenhouse gas emissions by military department, Defense Agency, and type of activity, including electricity consumption, transportation, and heating.

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**SA 2323.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXIV, add the following:

**SEC. 2404. INCREASED FUNDING FOR ENERGY CONSERVATION PROJECTS.**

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) ADDITIONAL AMOUNT FOR ENERGY CONSERVATION INVESTMENT PROGRAM.—The amount authorized to be appropriated for fiscal year 2014 by section 2403(6) and available for the Energy Conservation Investment Program as specified in the funding table in section 4601 is hereby increased by $279,000,000, with the amount of the increase to be available for projects that improve energy efficiency at military installations (including retrofitting existing buildings and enabling new construction to meet higher energy efficiency standards) or allow for the inclusion or addition of renewable energy generation at military installations.

(2) RENEWABLE ENERGY GENERATION DEFINED.—In this subsection, the term ''renewable energy generation'' includes—

(A) solar, wind, biomass, landfill gas, ocean, and geothermal; and

(B) energy storage systems designed to store energy produced by a renewable energy system for later use or for frequency regulation.

(b) OFFSET.—The amount authorized to be appropriated for fiscal year 2014 by section 1504 and available for the Afghanistan Infrastructure Fund as specified in the funding table in section 4302 is hereby reduced by $279,000,000.

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**SA 2324.** Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title IX, add the following:

**SEC. 949. REPORTING ON PENETRATIONS INTO NETWORKS AND INFORMATION SYSTEMS OF OPERATIONALLY CRITICAL CONTRACTORS.**

(a) PROCEDURES FOR REPORTING PENETRATIONS.—The Secretary of Defense shall establish procedures that require an operationally critical contractor to report to a component of the Department of Defense designated by the Secretary for purposes of such procedures when a network or information system of such operationally critical contractor is successfully penetrated.

(b) PROCEDURE REQUIREMENTS.—

(1) RAPID REPORTING.—The procedures established pursuant to subsection (a) shall require each operationally critical contractor to rapidly report to the component of the Department designated pursuant to subsection (a) on each successful penetration of any network or information systems of such contractor. Each such report shall include the following:

(A) The technique or method used in such penetration.

(B) A sample of any malicious software, if discovered and isolated by the contractor, involved in such penetration.

(2) DEPARTMENT ASSISTANCE AND ACCESS TO EQUIPMENT AND INFORMATION BY DEPARTMENT PERSONNEL.—The procedures established pursuant to subsection (a) shall include mechanisms for Department personnel to—

(A) assist operationally critical contractors in detecting and mitigating penetrations; and

(B) upon request, obtain access to equipment or information of an operationally critical contractor necessary to conduct forensic analysis in addition to any analysis conducted by such contractor.

(3) PROTECTION OF TRADE SECRETS AND OTHER INFORMATION.—The procedures established pursuant to subsection (a) shall provide for the reasonable protection of trade secrets, commercial or financial information, and information that can be used to identify a specific person.

(c) ISSUANCE OF PROCEDURES.—The Secretary shall establish the procedures required by subsection (a) by not later than 90 days after the date of the enactment of this Act. The procedures shall take effect on the date of establishment.

(d) ASSESSMENT OF DEPARTMENT POLICIES AND SYSTEMS FOR SHARING INFORMATION ON PENETRATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of the Act, the Secretary shall conduct an assessment of Department policies and systems for sharing information on successful penetrations into networks or information systems of operationally critical contractors.

(2) ACTIONS FOLLOWING ASSESSMENT.—Upon completion of the assessment required by paragraph (1), the Secretary shall issue or revise guidance applicable to Department components to ensure the rapid sharing of information relating to successful penetrations into networks or information systems of operationally critical contractors.

(e) DEFINITIONS.—In this section:

(1) The term ''operationally critical contractor'' means a contractor designated by the Secretary for purposes of this section as a critical source of supply for a service or capability that is essential to the mobilization, deployment, or sustainment of the Armed Forces in a contingency operation.

(2) The term ''contingency operation'' has the meaning given that term in section 101(a)(13) of title 10, United States Code.

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**SA 2325.** Mr. REED (for himself, Mr. ROCKEFELLER, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A add the following:

**TITLE XVI—ENHANCEMENT AND IMPROVEMENT OF SCRA**

**SEC. 1600. SHORT TITLE.**

This title may be cited as the ''SCRA Enhancement and Improvement Act of 2013''.

**Subtitle A—Enhancement of Rights Under Servicemembers Civil Relief Act**

**SEC. 1601. EXTENDED PERIOD OF PROTECTION UNDER INSTALLMENT CONTRACTS FOR PURCHASE OR LEASE.**

Section 302(a)(1) of the Servicemembers Civil Relief Act (50 U.S.C. App. 532(a)(1)) is amended, in the matter following subparagraph (B), by striking ''or during that person's military service'' and inserting '', during, or within one year after such servicemember's period of military service''.

**SEC. 1602. MODIFICATION OF PERIOD DETERMINING WHICH ACTIONS ARE COVERED UNDER STAY OF PROCEEDINGS AND ADJUSTMENT OF OBLIGATION PROTECTIONS CONCERNING MORTGAGES AND TRUST DEEDS OF MEMBERS OF UNIFORMED SERVICES.**

(a) IN GENERAL.—Section 303(b) of the Servicemembers Civil Relief Act (50 U.S.C. App. 533(b)) is amended by striking ''filed'' and inserting ''pending''.

(b) CONFORMING AMENDMENTS.—Section 710(d) of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 (Public Law 112–154; 126 Stat. 1208) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph (1):

''(1) SUNSET AND REVIVAL.—

''(A) IN GENERAL.—Subsections (b) and (c) of section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533), as amended by subsections (a) and (b) of this section, are amended by striking 'within one year' each place it appears and inserting 'within 90 days'.

''(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect on January 1, 2015.''; and

(2) by striking paragraph (3).

**SEC. 1603. PROHIBITION ON COLLECTION OF PENALTIES FOR EARLY PREPAYMENT OF MORTGAGE.**

Section 203 of the Servicemembers Civil Relief Act (50 U.S.C. App. 523) is amended by adding at the end the following new subsection:

''(c) PROHIBITION ON PREPAYMENT PENALTIES FOR CERTAIN MORTGAGES.—

''(1) IN GENERAL.—When a servicemember discharges an obligation arising under a mortgage contract and would otherwise thereby incur a prepayment penalty, such penalty shall not accrue if—

''(A) the servicemember is in military service at the time the prepayment penalty is incurred; and

''(B) the reason the servicemember discharges the obligation, thereby incurring the penalty, is materially affected by such military service.

''(2) MATERIALLY AFFECTING MILITARY SERVICE.—For purposes of paragraph (1)(B), the requirement that the reason a servicemember discharged a mortgage obligation, thereby incurring a prepayment penalty, be materially affected by military services requires—

''(A) that the mortgage be secured by the servicemember's primary residence; and

''(B) that the servicemember receive permanent change of station orders.

''(3) RELIEF, COSTS, AND ATTORNEY FEES.—An assessment of a penalty in violation of this subsection shall be considered a violation of this Act for purposes of title VIII.''.

**SEC. 1604. PROTECTIONS FOR MEMBERS OF UNIFORMED SERVICES REGARDING PROFESSIONAL LICENSES.**

(a) IN GENERAL.—Title VII of the Servicemembers Civil Relief Act (50 U.S.C. App. 701 et seq.) is amended by adding at the end the following new section:

**''SEC. 707. PROFESSIONAL LICENSES.**

''(a) EXPIRATION DURING PERIOD IN WHICH SERVICEMEMBERS ARE ELIGIBLE FOR HOSTILE FIRE OR IMMINENT DANGER SPECIAL PAY.—If a license issued by a State or local licensing authority to a servicemember would otherwise expire during a period in which such servicemember is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code, such State or local licensing authority shall delay the expiration of such license until not earlier than the date that is 180 days after the date on which such period of eligibility ends.

''(b) CONTINUING EDUCATION REQUIREMENTS DURING PERIOD IN WHICH SERVICEMEMBERS ARE ELIGIBLE FOR HOSTILE FIRE OR IMMINENT DANGER SPECIAL PAY.—If a State or local licensing authority otherwise requires a servicemember to meet any continuing education requirements to maintain a license for a trade or profession during a period in which such servicemember is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code, such State or local licensing authority shall delay such continuing education requirement until not earlier than the date that is 180 days after the date on which such period of eligibility ends.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act (50 U.S.C. App. 501(b)) is amended by inserting after the item relating to section 706 the following new item:

''Sec. 707. Professional licenses and certifications.''.

**SEC. 1605. EXPANSION OF PROTECTIONS FOR MEMBERS OF UNIFORMED SERVICES REGARDING TAXES RESPECTING REAL PROPERTY OCCUPIED BY BUSINESSES OWNED BY SUCH MEMBERS.**

(a) IN GENERAL.—Subsection (a)(2) of section 501 of the Servicemembers Civil Relief Act (50 U.S.C. App. 561) is amended by striking the matter before subparagraph (A) and inserting the following:

''(2) real property occupied for dwelling, professional, trade, business, or agricultural purposes by a servicemember, the servicemember's dependents or employees, or a business which (without regard to the form in which such profession, trade, business, or agricultural operation is organized or carried out) is owned entirely by a servicemember or by a servicemember and the spouse of the servicemember—''.

(b) NOTICE.—Such section is further amended by adding at the end the following new subsection:

''(f) WRITTEN NOTICE TO TAXING AUTHORITIES.—In order for real property owned by a business which is owned entirely by a servicemember or by a servicemember and the spouse of the servicemember to be subject to the protections provided in this section, the servicemember shall provide to the applicable taxing authority written notice and a copy of the military orders calling the servicemember to military service and any orders further extending military service, not later than 180 days after the date of the servicemember's termination or release from military service.''.

**SEC. 1606. PROHIBITION ON DENIAL OF CREDIT BECAUSE OF ELIGIBILITY FOR PROTECTION.**

Section 108 of the Servicemembers Civil Relief Act (50 U.S.C. App. 518) is amended—

(1) by striking ''Application by'' and inserting the following:

''(a) APPLICATION OR RECEIPT.—Application by''; and

(2) by adding at the end the following new subsection:

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—In addition to the protections under subsection (a), an individual who is entitled to any right or protection provided under this Act may not be denied or refused credit or be subject to any other action described under paragraphs (1) through (6) of subsection (a) solely by reason of such entitlement.

''(2) CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit a lender from considering all relevant factors, other than the entitlement of an individual to a right or protection provided under this Act, in making a determination as to whether it is appropriate to extend credit.''.

**SEC. 1607. INTEREST RATE LIMITATION ON DEBT ENTERED INTO DURING MILITARY SERVICE TO CONSOLIDATE OR REFINANCE STUDENT LOANS INCURRED BEFORE MILITARY SERVICE.**

(a) IN GENERAL.—Subsection (a) of section 207 of the Servicemembers Civil Relief Act (50 U.S.C. App. 527) is amended—

(1) in paragraph (1), by inserting ''ON DEBT INCURRED BEFORE SERVICE'' after ''LIMITATION TO 6 PERCENT'';

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) LIMITATION TO 6 PERCENT ON DEBT INCURRED DURING SERVICE TO CONSOLIDATE OR REFINANCE STUDENT LOANS INCURRED BEFORE SERVICE.—An obligation or liability bearing interest at a rate in excess of 6 percent per year that is incurred by a servicemember, or the servicemember and the servicemember's spouse jointly, during military service to consolidate or refinance one or more student loans incurred by the servicemember before such military service shall not bear an interest at a rate in excess of 6 percent during the period of military service.'';

(4) in paragraph (3), as redesignated by paragraph (2) of this subsection, by inserting ''or (2)'' after ''paragraph (1)''; and

(5) in paragraph (4), as so redesignated, by striking ''paragraph (2)'' and inserting ''paragraph (3)''.

(b) IMPLEMENTATION OF LIMITATION.—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking ''the interest rate limitation in subsection (a)'' and inserting ''an interest rate limitation in paragraph (1) or (2) of subsection (a)''; and

(2) in paragraph (2)—

(A) in the paragraph heading, by striking ''AS OF DATE OF ORDER TO ACTIVE DUTY''; and

(B) by inserting before the period at the end the following: ''in the case of an obligation or liability covered by subsection (a)(1), or as of the date the servicemember (or servicemember and spouse jointly) incurs the obligation or liability concerned under subsection (a)(2)''.

(c) STUDENT LOAN DEFINED.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

''(3) STUDENT LOAN.—The term 'student loan' means the following:

''(A) A Federal student loan made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

''(B) A private student loan as that term is defined in section 140(a) of the Truth in Lending Act (15 U.S.C. 1650(a)).''.

**SEC. 1608. TERMINATION OF RESIDENTIAL LEASES AFTER ASSIGNMENT OR RELOCATION TO QUARTERS OF UNITED STATES OR HOUSING FACILITY UNDER JURISDICTION OF UNIFORMED SERVICE.**

(a) TERMINATION OF RESIDENTIAL LEASES.—

(1) IN GENERAL.—Section 305 of the Servicemembers Civil Relief Act (50 U.S.C. App. 535) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (A), by striking ''or'' at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following new subparagraph:

''(C) in the case of a lease described in subsection (b)(1) and subparagraph (C) of such subsection, the date the lessee is assigned to or otherwise relocates to quarters or a housing facility as described in such subparagraph.''; and

(B) in subsection (b)(1)—

(i) in subparagraph (A), by striking ''or'' at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following new subparagraph:

''(C) the lease is executed by or on behalf of a person who thereafter and during the term of the lease is assigned to or otherwise relocates to quarters of the United States or a housing facility under the jurisdiction of a uniformed service (as defined in section 101 of title 37, United States Code), including housing provided under the Military Housing Privatization Initiative.''.

(2) MANNER OF TERMINATION.—Subsection (c)(1) of such section is amended—

(A) in subparagraph (A)—

(i) by inserting ''in the case of a lease described in subsection (b)(1) and subparagraph (A) or (B) of such subsection,'' before ''by delivery''; and

(ii) by striking ''and'' at the end;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) in the case of a lease described in subsection (b)(1) and subparagraph (C) of such subsection, by delivery by the lessee of written notice of such termination, and a letter from the servicemember's commanding officer indicating that the servicemember has been assigned to or is otherwise relocating to quarters of the United States or a housing facility under the jurisdiction of a uniformed service (as defined in section 101 of title 37, United States Code), to the lessor (or the lessor's grantee), or to the lessor's agent (or the agent's grantee); and''.

(b) DEFINITION OF MILITARY ORDERS AND CONTINENTAL UNITED STATES FOR PURPOSES OF ACT.—

(1) TRANSFER OF DEFINITIONS.—Such Act is further amended by transferring paragraphs (1) and (2) of section 305(i) (50 U.S.C. App. 535(i)) to the end of section 101 (50 U.S.C. App. 511) and redesignating such paragraphs, as so transferred, as paragraphs (10) and (11).

(2) CONFORMING AMENDMENTS.—Such Act is further amended—

(A) in section 305 (50 U.S.C. App. 535), as amended by paragraph (1), by striking subsection (i); and

(B) in section 705 (50 U.S.C. App. 595), by striking ''or naval'' both places it appears.

**SEC. 1609. PROTECTION OF SURVIVING SPOUSE WITH RESPECT TO MORTGAGE FORECLOSURE.**

(a) IN GENERAL.—Title III of the Servicemembers Civil Relief Act (50 U.S.C. App. 531 et seq.) is amended by inserting after section 303 (50 U.S.C. App. 533) the following new section:

**''SEC. 303A. PROTECTION OF SURVIVING SPOUSE WITH RESPECT TO MORTGAGE FORECLOSURE.**

''(a) IN GENERAL.—Subject to subsection (b), with respect to a servicemember who dies while in military service and who has a surviving spouse who is the servicemember's successor in interest to property covered under section 303(a), section 303 shall apply to the surviving spouse with respect to that property during the one-year period beginning on the date of such death in the same manner as if the servicemember had not died.

''(b) NOTICE REQUIRED.—

''(1) IN GENERAL.—To be covered under this section with respect to property, a surviving spouse shall submit written notice that such surviving spouse is so covered to the mortgagee, trustee, or other creditor of the mortgage, trust deed, or other security in the nature of a mortgage with which the property is secured.

''(2) TIME.—Notice provided under paragraph (1) shall be provided with respect to a surviving spouse anytime during the one-year period beginning on the date of death of the servicemember with respect to whom the

surviving spouse is to receive coverage under this section.

''(3) ADDRESS.—Notice provided under paragraph (1) with respect to property shall be provided via e-mail, facsimile, standard post, or express mail to facsimile numbers and addresses, as the case may be, designated by the servicer of the mortgage, trust deed, or other security in the nature of a mortgage with which the property is secured.

''(4) MANNER.—Notice provided under paragraph (1) shall be provided in writing by using a form designed under paragraph (5) or submitting a copy of a Department of Defense or Department of Veterans Affairs document evidencing the military service-related death of a spouse while in military service.

''(5) OFFICIAL FORMS.—The Secretary of Defense shall design and distribute an official Department of Defense form that can be used by an individual to give notice under paragraph (1).''.

(b) EFFECTIVE DATE.—Section 303A of such Act, as added by subsection (a), shall apply with respect to deaths that occur on or after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act (50 U.S.C. App. 501) is amended by inserting after the item relating to section 303 the following new item:

''Sec. 303A. Protection of surviving spouse with respect to mortgage foreclosure.''.

### Subtitle B—Improvements to Servicemembers Civil Relief Act

**SEC. 1611. IMPROVED PROTECTION OF MEMBERS OF UNIFORMED SERVICES AGAINST DEFAULT JUDGMENTS.**

(a) MODIFICATION OF PLAINTIFF AFFIDAVIT FILING REQUIREMENT.—

(1) IN GENERAL.—Paragraph (1) of section 201(b) of the Servicemembers Civil Relief Act (50 U.S.C. App. 521(b)) is amended—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting such clauses two ems to the right;

(B) in the matter before clause (i), as redesignated by subparagraph (A), by striking ''In any'' and inserting the following:

''(A) IN GENERAL.—In any''; and

(C) by adding at the end the following new subparagraph (B):

''(B) DUE DILIGENCE.—Before filing the affidavit, the plaintiff shall conduct a diligent and reasonable investigation to determine whether or not the defendant is in military service, including a search of available records of the Department of Defense and any other information reasonably available to the plaintiff. The affidavit shall set forth all steps taken to determine the defendant's military status and shall have attached copies of the records on which the plaintiff relied in drafting the affidavit.''.

(2) APPLICABILITY.—Paragraph (1)(B) of such section, as added by paragraph (1), shall apply with respect to actions and proceedings filed on or after the date of the enactment of this Act.

(b) APPOINTMENT OF ATTORNEY TO REPRESENT DEFENDANT IN MILITARY SERVICE.—Paragraph (2) of such section (50 U.S.C. App. 521(b)) is amended—

(1) by striking ''If in an action'' and inserting the following:

''(A) IN GENERAL.—If in an action'';

(2) in subparagraph (A), as designated by paragraph (1), by striking ''If an attorney'' and inserting the following:

''(C) LIMITATIONS ON APPOINTED ATTORNEY.—If an attorney'';

(3) by inserting after subparagraph (A), as designated by paragraph (1), the following new subparagraph:

''(B) DUE DILIGENCE.—If the court appoints an attorney to represent the defendant—

''(i) the attorney shall conduct a diligent and reasonable investigation to determine whether or not the defendant is in military service, including a search of available records of the Department of Defense and any other information reasonably available to the attorney; and

''(ii) the plaintiff shall submit to the attorney such information as the plaintiff may have concerning the whereabouts or identity of the defendant.''; and

(4) by adding at the end the following new subparagraph:

''(D) TREATMENT OF ATTORNEYS FEES.—The reasonable fees of an attorney appointed to represent a servicemember shall be treated as costs of court for court cost purposes, unless the creditor seeks relief from such charges from the court.''.

**SEC. 1612. MODIFICATION OF PERIOD IN WHICH A WAIVER OF A RIGHT PURSUANT TO A WRITTEN AGREEMENT MAY BE MADE UNDER SERVICEMEMBERS CIVIL RELIEF ACT.**

Section 107(a) of the Servicemembers Civil Relief Act (50 U.S.C. App. 517) is amended in the third sentence by striking ''during or after the servicemember's period of military service'' and inserting ''after the occurrence of the event that gave rise to the rights or protections to be waived''.

**SEC. 1613. CLARIFICATION REGARDING APPLICATION OF ENFORCEMENT AUTHORITY OF ATTORNEY GENERAL AND PRIVATE RIGHT OF ACTION UNDER SERVICEMEMBERS CIVIL RELIEF ACT.**

Sections 801 and 802 of the Servicemembers Civil Relief Act (50 U.S.C. App. 597 and 597a) shall apply as if such sections were included in the enactment of the Soldiers' and Sailors' Civil Relief Act of 1940 (54 Stat. 1178, chapter 888) and included in the restatement of such Act in Public Law 108–189.

**SEC. 1614. EXPANSION OF PROTECTIONS RELATING TO MORTGAGES TO INCLUDE OBLIGATIONS ON REAL OR PERSONAL PROPERTY FOR WHICH A SERVICEMEMBER IS PERSONALLY LIABLE AS A GUARANTOR OR CO-MAKER.**

Section 303(a) of the Servicemembers Civil Relief Act (50 U.S.C. App. 533) is amended, in the matter before paragraph (1), by inserting ''or an obligation on real or personal property for which a servicemember is personally liable as a guarantor or co-maker'' after ''by a servicemember''.

### Subtitle C—Enforcement of Rights Under Servicemembers Civil Relief Act

**SEC. 1621. ELECTION OF ARBITRATION TO RESOLVE CONTROVERSIES UNDER SERVICEMEMBERS CIVIL RELIEF ACT.**

(a) IN GENERAL.—Section 102 of the Servicemembers Civil Relief Act (50 U.S.C. App. 512) is amended by adding at the end the following new subsection:

''(d) ELECTION OF ARBITRATION.—

''(1) CONSENT REQUIRED.—Notwithstanding any other provision of law, whenever a contract with a servicemember provides for the use of arbitration to resolve a controversy subject to a provision of this Act and arising out of or relating to such contract, arbitration may be used to settle such controversy only if, after such controversy arises, all parties to such controversy consent in writing to use arbitration to settle such controversy.

''(2) EXPLANATION REQUIRED.—Notwithstanding any other provision of law, whenever arbitration is elected to settle a dispute pursuant to paragraph (1), the arbitrator shall provide the parties to such contract with a written explanation of the factual and legal basis for any decision made by the arbitrator in the course of such arbitration.''.

(b) APPLICABILITY.—Subsection (d) of such section, as added by subsection (a), shall apply with respect to contracts entered into, amended, altered, modified, renewed, or extended after the date of the enactment of this Act.

**SEC. 1622. ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS BY ATTORNEY GENERAL UNDER SERVICEMEMBERS CIVIL RELIEF ACT.**

(a) IN GENERAL.—Section 801 of the Servicemembers Civil Relief Act (50 U.S.C. App. 597) is amended by adding at the end the following:

''(d) ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS.—

''(1) IN GENERAL.—Whenever the Attorney General has reason to believe that any person may be in possession, custody, or control of any documentary material relevant to an investigation under this Act, the Attorney General may, before commencing a civil action under subsection (a), issue in writing and serve upon such person, a civil investigative demand requiring—

''(A) the production of such documentary material for inspection and copying;

''(B) that the custodian of such documentary material answer in writing written questions with respect to such documentary material; or

''(C) the production of any combination of such documentary material or answers.

''(2) FALSE CLAIMS.—The provisions of section 3733 of title 31, United States Code, governing the authority to issue, use, and enforce civil investigative demands shall apply with respect to the authority to issue, use, and enforce civil investigative demands under this section, except that, for purposes of applying such section 3733—

''(A) references to false claims law investigators or investigations shall be considered references to investigators or investigations under this Act;

''(B) references to interrogatories shall be considered references to written questions, and answers to such need not be under oath;

''(C) the definitions relating to 'false claims law' shall not apply; and

''(D) provisions relating to qui tam relators shall not apply.

''(3) ANNUAL REPORT.—

''(A) IN GENERAL.—Not later than one year after the date of the enactment of the SCRA Enhancement and Improvement Act of 2013 and not less frequently than once each year thereafter, the Attorney General shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the issuance of civil investigative demands under this subsection during the previous one-year period.

''(B) ELEMENTS.—Each report submitted under subparagraph (A) shall include the following for the year covered by the report:

''(i) The number of times that a civil investigative demand was issued under this subsection.

''(ii) For each civil investigative demand issued under this subsection with respect to an investigation, whether such investigation resulted in a settlement or conviction.''.

(b) EFFECTIVE DATE.—Subsection (d) of such section, as added by subsection (a), shall take effect on the date of the enactment of this Act and shall apply with respect to all violations of the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.), regardless of when the violations are alleged to have occurred.

**SEC. 1623. INCREASE IN CIVIL PENALTIES FOR VIOLATION OF SERVICEMEMBERS CIVIL RELIEF ACT.**

(a) IN GENERAL.—Section 801(b)(3) of the Servicemembers Civil Relief Act (50 U.S.C. App. 597(b)(3)) is amended—

(1) in subparagraph (A), by striking ''$55,000'' and inserting ''$110,000''; and

(2) in subparagraph (B), by striking ''$110,000'' and inserting ''$220,000''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act and shall apply with respect to violations of the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) that occur on or after such date.

**Subtitle D—Other Matters**

**SEC. 1631. CLERICAL AMENDMENTS.**

(a) IN GENERAL.—The heading for section 305 of the Servicemembers Civil Relief Act (50 U.S.C. App. 535) is amended by striking ''**RESIDENTIAL OR MOTOR VEHICLE LEASES**'' and inserting ''**LEASES OF PREMISES OCCUPIED AND MOTOR VEHICLES USED**''.

(b) TABLE OF CONTENTS.—The table of contents in section 1(b) of such Act (50 U.S.C. App. 501(b)) is amended by striking the item relating to section 305 and inserting the following new item:

''Sec. 305. Termination of leases of premises occupied and motor vehicles used.''.

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**SA 2326.** Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

**TITLE XVI—MILITARY VOTING**

**SEC. 1601. SHORT TITLE.**

This title may be cited as the ''Protect Military and Overseas Voters Act''.

**Subtitle A—Absent Uniformed Services Voters and Overseas Voters**

**SEC. 1611. SHORT TITLE.**

This subtitle may be cited as the ''Absent Uniformed Services Voters and Overseas Voters Act''.

**SEC. 1612. EXTENDING GUARANTEE OF RESIDENCY FOR VOTING PURPOSES TO DEPENDENTS OF ABSENT MILITARY PERSONNEL.**

(a) IN GENERAL.—Section 705 of the Servicemembers Civil Relief Act (50 U.S.C. App. 595) is amended—

(1) in the heading, by inserting ''**AND DEPENDENTS**'' after ''**SPOUSES**''; and

(2) by amending subsection (b) to read as follows:

''(b) SPOUSES AND DEPENDENTS.—For the purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or any State or local office, a dependent of a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that person's absence and without regard to whether or not such dependent is accompanying that person—

''(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

''(2) be deemed to have acquired a residence or domicile in any other State; or

''(3) be deemed to have become a resident in or a resident of any other State.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to absences from States described in section 705(b) of the Servicemembers Civil Relief Act (50 U.S.C. App. 595(b)), as amended by subsection (a), after the date of the enactment of this Act, regardless of the date of the military or naval order concerned.

**SEC. 1613. PRE-ELECTION REPORTS ON AVAILABILITY AND TRANSMISSION OF ABSENTEE BALLOTS.**

Section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1(c)) is amended to read as follows:

''(c) REPORTS ON AVAILABILITY, TRANSMISSION, AND RECEIPT OF ABSENTEE BALLOTS.—

''(1) PRE-ELECTION REPORT ON ABSENTEE BALLOT AVAILABILITY.—Not later than 55 days before any regularly scheduled general election for Federal office, each State shall submit a report to the Attorney General, the Election Assistance Commission (hereafter in this subsection referred to as the 'Commission'), and the Presidential Designee, and make that report publicly available that same day, certifying that absentee ballots for the election are or will be available for transmission to absent uniformed services voters and overseas voters by not later than 46 days before the election. The report shall be in a form prescribed by the Attorney General, in consultation with the Commission, and shall require the State to certify specific information about ballot availability from each unit of local government which will administer the election.

''(2) PRE-ELECTION REPORT ON ABSENTEE BALLOT TRANSMISSION.—Not later than 43 days before any regularly scheduled general election for Federal office, each State shall submit a report to the Attorney General, the Commission, and the Presidential Designee, and make that report publicly available that same day, certifying whether all absentee ballots have been transmitted by not later than 46 days before the election to all qualified absent uniformed services and overseas voters whose requests were received at least 46 days before the election. The report shall be in a form prescribed by the Attorney General, , in consultation with the Commission, and shall require the State to certify specific information about ballot transmission, including the total numbers of ballot requests received and ballots transmitted, from each unit of local government which will administer the election.

''(3) POST-ELECTION REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—Not later than 90 days after the date of each regularly scheduled general election for Federal office, each State and unit of local government which administered the election shall (through the State, in the case of a unit of local government) submit a report to the Attorney General, the Commission, and the Presidential Designee on the combined number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the combined number of such ballots which were returned by such voters and cast in the election, and shall make such report available to the general public that same day.''.

**SEC. 1614. ENFORCEMENT.**

(a) AVAILABILITY OF CIVIL PENALTIES AND PRIVATE RIGHTS OF ACTION.—Section 105 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff—4) is amended to read as follows:

**''SEC. 105. ENFORCEMENT.**

''(a) ACTION BY ATTORNEY GENERAL.—

''(1) IN GENERAL.—The Attorney General may bring civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out this title.

''(2) PENALTY.—In a civil action brought under paragraph (1), if the court finds that the State violated any provision of this title, it may, to vindicate the public interest, assess a civil penalty against the State—

''(A) in an amount not to exceed $110,000 for each such violation, in the case of a first violation; or

''(B) in an amount not to exceed $220,000 for each such violation, for any subsequent violation.

''(3) REPORT TO CONGRESS.—Not later than December 31 of each year, the Attorney General shall submit to Congress an annual report on any civil action brought under paragraph (1) during the preceding year.

''(b) PRIVATE RIGHT OF ACTION.—A person who is aggrieved by a State's violation of this title may bring a civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out this title.

''(c) STATE AS ONLY NECESSARY DEFENDANT.—In any action brought under this section, the only necessary party defendant is the State, and it shall not be a defense to any such action that a local election official or a unit of local government is not named as a defendant, notwithstanding that a State has exercised the authority described in section 576 of the Military and Overseas Voter Empowerment Act to delegate to another jurisdiction in the State any duty or responsibility which is the subject of an action brought under this section.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations alleged to have occurred on or after the date of the enactment of this Act.

**SEC. 1615. REVISIONS TO 45-DAY ABSENTEE BALLOT TRANSMISSION RULE.**

(a) REPEAL OF WAIVER AUTHORITY.—

(1) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff—1) is amended by striking subsection (g).

(2) CONFORMING AMENDMENT.—Section 102(a)(8)(A) of such Act (42 U.S.C. 1973ff—1(a)(8)(A)) is amended by striking ''except as provided in subsection (g),''.

(b) MODIFICATION OF TIME-PERIOD TO AVOID WEEKEND DEADLINES.—Section 102(a)(8) of such Act (42 U.S.C. 1973ff—1(a)(8)(A)) is amended by striking ''45 days'' each place it appears and inserting ''46 days''.

(c) REQUIRING USE OF EXPRESS DELIVERY IN CASE OF FAILURE TO MEET REQUIREMENT.—Section 102 of such Act (42 U.S.C. 1973ff—1), as amended by subsection (a), is amended by inserting after subsection (f) the following new subsection:

''(g) REQUIRING USE OF EXPRESS DELIVERY IN CASE OF FAILURE TO TRANSMIT BALLOTS WITHIN DEADLINES.—

''(1) TRANSMISSION OF BALLOT BY EXPRESS DELIVERY.—If a State fails to meet the requirement of subsection (a)(8)(A) to transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter not later than 46 days before the election (in the case in which the request is received at least 46 days before the election)—

''(A) the State shall transmit the ballot to the voter by express delivery; or

''(B) in the case of a voter who has designated that absentee ballots be transmitted electronically in accordance with subsection (f)(1), the State shall transmit the ballot to the voter electronically.

''(2) SPECIAL RULE FOR TRANSMISSION FEWER THAN 40 DAYS BEFORE THE ELECTION.—If, in carrying out paragraph (1), a State transmits an absentee ballot to an absent uniformed services voter or overseas voter fewer than 40 days before the election, the State shall enable the ballot to be returned by the voter by express delivery, except that in the case of an absentee ballot of an absent uniformed services voter for a regularly scheduled general election for Federal office, the State may satisfy the requirement of this paragraph by notifying the voter of the procedures for the collection and delivery of such ballots under section 103A.''.

**SEC. 1616. USE OF SINGLE ABSENTEE BALLOT APPLICATION FOR SUBSEQUENT ELECTIONS.**

(a) IN GENERAL.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3) is amended to read as follows:

**''SEC. 104. USE OF SINGLE APPLICATION FOR SUBSEQUENT ELECTIONS.**

''(a) IN GENERAL.—If a State accepts and processes a request for an absentee ballot by an absent uniformed services voter or overseas voter and the voter requests that the application be considered an application for an absentee ballot for each subsequent election for Federal office held in the State through the next regularly scheduled general election for Federal office (including any runoff elections which may occur as a result of the outcome of such general election), the State shall provide an absentee ballot to the voter for each such subsequent election.

''(b) EXCEPTION FOR VOTERS CHANGING REGISTRATION.—Subsection (a) shall not apply with respect to a voter registered to vote in a State for any election held after the voter notifies the State that the voter no longer wishes to be registered to vote in the State or after the State determines that the voter has registered to vote in another State or is otherwise no longer eligible to vote in the State.

''(c) PROHIBITION OF REFUSAL OF APPLICATION ON GROUNDS OF EARLY SUBMISSION.—A State may not refuse to accept or to process, with respect to any election for Federal office, any otherwise valid voter registration application or absentee ballot application (including the postcard form prescribed under section 101) submitted by an absent uniformed services voter or overseas voter on the grounds that the voter submitted the application before the first date on which the State otherwise accepts or processes such applications for that election which are submitted by absentee voters who are not members of the uniformed services or overseas citizens.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to voter registration and absentee ballot applications which are submitted to a State or local election official on or after the date of the enactment of this Act.

**SEC. 1617. APPLICABILITY TO COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.**

Paragraph (6) and (8) of section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(6)) are each amended by striking ''and American Samoa'' and inserting ''American Samoa, and the Commonwealth of the Northern Mariana Islands''.

**SEC. 1618. EFFECTIVE DATE.**

Except as otherwise provided in this subtitle, the amendments made by this subtitle shall apply with respect to elections occurring on or after January 1, 2014.

**Subtitle B—Voter Registration Modernization**

**SEC. 1621. SHORT TITLE.**

This subtitle may be cited as the ''Voter Registration Modernization Act''.

**SEC. 1622. REQUIRING AVAILABILITY OF INTERNET FOR VOTER REGISTRATION.**

(a) REQUIRING AVAILABILITY OF INTERNET FOR REGISTRATION.—The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) is amended by inserting after section 6 the following new section:

**''SEC. 6A. INTERNET REGISTRATION.**

''(a) REQUIRING AVAILABILITY OF INTERNET FOR ONLINE REGISTRATION.—

''(1) AVAILABILITY OF ONLINE REGISTRATION.—Each State, acting through the chief State election official, shall ensure that the following services are available to the public at any time on the official public websites of the appropriate State and local election officials in the State, in the same manner and subject to the same terms and conditions as the services provided by voter registration agencies under section 7(a):

''(A) Online application for voter registration.

''(B) Online assistance to applicants in applying to register to vote.

''(C) Online completion and submission by applicants of the mail voter registration application form prescribed by the Election Assistance Commission pursuant to section 9(a)(2), including assistance with providing a signature in electronic form as required under subsection (c).

''(D) Online receipt of completed voter registration applications.

''(b) ACCEPTANCE OF COMPLETED APPLICATIONS.—A State shall accept an online voter registration application provided by an individual under this section, and ensure that the individual is registered to vote in the State, if—

''(1) the individual meets the same voter registration requirements applicable to individuals who register to vote by mail in accordance with section 6(a)(1) using the mail voter registration application form prescribed by the Election Assistance Commission pursuant to section 9(a)(2); and

''(2) the individual provides a signature in electronic form in accordance with subsection (c) (but only in the case of applications submitted during or after the second year in which this section is in effect in the State).

''(c) SIGNATURES IN ELECTRONIC FORM.—For purposes of this section, an individual provides a signature in electronic form by—

''(1) electronically signing the document in the manner required by the State for purposes of submitting online applications for voter registration before the date of the enactment of this section;

''(2) executing a computerized mark in the signature field on an online voter registration application; or

''(3) submitting with the application an electronic copy of the individual's handwritten signature through electronic means.

''(d) CONFIRMATION AND DISPOSITION.—

''(1) CONFIRMATION OF RECEIPT.—Upon the online submission of a completed voter registration application by an individual under this section, the appropriate State or local election official shall send the individual a notice confirming the State's receipt of the application and providing instructions on how the individual may check the status of the application.

''(2) NOTICE OF DISPOSITION.—As soon as the appropriate State or local election official has approved or rejected an application submitted by an individual under this section, the official shall send the individual a notice of the disposition of the application.

''(3) METHOD OF NOTIFICATION.—The appropriate State or local election official shall send the notices required under this subsection by regular mail, and, in the case of an individual who has requested that the State provide voter registration and voting information through electronic mail, by both electronic mail and regular mail.

''(e) PROVISION OF SERVICES IN NONPARTISAN MANNER.—The services made available under subsection (a) shall be provided in a manner that ensures that, consistent with section 7(a)(5)—

''(1) the online application does not seek to influence an applicant's political preference or party registration; and

''(2) there is no display on the website promoting any political preference or party allegiance, except that nothing in this paragraph may be construed to prohibit an applicant from registering to vote as a member of a political party.

''(f) PROTECTION OF SECURITY OF INFORMATION.—In meeting the requirements of this section, the State shall establish appropriate technological security measures to prevent to the greatest extent practicable any unauthorized access to information provided by individuals using the services made available under subsection (a).

''(g) USE OF ADDITIONAL TELEPHONE-BASED SYSTEM.—A State shall make the services made available online under subsection (a) available through the use of an automated telephone-based system, subject to the same terms and conditions applicable under this section to the services made available online, in addition to making the services available online in accordance with the requirements of this section.

''(h) NONDISCRIMINATION AMONG REGISTERED VOTERS USING MAIL AND ONLINE REGISTRATION.—In carrying out this Act, the Help America Vote Act of 2002, or any other Federal, State, or local law governing the treatment of registered voters in the State or the administration of elections for public office in the State, a State shall treat a registered voter who registered to vote online in accordance with this section in the same manner as the State treats a registered voter who registered to vote by mail.''.

(b) TREATMENT AS INDIVIDUALS REGISTERING TO VOTE BY MAIL FOR PURPOSES OF FIRST-TIME VOTER IDENTIFICATION REQUIREMENTS.—Section 303(b)(1)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(1)(A)) is amended by striking ''by mail'' and inserting ''by mail or online under section 6A of the National Voter Registration Act of 1993''.

(c) CONFORMING AMENDMENTS.—

(1) TIMING OF REGISTRATION.—Section 8(a)(1) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(a)(1)) is amended—

(A) by striking ''and'' at the end of subparagraph (C);

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following new subparagraph:

''(D) in the case of online registration through the official public website of an election official under section 6A, if the valid voter registration application is submitted online not later than the lesser of 30 days, or the period provided by State law, before the date of the election (as determined by treating the date on which the application is sent electronically as the date on which it is submitted); and''.

(2) INFORMING APPLICANTS OF ELIGIBILITY REQUIREMENTS AND PENALTIES.—Section 8(a)(5) of such Act (42 U.S.C. 1973gg–6(a)(5)) is amended by striking ''and 7'' and inserting ''6A, and 7''.

**SEC. 1623. USE OF INTERNET TO UPDATE REGISTRATION INFORMATION.**

(a) IN GENERAL.—

(1) UPDATES TO INFORMATION CONTAINED ON COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST.—Section 303(a) of the Help America Vote Act of 2002 (42 U.S.C. 15483(a)) is amended by adding at the end the following new paragraph:

''(6) USE OF INTERNET BY REGISTERED VOTERS TO UPDATE INFORMATION.—

''(A) IN GENERAL.—The appropriate State or local election official shall ensure that any registered voter on the computerized list may at any time update the voter's registration information, including the voter's address and electronic mail address, online through the official public website of the election official responsible for the maintenance of the list, so long as the voter attests to the contents of the update by providing a

signature in electronic form in the same manner required under section 6A(c) of the National Voter Registration Act of 1993.

''(B) PROCESSING OF UPDATED INFORMATION BY ELECTION OFFICIALS.—If a registered voter updates registration information under subparagraph (A), the appropriate State or local election official shall—

''(i) revise any information on the computerized list to reflect the update made by the voter; and

''(ii) if the updated registration information affects the voter's eligibility to vote in an election for Federal office, ensure that the information is processed with respect to the election if the voter updates the information not later than the lesser of 7 days, or the period provided by State law, before the date of the election.

''(C) CONFIRMATION AND DISPOSITION.—

''(i) CONFIRMATION OF RECEIPT.—Upon the online submission of updated registration information by an individual under this paragraph, the appropriate State or local election official shall send the individual a notice confirming the State's receipt of the updated information and providing instructions on how the individual may check the status of the update.

''(ii) NOTICE OF DISPOSITION.—As soon as the appropriate State or local election official has accepted or rejected updated information submitted by an individual under this paragraph, the official shall send the individual a notice of the disposition of the update.

''(iii) METHOD OF NOTIFICATION.—The appropriate State or local election official shall send the notices required under this subparagraph by regular mail, and, in the case of an individual who has requested that the State provide voter registration and voting information through electronic mail, by both electronic mail and regular mail.''.

(2) CONFORMING AMENDMENT RELATING TO EFFECTIVE DATE.—Section 303(d)(1)(A) of such Act (42 U.S.C. 15483(d)(1)(A)) is amended by striking ''subparagraph (B)'' and inserting ''subparagraph (B) and subsection (a)(6)''.

(b) ABILITY OF REGISTRANT TO USE ONLINE UPDATE TO PROVIDE INFORMATION ON RESIDENCE.—Section 8(d)(2)(A) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(d)(2)(A)) is amended—

(1) in the first sentence, by inserting after ''return the card'' the following: ''or update the registrant's information on the computerized Statewide voter registration list using the online method provided under section 303(a)(6) of the Help America Vote Act of 2002''; and

(2) in the second sentence, by striking ''returned,'' and inserting the following: ''returned or if the registrant does not update the registrant's information on the computerized Statewide voter registration list using such online method,''.

**SEC. 1624. STUDY ON BEST PRACTICES FOR INTERNET REGISTRATION.**

(a) IN GENERAL.—The Director of the National Institute of Standards and Technology shall conduct an ongoing study on best practices for implementing the requirements for Internet registration under section 6A of the National Voter Registration Act of 1993 (as added by section 1622) and the requirement to permit voters to update voter registration information online under section 303(a)(6) of the Help America Vote Act of 2002 (as added by section 1623).

(b) REPORT.—

(1) IN GENERAL.—Not later than 4 months after the date of the enactment of this Act, the Director of the National Institute of Standards and Technology shall make publicly available a report on the study conducted under subsection (a).

(2) QUADRENNIAL UPDATE.—The Director of the National Institute of Standards and Technology shall review and update the report made under paragraph (1).

(c) USE OF BEST PRACTICES IN EAC VOLUNTARY GUIDANCE.—Subsection (a) of section 311 of the Help America Vote Act of 2002 (42 U.S.C. 15501(a)) is amended by adding at the end the following new sentence: ''Such voluntary guidance shall utilize the best practices developed by the Director of the National Institute of Standards and Technology under section 1624 of the Voter Registration Modernization Act for the use of the Internet in voter registration.''.

**SEC. 1625. PROVISION OF ELECTION INFORMATION BY ELECTRONIC MAIL TO INDIVIDUALS REGISTERED TO VOTE.**

(a) INCLUDING OPTION ON VOTER REGISTRATION APPLICATION TO PROVIDE E-MAIL ADDRESS AND RECEIVE INFORMATION.—

(1) IN GENERAL.—Section 9(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7(b)) is amended—

(A) by striking ''and'' at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(5) shall include a space for the applicant to provide (at the applicant's option) an electronic mail address, together with a statement that, if the applicant so requests, instead of using regular mail the appropriate State and local election officials shall provide to the applicant, through electronic mail sent to that address, the same voting information (as defined in section 302(b)(2) of the Help America Vote Act of 2002) which the officials would provide to the applicant through regular mail.''.

(2) PROHIBITING USE FOR PURPOSES UNRELATED TO OFFICIAL DUTIES OF ELECTION OFFICIALS.—Section 9 of such Act (42 U.S.C. 1973gg–7) is amended by adding at the end the following new subsection:

''(c) PROHIBITING USE OF ELECTRONIC MAIL ADDRESSES FOR OTHER THAN OFFICIAL PURPOSES.—The chief State election official shall ensure that any electronic mail address provided by an applicant under subsection (b)(5) is used only for purposes of carrying out official duties of election officials and is not transmitted by any State or local election official (or any agent of such an official, including a contractor) to any person who does not require the address to carry out such official duties and who is not under the direct supervision and control of a State or local election official.''.

(b) REQUIRING PROVISION OF INFORMATION BY ELECTION OFFICIALS.—Section 302(b) of the Help America Vote Act of 2002 (42 U.S.C. 15482(b)) is amended by adding at the end the following new paragraph:

''(3) PROVISION OF OTHER INFORMATION BY ELECTRONIC MAIL.—If an individual who is a registered voter has provided the State or local election official with an electronic mail address for the purpose of receiving voting information (as described in section 9(b)(5) of the National Voter Registration Act of 1993), the appropriate State or local election official, through electronic mail transmitted not later than 7 days before the date of the election involved, shall provide the individual with information on how to obtain the following information by electronic means:

''(A) The name and address of the polling place at which the individual is assigned to vote in the election.

''(B) The hours of operation for the polling place.

''(C) A description of any identification or other information the individual may be required to present at the polling place.''.

**SEC. 1626. CLARIFICATION OF REQUIREMENT REGARDING NECESSARY INFORMATION TO SHOW ELIGIBILITY TO VOTE.**

Section 8 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6) is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection:

''(j) REQUIREMENT FOR STATE TO REGISTER APPLICANTS PROVIDING NECESSARY INFORMATION TO SHOW ELIGIBILITY TO VOTE.—For purposes meeting the requirement of subsection (a)(1) that an eligible applicant is registered to vote in an election for Federal office within the deadlines required under such subsection, the State shall consider an applicant to have provided a 'valid voter registration form' if—

''(1) the applicant has accurately completed the application form and attested to the statement required by section 9(b)(2); and

''(2) in the case of an applicant who registers to vote online in accordance with section 6A, the applicant provides a signature in accordance with subsection (c) of such section.''.

**SEC. 1627. EFFECTIVE DATE.**

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this subtitle (other than the amendments made by section 1625) shall take effect January 1, 2016.

(b) WAIVER.—Subject to the approval of the Election Assistance Commission, if a State certifies to the Election Assistance Commission that the State will not meet the deadline referred to in subsection (a) because of extraordinary circumstances and includes in the certification the reasons for the failure to meet the deadline, subsection (a) shall apply to the State as if the reference in such subsection to ''January 1, 2016'' were a reference to ''January 1, 2018''.

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**SA 2327.** Mr. MANCHIN (for himself, Mr. KIRK, and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. CONSOLIDATED AND COORDINATED FEDERAL GOVERNMENT INTERNET PORTAL TO CONNECT CURRENT AND FORMER MEMBERS OF THE ARMED FORCES WITH EMPLOYERS SEEKING EMPLOYEES WITH SKILLS AND EXPERIENCE DEVELOPED THROUGH MILITARY SERVICE.**

(a) FINDINGS.—Congress makes the following findings:

(1) Although significant progress has been made, unemployment among veterans remains stubbornly high.

(2) The unemployment rate among younger veterans, ages 18 to 24, remains well above the national average.

(3) This problem impacts the Department of Defense budget. Over the past 10 years, the Federal Government has expended more than $9,600,000,000 on unemployment compensation benefits for former members of the Armed Forces.

(4) The Department makes significant investments in members of the Armed Forces including specialized technical training in skills that are easily transferrable to civilian career fields.

(5) Beyond specific technical training, veterans gain unique leadership, organizational, and other skills that make them valued employees in the private sector.

(6) Government agencies, private sector entities, and nonprofit organizations are responding to the issue of unemployment among veterans.

(7) There are now so many programs to assist veterans in finding employment, many within the Government, that veterans may not know where to seek assistance in finding employment. While these programs are well intentioned, many are duplicative in nature, and compete for scarce resources.

(8) The Department of Labor, the Department of Veterans Affairs, the Department Defense, and the Office of Personnel Management are currently working to consolidate the veterans employment initiatives of the Government into a single, consolidated Internet portal with the goal of connecting veterans who are seeking employment with employers who want to employ them.

(9) The consolidated portal will prevent Federal Government agencies from competing with each other to accomplish the same goal, and will save the Federal Government money while providing a comprehensive, coordinated tool for employers and veterans seeking employment.

(10) The Federal Government can accomplish this by leveraging the best practices of current programs.

(11) While progress has been made, there is no statutory requirement to streamline these Government programs and coordinate the resources that are all intended to achieve the same goal.

(b) CONSOLIDATED INTERNET PORTAL REQUIRED.—Commencing not later than one year after the date of the enactment of this Act, the Secretary of Labor shall, in conjunction with the Secretary of Defense, the Secretary of Veterans Affairs, and organizations concerned with veterans resources, consolidate Internet portals of the Federal Government on employment for current and former members of the Armed Forces into a comprehensive consolidated Internet portal within a single existing platform or system for the purposes of connecting current and former members of the Armed Forces who are seeking employment with employers who want to employ them.

(c) ELEMENTS.—

(1) IN GENERAL.—The consolidated Internet portal under subsection (b) should include the following:

(A) A means through which current and former members of the Armed Forces may connect for employment purposes with employers seeking the experience and skills developed during service in the Armed Forces, including a means of presenting a profile of each member or former member to employers that includes, at a minimum—

(i) the skills obtained by such member or former member during service in the Armed Forces and additional skills such member or former member is interested in pursuing; and

(ii) the current or intended residence of such member or former member (including an option for members or former members who are willing to reside in various locations).

(B) A means of permitting qualified prospective employers to post employment openings and seek contact with members or former members based on their profile for the purposes of requesting the initiation of arrangements or negotiations concerning potential employment.

(C) A means of presenting other employment resources, including resume preparation, to members or former members seeking employment.

(2) MATTERS CONSIDERED.—In developing the consolidated Internet portal, the Secretaries referred to in subsection (b) should consider, at a minimum, the following:

(A) Public and private sector resources on matters relating to the portal.

(B) Opportunities to incorporate local employment networks into the portal.

(C) Methodologies to determine the most effective employment resources and programs to be incorporated into the portal.

(D) Means for streamlining processes through the portal for employers to find and employ former members of the Armed Forces.

(d) MEMBER PARTICIPATION.—

(1) IN GENERAL.—Participation in the consolidated Internet portal under subsection (b) shall be limited to members of the National Guard and Reseves, members of the Armed Forces on active duty who are transitioning from military service to civilian life, former members of the Armed Forces, and veterans.

(2) VOLUNTARY.—Participation by a member or former member of the Armed Forces described in paragraph (1) in the consolidated Internet portal shall be voluntary. A member or former member participating in the portal may cease participation in the portal at any time.

(e) REPORTS BY IMPLEMENTING SECRETARIES.—

(1) PRELIMINARY REPORT.—Not later than six months after the date of the enactment of this Act, the Secretaries shall submit to the appropriate committees of Congress a report on the consolidated Internet portal under subsection (b). The report shall include the following:

(A) A list of the Internet portals of the Federal Government that are redundant to, or duplicative of, the consolidated Internet portal.

(B) An estimate of the cost-savings to be achieved by the Federal Government through the consolidated Internet portal, including through the elimination or consolidation into the consolidated Internet portal of the Internet portals listed under subparagraph (A).

(2) REPORT FOLLOWING IMPLEMENTATION OF PORTAL.—Not later than one year after the date of the implementation of the consolidated Internet portal under subsection (b), the Secretaries shall submit to the appropriate committees of Congress a report on the portal.

(3) ELEMENTS.—Each report under this subsection shall include a description of the consolidated Internet portal and such other information on the portal as the Secretaries consider appropriate.

(f) COMPTROLLER GENERAL REPORT.—

(1) IN GENERAL.—Not later than 540 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the elimination by Federal agencies of Internet portals that are redundant to, or duplicative of, the consolidated Internet portal under subsection (b).

(2) ELEMENTS.—The report shall include the following:

(A) The list of the internet portals of the Federal Government at the time of the implementation of the consolidated Internet portal that are determined by the Comptroller General to have been redundant to, or duplicative of, the consolidated Internet portal.

(B) An assessment whether the list of internet portals under subsection (f)(1)(A) encompassed all the Internet portals of the Federal Government that were redundant to, or duplicative of, the consolidated Internet portal.

(C) An assessment of the actions taken by Federal agencies to eliminate Internet portals that were redundant to, or duplicative of, the consolidated Internet portal.

(D) A list of Internet portals of the Federal Government determined to be redundant to, or duplicative of the consolidated Internet portal that have yet to be eliminated by Federal agencies as of the date of the report.

(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Health, Education, Labor, and Pensions, the Committee on Veterans' Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Education and the Workforce, the Committee on Veterans' Affairs, and the Committee on Appropriations of the House of Representatives.

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**SA 2328.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part I of subtitle E of title V, add the following:

**SEC. 547. SEXUAL ASSAULT FORENSIC EXAMINERS.**

(a) PERSONNEL ELIGIBLE FOR ASSIGNMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the only individuals who may be assigned to duty as a sexual assault forensic examiner (SAFE) for the Armed Forces, and for any dependents of members of the Armed Forces or civilian employees of the Department of Defense who are eligible for sexual assault forensic examinations through the Department of Defense, shall be members of the Armed Forces and civilian personnel of the Department of Defense or Department of Homeland Security who are as follows:

(A) Physicians.

(B) Nurse practitioners.

(C) Nurse midwives.

(D) Physician assistants.

(E) Registered nurses.

(2) INDEPENDENT DUTY CORPSMEN.—An independent duty corpsman or equivalent may be assigned to duty as a sexual assault forensic examiner for individuals described in paragraph (1) if no individual provided for in that paragraph is otherwise available for assignment to such duty.

(b) AVAILABILITY OF EXAMINERS.—

(1) IN GENERAL.—The Secretary concerned shall ensure the availability of an adequate number of sexual assault forensic examiners for individuals described in subsection (a)(1) through the following:

(A) Assignment of at least one sexual assault forensic examiner at each military medical treatment facility under the jurisdiction of such Secretary, whether in the United States or overseas.

(B) If assignment as described in subparagraph (A) is infeasible or impracticable, entry into agreements with local licensed and accredited medical facilities, whether Governmental or otherwise, with the resources for the provision of sexual assault forensic examinations for such individuals.

(2) NAVAL VESSELS.—The Secretary concerned shall ensure the availability of an adequate number of sexual assault forensic

examiners for naval vessels through the assignment of at least one sexual assault forensic examiner for each naval vessel having a regular complement of more than 100 personnel.

(c) TRAINING AND CERTIFICATION.—

(1) IN GENERAL.—Commencing not later than one year after the date of the enactment of this Act, the Secretary concerned shall ensure that all sexual assault forensic examiners under the jurisdiction of such Secretary have completed the requirements of the training program specified in subparagraphs (A) and (B) of paragraphs (2), and shall establish a mechanism to ensure compliance with the ongoing training requirements in subparagraphs (C) and (D) of that paragraph. The requirements shall apply uniformly to all sexual assault forensic examiners under the jurisdiction of the Secretaries.

(2) ELEMENTS.—Each training program under this subsection shall include the following:

(A) Training in sexual assault forensic examinations by qualified personnel who—

(i) is a certified sexual assault forensic examiner; or

(ii) possesses training and clinical or forensic experience in sexual assault forensic examinations similar to that of a certified sexual assault forensic examiner.

(B) A minimum of 40 hours of coursework for participants in sexual assault forensic examinations of adults and adolescents.

(C) Clinical mentoring to ensure continuing competency.

(D) Guidelines for continuing education.

(3) NATURE OF TRAINING.—The Secretary concerned shall ensure that the training provided incorporates and reflects best practices and standards on sexual assault forensic examinations.

(4) SENSE OF CONGRESS ON CERTIFICATION.—It is the sense of Congress that each participant who successfully completes all training required under the training program should obtain a sexual assault forensic examiner certification by not later than five years after completion of such training.

(5) EXAMINERS UNDER AGREEMENTS.—Any individual providing sexual assault forensic examinations for the Armed Forces under an agreement under subsection (b)(1)(B) shall, to the extent practicable, possess the training and experience required for certification under the training program.

(d) SECRETARY CONCERNED DEFINED.—In this section, the term ''Secretary concerned'' means—

(1) the Secretary of Defense with respect to matters concerning the Department of Defense; and

(2) the Secretary of Homeland Security with respect to matters concerned the Coast Guard when it is not operating as a service in the Navy.

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**SA 2329.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

**SEC. 1208. SUPPORT FOR INTERNATIONAL CRIMINAL TRIBUNAL PROSECUTION OF GENOCIDE, CRIMES AGAINST HUMANITY, AND WAR CRIMES.**

Section 705 of the Foreign Relations Authorization Act, Fiscal Years 2001 (22 U.S.C. 7401) is amended—

(1) by striking subsection (b); and

(2) by inserting after subsection (a) the following new subsection:

''(b) LIMITATION.—

''(1) IN GENERAL.—Funds authorized to be appropriated by this or any other Act may be made available for training and technical assistance for, and professional and in-kind support of, international and hybrid criminal tribunals in their investigations, apprehensions, and prosecutions of Joseph Kony, Omar al-Bashir, Bashar al-Assad, and other high-profile, non-allied foreign nationals who are accused of genocide, crimes against humanity, or war crimes.

''(2) CONSULTATION.—The Secretary of State shall consult with the appropriate congressional committees on the specific types of assistance and support to be provided under paragraph (1).''.

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**SA 2330.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. EX GRATIA PAYMENTS TO LOCAL MILITARY COMMANDERS.**

(a) IN GENERAL.—The Secretary of Defense may, under such regulations as the Secretary may prescribe, make available amounts to local military commanders appointed by the Secretary, or by an officer or employee designated by the Secretary, to provide at their discretion ex gratia payments in amounts consistent with subsection (d) for damage, personal injury, or death that is incident to combat operations of the Armed Forces in a foreign country.

(b) CONDITIONS.—An ex gratia payment under this section may be provided only if—

(1) the prospective foreign civilian recipient is determined by the local military commander to be friendly to the United States;

(2) a claim for damages would not be compensable under chapter 163 of title 10, United States Code (commonly known as the ''Foreign Claims Act''); and

(3) the property damage, personal injury, or death was not caused by action by an enemy.

(c) NATURE OF PAYMENTS.—Any payments provided under a program under subsection (a) shall not be considered an admission or acknowledgment of any legal obligation to compensate for any damage, personal injury, or death.

(d) AMOUNT OF PAYMENTS.—If the Secretary of Defense determines a program under subsection (a) to be appropriate in a particular setting, the amounts of payments, if any, to be provided to civilians determined to have suffered harm incident to combat operations of the Armed Forces under the program should be determined pursuant to regulations prescribed by the Secretary and based on an assessment, which should include such factors as cultural appropriateness and prevailing economic conditions.

(e) LEGAL ADVICE.—Local military commanders shall receive legal advice before making ex gratia payments under this subsection. The legal advisor, under regulations of the Department of Defense, shall advise on whether an ex gratia payment is proper under this section and applicable Department of Defense regulations.

(f) WRITTEN RECORD.—A written record of any ex gratia payment offered or denied shall be kept by the local commander and on a timely basis submitted to the appropriate office in the Department of Defense as determined by the Secretary of Defense.

(g) REPORT.—The Secretary of Defense shall report to the congressional defense committees on an annual basis the efficacy of the ex gratia payment program including the number of types of cases considered, amounts offered, the response from ex gratia payment recipients, and any recommended modifications to the program.

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**SA 2331.** Mr. MENENDEZ (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

**TITLE XVI—EMBASSY SECURITY**

**SEC. 1601. SHORT TITLE.**

This title may be cited as the ''Chris Stevens, Sean Smith, Tyrone Woods, and Glen Doherty Embassy Security, Threat Mitigation, and Personnel Protection Act of 2013''.

**SEC. 1602. DEFINITIONS.**

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) FACILITIES.—The term ''facilities'' encompasses embassies, consulates, expeditionary diplomatic facilities, and any other diplomatic facilities, not in the United States, including those that are intended for temporary use.

**Subtitle A—Funding Authorization and Transfer Authority**

**SEC. 1611. CAPITAL SECURITY COST SHARING PROGRAM.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 2014 for the Department of State $1,383,000,000, to be available until expended, for the Capital Security Cost Sharing Program, authorized by section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–453; 22 U.S.C. 4865 note).

(b) SENSE OF CONGRESS ON THE CAPITAL SECURITY COST SHARING PROGRAM.—It is the sense of Congress that—

(1) the Capital Security Cost Sharing Program should prioritize the construction of new facilities and the maintenance of existing facilities in high threat, high risk areas in addition to addressing immediate threat mitigation as set forth in section 1612, and should take into consideration the priorities of other government agencies that are contributing to the Capital Security Cost Sharing Program when replacing or upgrading diplomatic facilities; and

(2) all United States Government agencies are required to pay into the Capital Security

Cost Sharing Program a percentage of total costs determined by interagency agreements, in order to address immediate threat mitigation needs and increase funds for the Capital Security Cost Sharing Program for fiscal year 2014, including to address inflation and increased construction costs.

(c) RESTRICTION ON CONSTRUCTION OF OFFICE SPACE.—Section 604(e)(2) of the Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–453; 22 U.S.C. 4865 note) is amended by adding at the end the following: ''A project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by paragraph (1), except that such project may include office space or other accommodations for members of the United States Marine Corps.''.

**SEC. 1612. IMMEDIATE THREAT MITIGATION.**

(a) ALLOCATION OF AUTHORIZED APPROPRIATIONS.—In addition to any funds otherwise made available for such purposes, the Department of State shall, notwithstanding any other provision of law except as provided in subsection (d), use $300,000,000 of the funding provided in section 1611 for immediate threat mitigation projects, with priority given to facilities determined to be ''high threat, high risk'' pursuant to section 1642.

(b) ALLOCATION OF FUNDING.—In allocating funding for threat mitigation projects, the Secretary of State shall prioritize funding for—

(1) the construction of safeguards that provide immediate security benefits;

(2) the purchasing of additional security equipment, including additional defensive weaponry;

(3) the paying of expenses of additional security forces, with an emphasis on funding United States security forces where practicable; and

(4) any other purposes necessary to mitigate immediate threats to United States personnel serving overseas.

(c) TRANSFER.—The Secretary may transfer and merge funds authorized under subsection (a) to any appropriation account of the Department of State for the purpose of carrying out the threat mitigation projects described in subsection (b).

(d) USE OF FUNDS FOR OTHER PURPOSES.—Notwithstanding the allocation requirement under subsection (a), funds subject to such requirement may be used for other authorized purposes of the Capital Security Cost Sharing Program if, not later than 15 days prior to such use, the Secretary certifies in writing to the appropriate congressional committees that—

(1) high threat, high risk facilities are being secured to the best of the United States Government's ability; and

(2) the Secretary of State will make funds available from the Capital Security Cost Sharing Program or other sources to address any changed security threats or risks, or new or emergent security needs, including immediate threat mitigation.

**SEC. 1613. LANGUAGE TRAINING.**

(a) IN GENERAL.—Title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851 et seq.) is amended by adding at the end the following new section:

**''SEC. 416. LANGUAGE REQUIREMENTS FOR DIPLOMATIC SECURITY PERSONNEL ASSIGNED TO HIGH THREAT, HIGH RISK POSTS.**

''(a) IN GENERAL.—Diplomatic security personnel assigned permanently to, or who are serving in, long-term temporary duty status as designated by the Secretary of State at a high threat, high risk post should receive language training described in subsection (b) in order to prepare such personnel for duty requirements at such post.

''(b) LANGUAGE TRAINING DESCRIBED.—Language training referred to in subsection (a) should prepare personnel described in such subsection—

''(1) to speak the language at issue with sufficient structural accuracy and vocabulary to participate effectively in most formal and informal conversations on subjects germane to security; and

''(2) to read within an adequate range of speed and with almost complete comprehension on subjects germane to security.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 annually for fiscal years 2014 and 2015 to carry out this section.

(c) INSPECTOR GENERAL REVIEW.—The Inspector General of the Department of State and Broadcasting Board of Governors shall, at the end of fiscal years 2014 and 2015, review the language training conducted pursuant to this section and make the results of such reviews available to the Secretary of State and the appropriate congressional committees.

**SEC. 1614. FOREIGN AFFAIRS SECURITY TRAINING.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Department of State employees and their families deserve improved and efficient programs and facilities for high threat training and training on risk management decision processes;

(2) improved and efficient high threat, high risk training is consistent with the Benghazi Accountability Review Board (ARB) recommendation number 17;

(3) improved and efficient security training should take advantage of training synergies that already exist, like training with, or in close proximity to, Fleet Antiterrorism Security Teams (FAST), special operations forces, or other appropriate military and security assets; and

(4) the Secretary of State should undertake temporary measures, including leveraging the availability of existing government and private sector training facilities, to the extent appropriate to meet the critical security training requirements of the Department of State.

(b) AUTHORIZATION OF APPROPRIATIONS FOR IMMEDIATE SECURITY TRAINING FOR HIGH THREAT, HIGH RISK ENVIRONMENTS.—There is authorized to be appropriated for the Department of State $100,000,000 for improved immediate security training for high threat, high risk security environments, including through the utilization of government or private sector facilities to meet critical security training requirements.

(c) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR LONG-TERM SECURITY TRAINING FOR HIGH THREAT, HIGH RISK ENVIRONMENTS.—

(1) IN GENERAL.—There is authorized to be appropriated $350,000,000 for the acquisition, construction, and operation of a new Foreign Affairs Security Training Center or expanding existing government training facilities, subject to the certification requirement in paragraph (2).

(2) REQUIRED CERTIFICATION.—Not later than 15 days prior to the obligation or expenditure of any funds authorized to be appropriated pursuant to paragraph (1), the President shall certify to the appropriate congressional committees that the acquisition, construction, and operation of a new Foreign Affairs Security Training Center, or the expansion of existing government training facilities, is necessary to meet long-term security training requirements for high threat, high risk environments.

(3) EFFECT OF CERTIFICATION.—If the certification in paragraph (2) is made—

(A) up to $100,000,000 of the funds authorized to be appropriated under subsection (b) shall also be authorized for the purposes set forth in paragraph (1); or

(B) up to $100,000,000 of funds available for the acquisition, construction, or operation of Department of State facilities may be transferred and used for the purposes set forth in paragraph (1).

(d) USE OF FUNDS APPROPRIATED UNDER THE AMERICAN REINVESTMENT AND RECOVERY ACT OF 2009.—Of the funds appropriated to the Department of State under title XI of the American Reinvestment and Recovery Act of 2009 (Public Law 111–5), $54,545,177 is to remain available until September 30, 2016, for activities consistent with subsections (b) and (c).

**SEC. 1615. TRANSFER AUTHORITY.**

Section 4 of the Foreign Service Buildings Act of 1926 (22 U.S.C. 295) is amended by adding at the end the following new subsections:

''(j)(1) In addition to exercising any other transfer authority available to the Secretary of State, and subject to subsection (k), the Secretary may transfer to, and merge with, any appropriation for embassy security, construction, and maintenance such amounts appropriated for any other purpose related to diplomatic and consular programs on or after October 1, 2013, as the Secretary determines are necessary to provide for the security of sites and buildings in foreign countries under the jurisdiction and control of the Secretary.

''(2) Any funds transferred under the authority provided in paragraph (1) shall be merged with funds in the heading to which transferred, and shall be available subject to the same terms and conditions as the funds with which merged.

''(k) Not later than 15 days before any transfer of funds under subsection (j), the Secretary shall notify the Committees on Foreign Relations and Appropriations of the Senate and the Committees on Foreign Affairs and Appropriations of the House of Representatives.''.

**Subtitle B—Contracting and Other Matters**

**SEC. 1621. LOCAL GUARD CONTRACTS ABROAD UNDER DIPLOMATIC SECURITY PROGRAM.**

(a) IN GENERAL.—Section 136(c)(3) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864(c)(3)) is amended to read as follows:

''(3) in evaluating proposals for such contracts, award contracts to technically acceptable firms offering the lowest evaluated price, except that—

''(A) the Secretary may award contracts on the basis of best value (as determined by a cost-technical tradeoff analysis); and

''(B) proposals received from United States persons and qualified United States joint venture persons shall be evaluated by reducing the bid price by 10 percent;''.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report that includes—

(1) an explanation of the implementation of paragraph (3) of section 136(c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, as amended by subsection (a); and

(2) for each instance in which an award is made pursuant to subparagraph (A) of such paragraph, as so amended, a written justification and approval, providing the basis

for such award and an explanation of the inability to satisfy the needs of the Department of State by technically acceptable, lowest price evaluation award.

**SEC. 1622. DISCIPLINARY ACTION RESULTING FROM UNSATISFACTORY LEADERSHIP IN RELATION TO A SECURITY INCIDENT.**

Section 304(c) of the Diplomatic Security Act (22 U.S.C. 4834 (c)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and moving such subparagraphs, as so redesignated, 2 ems to the right;

(2) by striking ''RECOMMENDATIONS'' and inserting the following: ''RECOMMENDATIONS.—

''(1) IN GENERAL.—Whenever''; and

(3) by inserting at the end the following new paragraph:

''(2) CERTAIN SECURITY INCIDENTS.—Unsatisfactory leadership by a senior official with respect to a security incident involving loss of life, serious injury, or significant destruction of property at or related to a United States Government mission abroad may be grounds for disciplinary action. If a Board finds reasonable cause to believe that a senior official provided such unsatisfactory leadership, the Board may recommend disciplinary action subject to the procedures in paragraph (1).''.

**SEC. 1623. MANAGEMENT AND STAFF ACCOUNTABILITY.**

(a) AUTHORITY OF SECRETARY OF STATE.—Nothing in this title or any other provision of law shall be construed to prevent the Secretary of State from using all authorities invested in the office of Secretary to take personnel action against any employee or official of the Department of State that the Secretary determines has breached the duty of that individual or has engaged in misconduct or unsatisfactorily performed the duties of employment of that individual, and such misconduct or unsatisfactory performance has significantly contributed to the serious injury, loss of life, or significant destruction of property, or a serious breach of security, even if such action is the subject of an Accountability Review Board's examination under section 304(a) of the Diplomatic Security Act (22 U.S.C. 4834(a)).

(b) ACCOUNTABILITY.—Section 304 of the Diplomatic Security Act (22 U.S.C. 4834) is amended—

(1) in subsection (c), by inserting after ''breached the duty of that individual'' the following: ''or has engaged in misconduct or unsatisfactorily performed the duties of employment of that individual, and such misconduct or unsatisfactory performance has significantly contributed to the serious injury, loss of life, or significant destruction of property, or the serious breach of security that is the subject of the Board's examination as described in subsection (a),'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following new subsection:

''(d) MANAGEMENT ACCOUNTABILITY.—Whenever a Board determines that an individual has engaged in any conduct addressed in subsection (c), the Board shall evaluate the level and effectiveness of management and oversight conducted by employees or officials in the management chain of such individual.''.

**SEC. 1624. SECURITY ENHANCEMENTS FOR SOFT TARGETS.**

Section 29 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2701) is amended in the third sentence by inserting ''physical security enhancements and'' after ''Such assistance may include''.

**SEC. 1625. REEMPLOYMENT OF ANNUITANTS.**

Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended—

(1) in paragraph (1)(B), by striking ''to facilitate the'' and all that follows through ''Afghanistan, if'' and inserting ''to facilitate the assignment of persons to high threat, high risk posts or to posts vacated by members of the Service assigned to high threat, high risk posts, if'';

(2) by amending paragraph (2) to read as follows:

''(2) The Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the incurred costs over the prior fiscal year of the total compensation and benefit payments to annuitants reemployed by the Department pursuant to this section.''; and

(3) by adding after paragraph (3) the following paragraphs:

''(4) In the event that an annuitant qualified for compensation or payments pursuant to this subsection subsequently transfers to a position for which the annuitant would not qualify for a waiver under this subsection, the Secretary may no longer waive the application of subsections (a) through (d) with respect to such annuitant.

''(5) The authority of the Secretary to waive the application of subsections (a) through (d) for an annuitant pursuant to this subsection shall terminate on October 1, 2019.''.

### Subtitle C—Expansion of the Marine Corps Security Guard Detachment Program

**SEC. 1631. MARINE CORPS SECURITY GUARD PROGRAM.**

(a) IN GENERAL.—Pursuant to the responsibility of the Secretary of State for diplomatic security under section 103 of the Diplomatic Security Act (22 U.S.C. 4802), the Secretary of State, in consultation with the Secretary of Defense, shall—

(1) develop and implement a plan to incorporate the additional Marine Corps Security Guard personnel authorized pursuant to section 404 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C. 5983 note) at United States embassies, consulates, and other facilities; and

(2) conduct an annual review of the Marine Corps Security Guard Program, including—

(A) an evaluation of whether the size and composition of the Marine Corps Security Guard Program is adequate to meet global diplomatic security requirements;

(B) an assessment of whether Marine Corps security guards are appropriately deployed among facilities to respond to evolving security developments and potential threats to United States interests abroad; and

(C) an assessment of the mission objectives of the Marine Corps Security Guard Program and the procedural rules of engagement to protect diplomatic personnel under the Program.

(b) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for three years, the Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate congressional committees an unclassified report, with a classified annex as necessary, that addresses the requirements set forth in subsection (a)(2).

### Subtitle D—Reporting on the Implementation of the Accountability Review Board Recommendations

**SEC. 1641. DEPARTMENT OF STATE IMPLEMENTATION OF THE RECOMMENDATIONS PROVIDED BY THE ACCOUNTABILITY REVIEW BOARD CONVENED AFTER THE SEPTEMBER 11–12, 2012, ATTACKS ON UNITED STATES GOVERNMENT PERSONNEL IN BENGHAZI, LIBYA.**

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees an unclassified report, with a classified annex, on the implementation by the Department of State of the recommendations of the Accountability Review Board convened pursuant to title III of the Omnibus Diplomatic and Antiterrorism Act of 1986 (22 U.S.C. 4831 et seq.) to examine the facts and circumstances surrounding the September 11–12, 2012, killings of four United States Government personnel in Benghazi, Libya.

(b) CONTENT.—The report required under subsection (a) shall include the following elements:

(1) An assessment of the overall state of the Department of State's diplomatic security to respond to the evolving global threat environment, and the broader steps the Department of State is taking to improve the security of United States diplomatic personnel in the aftermath of the Accountability Review Board Report.

(2) A description of the specific steps taken by the Department of State to address each of the 29 recommendations contained in the Accountability Review Board Report, including—

(A) an assessment of whether implementation of each recommendation is ''complete'' or is still ''in progress''; and

(B) if the Secretary of State determines not to fully implement any of the 29 recommendations in the Accountability Review Board Report, a thorough explanation as to why such a decision was made.

(3) An enumeration and assessment of any significant challenges that have slowed or interfered with the Department of State's implementation of the Accountability Review Board recommendations, including—

(A) a lack of funding or resources made available to the Department of State;

(B) restrictions imposed by current law that in the Secretary of State's judgment should be amended; and

(C) difficulties caused by a lack of coordination between the Department of State and other United States Government agencies.

**SEC. 1642. DESIGNATION AND REPORTING FOR HIGH THREAT, HIGH RISK FACILITIES.**

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in consultation with the Director of National Intelligence and the Secretary of Defense, shall submit to the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Armed Services of the Senate and the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Armed Services of the House of Representatives a classified report, with an unclassified summary, evaluating Department of State facilities that the Secretary of State determines to be ''high threat, high risk'' in accordance with subsection (c).

(b) CONTENT.—For each facility determined to be ''high threat, high risk'' pursuant to subsection (a), the report submitted under such subsection shall also include—

(1) a narrative assessment describing the security threats and risks facing posts overseas and the overall threat level to United States personnel under chief of mission authority;

(2) the number of diplomatic security personnel, Marine Corps security guards, and other Department of State personnel dedicated to providing security for United States personnel, information, and facilities;

(3) an assessment of host nation willingness and capability to provide protection in the event of a security threat or incident, pursuant to the obligations of the United States under the Vienna Convention on Consular Relations, done at Vienna April 24,

1963, and the 1961 Vienna Convention on Diplomatic Relations, done at Vienna April 18, 1961;

(4) an assessment of the quality and experience level of the team of United States senior security personnel assigned to the facility, considering collectively the assignment durations and lengths of government experience;

(5) the number of Foreign Service Officers who have received Foreign Affairs Counter Threat training;

(6) a summary of the requests made during the previous calendar year for additional resources, equipment, or personnel related to the security of the facility and the status of such requests;

(7) an assessment of the ability of United States personnel to respond to and survive a fire attack, including—

(A) whether the facility has adequate fire safety and security equipment for safehavens and safe areas; and

(B) whether the employees working at the facility have been adequately trained on the equipment available;

(8) for each new facility that is opened, a detailed description of the steps taken to provide security for the new facility, including whether a dedicated support cell was established in the Department of State to ensure proper and timely resourcing of security; and

(9) a listing of any ''high-threat, high-risk'' facilities where the Department of State and other government agencies' facilities are not collocated including—

(A) a rationale for the lack of collocation; and

(B) a description of what steps, if any, are being taken to mitigate potential security vulnerabilities associated with the lack of collocation.

(c) DETERMINATION OF HIGH THREAT, HIGH RISK FACILITY.—In determining what facilities constitute ''high threat, high risk facilities'' under this section, the Secretary shall take into account with respect to each facility whether there are—

(1) high to critical levels of political violence or terrorism;

(2) national or local governments with inadequate capacity or political will to provide appropriate protection; and

(3) in locations where there are high to critical levels of political violence or terrorism or national or local governments lack the capacity or political will to provide appropriate protection—

(A) mission physical security platforms that fall well below the Department of State's established standards; or

(B) security personnel levels that are insufficient for the circumstances.

(d) INSPECTOR GENERAL REVIEW AND REPORT.—The Inspector General for the Department of State and the Broadcasting Board of Governors shall, on an annual basis—

(1) review the determinations of the Department of State with respect to high threat, high risk facilities, including the basis for making such determinations;

(2) review contingency planning for high threat, high risk facilities and evaluate the measures in place to respond to attacks on such facilities;

(3) review the risk mitigation measures in place at high threat, high risk facilities to determine how the Department of State evaluates risk and whether the measures put in place sufficiently address the relevant risks;

(4) review early warning systems in place at high threat, high risk facilities and evaluate the measures being taken to preempt and disrupt threats to such facilities; and

(5) provide to the appropriate congressional committees an assessment of the determinations of the Department of State with respect to high threat, high risk facilities, including recommendations for additions or changes to the list of such facilities, and a report regarding the reviews and evaluations undertaken pursuant to paragraphs (1) through (4) and this paragraph.

**SEC. 1643. DESIGNATION AND REPORTING FOR HIGH-RISK COUNTERINTELLIGENCE THREAT POSTS.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in conjunction with appropriate officials in the intelligence community and the Secretary of Defense, shall submit to the appropriate committees of Congress a report assessing the counterintelligence threat to United States diplomatic facilities in Priority 1 Counterintelligence Threat Nations, including—

(1) an assessment of the use of locally employed staff and guard forces and a listing of diplomatic facilities in Priority 1 Counterintelligence Threat Nations without controlled access areas; and

(2) recommendations for mitigating any counterintelligence threats and for any necessary facility upgrades, including costs assessment of any recommended mitigation or upgrades so recommended.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Foreign Relations, the Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

(2) PRIORITY 1 COUNTERINTELLIGENCE THREAT NATION.—The term ''Priority 1 Counterintelligence Threat Nation'' means a country designated as such by the October 2012 National Intelligence Priorities Framework (NIPF).

**SEC. 1644. COMPTROLLER GENERAL REPORT ON IMPLEMENTATION OF BENGHAZI ACCOUNTABILITY REVIEW BOARD RECOMMENDATIONS.**

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the progress of the Department of State in implementing the recommendations of the Benghazi Accountability Review Board.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) an assessment of the progress the Department of State has made in implementing each specific recommendation of the Accountability Review Board; and

(2) a description of any impediments to recommended reforms, such as budget constraints, bureaucratic obstacles within the Department or in the broader interagency community, or limitations under current law.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form but may contain a classified annex.

**SEC. 1645. SECURITY ENVIRONMENT THREAT LIST BRIEFINGS.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and upon each subsequent update of the Security Environment Threat List (SETL), the Bureau of Diplomatic Security shall provide classified briefings to the appropriate congressional committees on the SETL.

(b) CONTENT.—The briefings required under subsection (a) shall include—

(1) an overview of the SETL; and

(2) a summary assessment of the security posture of those facilities where the SETL assesses the threat environment to be most acute, including factors that informed such assessment.

**Subtitle E—Accountability Review Boards**

**SEC. 1651. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) the Accountability Review Board mechanism as outlined in section 302 of the Omnibus Diplomatic Security and Antiterrorism Act (22 U.S.C. 4832) is an effective tool to collect information about and evaluate adverse incidents that occur in a world that is increasingly complex and dangerous for United States diplomatic personnel; and

(2) the Accountability Review Board should provide information and analysis that will assist the Secretary, the President, and Congress in determining what contributed to an adverse incident as well as what new measures are necessary in order to prevent the recurrence of such incidents.

**SEC. 1652. PROVISION OF COPIES OF ACCOUNTABILITY REVIEW BOARD REPORTS TO CONGRESS.**

Not later than 2 days after an Accountability Review Board provides its report to the Secretary of State in accordance with title III of the Omnibus Diplomatic and Antiterrorism Act of 1986 (22 U.S.C. 4831 et seq.), the Secretary shall provide copies of the report to the appropriate congressional committees for retention and review by those committees.

**SEC. 1653. CHANGES TO EXISTING LAW.**

(a) MEMBERSHIP.—Section 302(a) of the Omnibus Diplomatic Security and Antiterrorism Act (22 U.S.C. 4832(a)) is amended by inserting ''one of which shall be the Inspector General of the Department of State and the Broadcasting Board of Governors,'' after ''4 appointed by the Secretary of State,''.

(b) STAFF.—Section 302(b)(2) of the Omnibus Diplomatic Security and Antiterrorism Act (22 U.S.C. 4832(b)(2)) is amended by adding at the end the following: ''Such persons shall be drawn from bureaus or other agency sub-units that are not impacted by the incident that is the subject of the Board's review.''.

**Subtitle F—Other Matters**

**SEC. 1661. ENHANCED QUALIFICATIONS FOR DEPUTY ASSISTANT SECRETARY OF STATE FOR HIGH THREAT, HIGH RISK POSTS.**

The Omnibus Diplomatic Security and Antiterrorism Act of 1986 is amended by inserting after section 206 (22 U.S.C. 4824) the following new section:

**''SEC. 207. DEPUTY ASSISTANT SECRETARY OF STATE FOR HIGH THREAT, HIGH RISK POSTS.**

''The individual serving as Deputy Assistant Secretary of State for High Threat, High Risk Posts shall have one or more of the following qualifications:

''(1) Service during the last six years at one or more posts designated as High Threat, High Risk by the Department of State at the time of service.

''(2) Previous service as the office director or deputy director of one or more of the following Department of State offices or successor entities carrying out substantively equivalent functions:

''(A) The Office of Mobile Security Deployments.

''(B) The Office of Special Programs and Coordination.

''(C) The Office of Overseas Protective Operations.

''(D) The Office of Physical Security Programs.

''(E) The Office of Intelligence and Threat Analysis.

''(3) Previous service as the Regional Security Officer at two or more overseas posts.

''(4) Other government or private sector experience substantially equivalent to service in the positions listed in paragraphs (1) through (3).''.

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**SA 2332.** Mr. CASEY (for himself, Mr. BROWN, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

**SEC. 864. EXCHANGE STORE SYSTEM PARTICIPATION IN THE ACCORD ON FIRE AND BUILDING SAFETY IN BANGLADESH.**

(a) SPECIAL PROCUREMENT GUIDANCE FOR GARMENTS MANUFACTURED IN BANGLADESH.—The senior official of the Department of Defense designated pursuant to section 2481(c) of title 10, United States Code, to oversee the defense commissary system and the exchange store system shall require, consistent with applicable international agreements, that the exchange store system—

(1) for the purchase of garments manufactured in Bangladesh for the private label brands of the exchange store system, either becomes a signatory of, or otherwise abides by the applicable requirements and terms set forth in, the Accord on Fire and Building Safety in Bangladesh without becoming a signatory;

(2) for the purchase of licensed apparel manufactured in Bangladesh, gives a preference to licensees that are signatories to the Accord on Fire and Building Safety in Bangladesh; and

(3) for the purchase of garments manufactured in Bangladesh from retail suppliers, gives a preference to retail suppliers that are signatories to the Accord on Fire and Building Safety in Bangladesh.

(b) NOTICE OF EXCEPTIONS.—If garments manufactured in Bangladesh are purchased from suppliers that are not signatories to the Accord on Fire and Building Safety in Bangladesh, the Department of Defense official referred to in subsection (a) shall notify Congress of the purchase and the reasons therefor.

(c) EFFECTIVE DATE.—The requirements imposed by this section shall take effect 90 days after the date of the enactment of this Act or as soon after that date as the Secretary of Defense determines to be practicable so as to avoid disruption in garment supplies for the exchange store system.

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**SA 2333.** Mr. PRYOR (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

**SEC. 593. TREATMENT OF CIVILIAN EMPLOYEES PAID FROM WORKING CAPITAL FUND ACCOUNTS.**

(a) IN GENERAL.—Section 251(a)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(a)(3)) is amended by adding at the end the following: ''For purposes of this paragraph, a working capital fund account established pursuant to section 2208 of title 10, United States Code, or subaccount or portion of such an account, that is used to pay 1 or more civilian employees of the Department of Defense shall be included as a military personnel account.''.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply to any order of the President to exempt military personnel accounts from sequestration issued under section 255(f)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(f)(1)) after January 1, 2014.

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**SA 2334.** Mr. PRYOR (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1082. ADJUSTMENTS TO RATES OF BASIC PAY OF PREVAILING RATE EMPLOYEES.**

(a) LIMITATION ON ADJUSTMENTS.—

(1) PREVAILING RATE EMPLOYEES OF AGENCIES.—Notwithstanding any other provision of law, and except as otherwise provided in this section, a prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code, may not be paid—

(A) during the period beginning on January 1, 2014 and ending on the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2014, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(B) during the period beginning on the day after the end of the period described in subparagraph (A) and ending on September 30, 2014, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under subparagraph (A) by more than the sum of—

(i) the percentage adjustment taking effect in fiscal year 2014 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(ii) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2014 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(2) OTHER PREVAILING RATE EMPLOYEES.—Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which paragraph (1) is in effect at a rate that exceeds the rates that would be payable under paragraph (1) were paragraph (1) applicable to such employee.

(3) EMPLOYEES PAID FROM NEW SCHEDULES.—For the purposes of this subsection, the rates payable to an employee who is covered by this subsection and who is paid from a schedule not in existence on September 30, 2013, shall be determined under regulations prescribed by the Office of Personnel Management.

(4) RATES OF PREMIUM PAY.—Notwithstanding any other provision of law, rates of premium pay for employees subject to this subsection may not be changed from the rates in effect on September 30, 2013, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this subsection.

(5) PERIOD COVERED.—This subsection shall apply with respect to pay for service performed on or after the first day of the first applicable pay period beginning after December 31, 2013.

(6) TREATMENT UNDER OTHER LAWS.—For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this subsection shall be treated as the rate of salary or basic pay.

(7) LIMITATIONS.—Nothing in this subsection shall be considered to permit or require the payment to any employee covered by this subsection at a rate in excess of the rate that would be payable were this subsection not in effect.

(8) EXCEPTIONS.—The Office of Personnel Management may provide for exceptions to the limitations imposed by this subsection if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

(b) COMPARABILITY OF ADJUSTMENTS.—

(1) IN GENERAL.—Notwithstanding subsection (a), effective as of the first day of the first applicable pay period beginning after December 31, 2013, the percentage increase in rates of basic pay for the statutory pay systems under section 5344 and 5348 of title 5, United States Code, that takes place in fiscal year 2014 shall be not less than the percentage increase received by employees in the same pay locality whose rates of basic pay are adjusted under sections 5303 and 5304 of title 5, United States Code.

(2) PAY LOCALITIES.—For the purposes of this subsection, prevailing rate employees in localities where there are no employees whose pay is increased pursuant to sections 5303 and 5304 of title 5, United States Code, and prevailing rate employees described in section 5343(a)(5) of title 5, United States Code, shall be considered to be located in the pay locality designated as ''Rest of United States'' under section 5304 of title 5, United States Code.

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**SA 2335.** Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII, add the following:

**SEC. 804. INCLUSION OF SHOES AND RELATED MATERIALS UNDER DOMESTIC SOURCE REQUIREMENTS.**

(a) IN GENERAL.—Subsection (b)(1) of section 2533a of title 10, United States Code, is amended—

(1) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(2) by inserting after subparagraph (C) the following new subparagraph (D):

''(D) shoes, and the materials and components thereof, shoe findings, and soling materials;''.

(b) CONFORMING AMENDMENT.—Subsection (k) of such section is amended by striking ''or (E)'' and inserting ''(E), or (F)''.

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**SA 2336.** Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

**SEC. 843. JUSTIFICATION AND APPROVAL OF SOLE SOURCE CONTRACTS.**

(a) FINDINGS.—Congress makes the following findings:

(1) Section 811 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2405) included a requirement for a written justification and approval (J&A) when awarding applicable Federal sole source contracts in excess of $20,000,000.

(2) Ensuring competition in the Federal acquisition process is of vital importance to United States taxpayers.

(3) Section 811 was intended to further this objective.

(4) Government contracting officers may inadvertently be deterred from awarding contracts over $20,000,000 under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) as a result of confusion over the proper interpretation of section 811.

(5) Section 811 of the National Defense Authorization Act for Fiscal Year 2010 should be repealed and replaced in order to ensure that the objective of the section is properly implemented and not misconstrued to prohibit or limit the award of sole source contracts of over $20,000,000 to those businesses which qualify for such awards under the small business 8(a) program.

(b) MODIFIED JUSTIFICATION AND APPROVAL REQUIREMENTS RELATED TO SOLE SOURCE CONTRACTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall modify the Department of Defense Supplement to the Federal Acquisition Regulation to provide that the head of an agency (as that term is defined in section 2302(1) of title 10, United States Code) may not award a sole-source contract for an amount exceeding $20,000,000 unless—

(A) the contracting officer for the contract justifies the use of a sole-source contract in writing; and

(B) the justification is approved by an official designated in section 2304(f)(1)(B) of title 10, United States Code, to approve contract awards for dollar amounts that are comparable to the amount of the sole-source contract.

(2) ELEMENTS OF JUSTIFICATION.—The justification of a sole-source contract required pursuant to subsection (a) shall include the following:

(A) A description of the needs of the agency concerned for the matters covered by the contract.

(B) A specification of the statutory provision providing the exception from the requirement to use competitive procedures in entering into the contract.

(C) A determination that the use of a sole source contract is in the best interest of the Department of Defense.

(D) A determination that the anticipated cost of the contract will be fair and reasonable.

(E) Such other matters as the official referenced in paragraph (1)(B) shall specify for purposes of this subsection.

(3) TREATMENT OF OTHER JUSTIFICATION AND APPROVAL ACTIONS.—In the case of any contract for which a justification and approval is required under section 2304(f) of title 10, United States Code, a justification and approval meeting the requirements of such section may be treated as meeting the requirements of this section for purposes of the award of a sole-source contract.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as—

(A) prohibiting or limiting a contract exceeding $20,000,000 in compliance with paragraphs (1) and (2) from being awarded for a procurement described in section 2304(f)(2)(D)(ii) of title 10, United States Code; or

(B) eliminating, reducing, or otherwise modifying obligations of the Department of Defense under section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)).

(c) REPEAL OF SUPERSEDED PROVISION.—Section 811 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2405) is hereby repealed.

(d) REGULATIONS.—The Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation to implement this section and the repeal of section 811 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2405).

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**SA 2337.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

**Subtitle D—Human Rights Sanctions**

**SEC. 1241. DEFINITIONS.**

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate.

(2) FINANCIAL INSTITUTION.—The term ''financial institution'' has the meaning given that term in section 5312 of title 31, United States Code.

(3) FOREIGN PERSON.—The term ''foreign person'' means a person that is not a United States person.

(4) PERSON.—The term ''person'' means an individual or entity.

(5) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

**SEC. 1242. IDENTIFICATION OF FOREIGN PERSONS RESPONSIBLE FOR GROSS VIOLATIONS OF HUMAN RIGHTS.**

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of each foreign person that the President determines, based on credible information—

(1) is responsible for extrajudicial killings, torture, or other gross violations of internationally recognized human rights committed against individuals in any foreign country seeking—

(A) to expose illegal activity carried out by government officials; or

(B) to obtain, exercise, defend, or promote internationally recognized human rights and freedoms, such as the freedoms of religion, expression, association, and assembly, and the rights to a fair trial and democratic elections; or

(2) acted as an agent of or on behalf of a foreign person in a matter relating to an activity described in paragraph (1).

(b) UPDATES.—The President shall submit to the appropriate congressional committees an update of the list required by subsection (a) as new information becomes available.

(c) FORM.—

(1) IN GENERAL.—The list required by subsection (a) shall be submitted in unclassified form.

(2) EXCEPTION.—The name of a foreign person to be included in the list required by subsection (a) may be submitted in a classified annex only if the President—

(A) determines that it is vital for the national security interests of the United States to do so;

(B) uses the annex in a manner consistent with congressional intent and the purposes of this subtitle; and

(C) not later than 15 days before submitting the name in a classified annex, provides to the appropriate congressional committees notice of, and a justification for, including or continuing to include each person in the classified annex despite any publicly available credible information indicating that the person engaged in an activity described in paragraph (1) or (2) of subsection (a).

(3) CONSIDERATION OF CERTAIN INFORMATION.—In preparing the list required by subsection (a), the President shall consider—

(A) information provided by the chairperson and ranking member of each of the appropriate congressional committees; and

(B) credible information obtained by other countries and nongovernmental organizations that monitor violations of human rights.

(4) PUBLIC AVAILABILITY.—The unclassified portion of the list required by subsection (a) shall be made available to the public and published in the Federal Register.

(d) REMOVAL FROM LIST.—A foreign person may be removed from the list required by subsection (a) if the President determines and reports to the appropriate congressional committees not later than 15 days before the removal of the person from the list that—

(1) credible information exists that the person did not engage in the activity for which the person was added to the list;

(2) the person has been prosecuted appropriately for the activity in which the person engaged; or

(3) the person has credibly demonstrated a significant change in behavior, has paid an appropriate consequence for the activities in which the person engaged, and has credibly

committed to not engage in an activity described in paragraph (1) or (2) of subsection (a).

(e) REQUESTS BY CHAIRPERSON AND RANKING MEMBER OF APPROPRIATE CONGRESSIONAL COMMITTEES.—

(1) IN GENERAL.—Not later than 120 days after receiving a written request from the chairperson and ranking member of one of the appropriate congressional committees with respect to whether a foreign person meets the criteria for being added to the list required by subsection (a), the President shall submit a response to that chairperson and ranking member of the committee with respect to the status of the person.

(2) FORM.—The President may submit a response required by paragraph (1) in classified form if the President determines that it is necessary for the national security interests of the United States to do so.

(3) REMOVAL.—

(A) IN GENERAL.—If the President removes from the list required by subsection (a) a foreign person that has been placed on the list at the request of the chairperson and ranking member of one of the appropriate congressional committees, the President shall provide the chairperson and ranking member with any information that contributed to the removal decision.

(B) FORM OF INFORMATION.—The President may submit the information requested by subparagraph (A) in classified form if the President determines that it is necessary to the national security interests of the United States to do so.

(f) NONAPPLICABILITY OF CONFIDENTIALITY REQUIREMENT WITH RESPECT TO VISA RECORDS.—The President shall publish the list required by subsection (a) without regard to the requirements of section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) with respect to confidentiality of records pertaining to the issuance or refusal of visas or permits to enter the United States.

**SEC. 1243. INADMISSIBILITY OF CERTAIN INDIVIDUALS.**

(a) INELIGIBILITY FOR VISAS.—An individual who is a foreign person on the list required by section 1242(a) is ineligible to receive a visa to enter the United States and ineligible to be admitted to the United States.

(b) CURRENT VISAS REVOKED.—The Secretary of State shall revoke, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), the visa or other documentation of an individual who would be ineligible to receive such a visa or documentation under subsection (a).

(c) WAIVER FOR NATIONAL SECURITY INTERESTS.—

(1) IN GENERAL.—The Secretary of State may waive the application of subsection (a) or (b) in the case of an individual if—

(A) the Secretary determines that such a waiver—

(i) is necessary to permit the United States to comply with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force November 21, 1947, or other applicable international obligations of the United States; or

(ii) is in the national security interests of the United States; and

(B) before granting the waiver, the Secretary provides to the appropriate congressional committees notice of, and a justification for, the waiver.

(2) TIMING FOR NOTICE OF CERTAIN WAIVERS.—In the case of a waiver under subparagraph (A)(ii) of paragraph (1), the Secretary shall submit the notice required by subparagraph (B) of that paragraph not later than 15 days before granting the waiver.

(d) REGULATORY AUTHORITY.—The Secretary of State shall prescribe such regulations as are necessary to carry out this section.

**SEC. 1244. FINANCIAL MEASURES.**

(a) FREEZING OF ASSETS.—

(1) IN GENERAL.—The President shall exercise all powers granted by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (except that the requirements of section 202 of such Act (50 U.S.C. 1701) shall not apply) to the extent necessary to freeze and prohibit all transactions in all property and interests in property of a foreign person on the list required by section 1242(a) of this Act if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) EXCEPTION.—Paragraph (1) shall not apply to foreign persons included on the classified annex under section 1242(c)(2) if the President determines that such an exception is vital to the national security interests of the United States.

(b) WAIVER FOR NATIONAL SECURITY INTERESTS.—The Secretary of the Treasury may waive the application of subsection (a) if the Secretary—

(1) determines that such a waiver is in the national security interests of the United States; and

(2) not later than 15 days before granting the waiver, provides to the appropriate congressional committees notice of, and a justification for, the waiver.

(c) ENFORCEMENT.—

(1) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(2) REQUIREMENTS FOR FINANCIAL INSTITUTIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe regulations requiring each financial institution that is a United States person and has within its possession or control assets that are property or interests in property of a foreign person on the list required by section 1242(a) to certify to the Secretary that, to the best of the knowledge of the financial institution, the financial institution has frozen all assets within the possession or control of the financial institution that are required to be frozen pursuant to subsection (a).

(d) REGULATORY AUTHORITY.—The Secretary of the Treasury shall issue such regulations, licenses, and orders as are necessary to carry out this section.

**SEC. 1245. REPORT TO CONGRESS.**

Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of State and the Secretary of the Treasury shall each submit to the appropriate congressional committees a report on—

(1) the actions taken to carry out this subtitle, including—

(A) the number of foreign persons added to or removed from the list required by section 1242(a) during the year preceding the report, the dates on which those persons were added or removed, and the reasons for adding or removing those persons; and

(B) if few or no persons have been added to that list during that year, the reasons for not adding more persons to the list; and

(2) efforts by the executive branch to encourage the governments of other countries to impose sanctions that are similar to the sanctions imposed under this subtitle.

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**SA 2338.** Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1046. SENSE OF CONGRESS ON B61-12 LIFE EXTENSION PROGRAM.**

(a) FINDINGS.—Congress makes the following findings:

(1) During the debate in the Senate on the ratification of the Treaty on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011, between the United States and the Russian Federation (commonly known as the ''New START Treaty''), leaders in both Congress and the executive branch acknowledged the critical linkage between the modernization of the nuclear arsenal and the ability to safely reduce the number of warheads in the nuclear stockpile of the United States.

(2) As proposed by the President, successfully executing the B61-12 life extension program would generate an 53 percent reduction in the total number of air-delivered gravity weapons in the active and inactive nuclear stockpile of the United States and an 87 percent reduction in the total amount of nuclear material utilized by air-delivered gravity weapons in the nuclear stockpile of the United States.

(3) The B61-12 life extension program has already been delayed by fluctuating appropriations and further delays in appropriations threaten the viability and credibility of the nuclear deterrent of the United States and the nuclear assurances provided to allies of the United States in the North Atlantic Treaty Organization and in the Pacific region.

(4) Alternative proposals to refurbish B61 nuclear weapons do not meet the military requirements of the United States Strategic Command and fail to address all of the concerns relating to aging faced by the existing B61 series of air-delivered gravity weapons.

(b) SENSE OF CONGRESS.—It is the Sense of Congress that—

(1) further delays to the B61-12 life extension program would have unacceptable effects on the reliability and credibility of the nuclear deterrent of the United States; and

(2) it is critical that the United States ensure that there are no further delays in successfully executing the ongoing B61-12 life extension program, development of the associated tail-kit assembly, and development of a nuclear-capable F-35 Block 4 aircraft.

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**SA 2339.** Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1046. SENSE OF CONGRESS ON B61-12 LIFE EXTENSION PROGRAM.**

(a) FINDINGS.—Congress makes the following findings:

(1) During the debate in the Senate on the ratification of the Treaty on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011, between the United States and the Russian Federation (commonly known as the ''New START Treaty''), leaders in both Congress and the executive branch acknowledged the critical linkage between the modernization of the nuclear arsenal and the ability to safely reduce the number of warheads in the nuclear stockpile of the United States.

(2) As proposed by the President, successfully executing the B61-12 life extension program would generate an 53 percent reduction in the total number of air-delivered gravity weapons in the active and inactive nuclear stockpile of the United States and an 87 percent reduction in the total amount of nuclear material utilized by air-delivered gravity weapons in the nuclear stockpile of the United States.

(3) The B61-12 life extension program has already been delayed by fluctuating appropriations and further delays in appropriations threaten the viability and credibility of the nuclear deterrent of the United States and the nuclear assurances provided to allies of the United States in the North Atlantic Treaty Organization and in the Pacific region.

(4) Alternative proposals to refurbish B61 nuclear weapons do not meet the military requirements of the United States Strategic Command and fail to address all of the concerns relating to aging faced by the existing B61 series of air-delivered gravity weapons.

(b) SENSE OF CONGRESS.—It is the Sense of Congress that—

(1) further delays to the B61-12 life extension program would have unacceptable effects on the reliability and credibility of the nuclear deterrent of the United States; and

(2) it is critical that the United States ensure that there are no further delays in successfully executing the ongoing B61-12 life extension program, development of the associated tail-kit assembly, and development of a nuclear-capable F-35 Block 4 aircraft.

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**SA 2340.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

**SEC. 125. SENSE OF SENATE ON THE LITTORAL COMBAT SHIP PROGRAM.**

(a) FINDINGS.—The Senate makes the following findings:

(1) Despite early problems with the Littoral Combat Ship (LCS) program, the Navy has made substantial progress in getting production on schedule and costs under control. As a result, the Navy is now purchasing LCS below the congressionally mandated cost cap. According to congressional testimony provided by Assistant Secretary of the Navy (Research, Development and Acquisition) Sean Stackley on July 25, 2013 before the Subcommittee on Seapower and Projection Forces of the House Armed Services Committee, ''The average cost of both LCS variants—including basic construction, government-furnished equipment (GFE), and change orders—across the 10-seaframe procurement over the five year period falls under the Congressionally-mandated cost cap of $480 million per seaframe (FY 2009 dollars)''. This testimony is consistent with the findings in the Congressional Budget Office's October 2013 report entitled ''An Analysis of the Navy's Fiscal Year 2014 Shipbuilding Plan'' which states: ''In the 2014 Future Years Defense Program, the Navy estimated the average cost of the LCS at about $420 million per ship over the next five years, including the 6 ships (2 per year) to be bought in 2016 through 2018, after the end of the two 10-ship contracts. That figure is well below the Congressionally mandated cost cap for the LCS program of $515 million per ship (adjusted for inflation). Overall, the Navy estimated that the 36 LCSs to be purchased by 2026 would cost about $446 million per ship, on average''. Finally, according to the Department of the Navy, LCS is ''the only shipbuilding program wherein the unit cost in production is on a marked steady decline''.

(2) LCS is vital to the Navy and our national security. According to Secretary of the Navy, Ray Mabus, it is ''the future of the Navy and the future of how we fight''. Similarly, Assistant Secretary of the Navy Stackley, in his written testimony for Congress observed: ''[T]he LCS program is of critical importance to our Navy. With its great speed and interchangeable modules, the ship will provide unprecedented warfighting flexibility. LCS is one of the cornerstones of the future Navy, and provides critical capability to the fleet. This fast, agile, focused-mission platform is designed for operation in near-shore environments, yet is capable of open-ocean operation''.

(3) The LCS program is an essential element of the Navy's long-term shipbuilding strategy which directly supports warfighting and presence requirements articulated by the combatant commanders. The planned buy of 52 LCS supports strategic and operational requirements validated in the Navy's 2012 Force Structure Assessment (FSA) pursuant to the January 2012 defense strategic guidance document entitled ''Sustaining U.S. Global Leadership: Priorities for 21st Century Defense''. According to the Department of the Navy, ''LCS and associated mission modules replace the capabilities of frigates (FFGs), mine countermeasure (MCM) ships, and patrol craft (PCs) which are reaching [the end of their] expected service life''. Additionally, according to the Navy, ''delaying procurement of these ships would slow both the delivery of this critical capability to the fleet [and] progress toward the 300-ship target in FY 2019 and the ultimate goal of meeting a 306 ship force structure required to support validated . . . warfighting and presence requirements''. Similarly, as noted in congressional testimony provided by Ronald O'Rourke of the Congressional Research Service (CRS), ''If the LCS program were truncated to 24 ships or some other number well short of 52, a potential key issue [for Congress] would be the operational implications for the Navy of potentially not having sufficient capacity to fully perform the LCS's three core missions of countering mines, small boats, and diesel submarines, particularly in littoral waters''.

(4) The cost for all LCS seaframes under contract (FY 10–13 ships) will increase if the current block buy contracts are disrupted. According to the Department of the Navy, costs will increase ''due to the impact of lost workload, inefficiencies, and breakage to the vendor base''. Additionally, negotiated ship construction prices will be lost for FY 14 and FY 15 ships. Moreover, FY 15 competitive prices will be required to be renegotiated in a sole source environment which will likely result in significant increases to FY 15 ship pricing. Slowing or pausing the program will also likely result in additional costs to future ships as a result of lost learning in the shipyards, increased overhead, vendor pricing, and concerns about contract stability. Finally, disrupting the current block buy contracts could potentially cause extreme damage to the shipbuilding industrial base.

(5) Many first-of-class ships experience unanticipated challenges, setbacks, and, as a result, intense scrutiny and sometimes harsh criticism. According to the Secretary of the Navy, Ray Mabus, ''the first of every single class in our Navy has faced similar issues and has been strengthened by dealing with them''. Similarly, according to congressional testimony provided on October 23, 2013 by CRS analyst Ronald O'Rourke, ''In the midst of criticisms of certain Navy surface ship acquisition programs in the 30-year shipbuilding plan, [such as the LCS program], on issues such as cost growth, ship capabilities, construction-quality, and testing of combat system equipment, it can be helpful to recall, as a matter of providing some historical context, that a number of earlier Navy surface combatant acquisition programs—including some, like the DDG–51 program, that are today considered acquisition success stories—were themselves criticized on one or more of these grounds''. For example, in January 1990, the Government Accountability Office (GAO) criticized the DDG–51 Arleigh Burke destroyer program in their report to the Secretary of Defense, ''Navy Shipbuilding: Cost and Schedule Problems on the DDG–51 AEGIS Destroyer Program'', noting that the shipyard had originally ''encountered problems in designing and constructing the lead ship. The contract costs have increased substantially, and the ship will be about 17 months late. Since the lead ship is only 50 percent complete, additional problems could surface and delay the follow ships.'' Additionally, the GAO recommended ''that the Secretary of Defense ensure sufficient information exists to justify the award of contracts for follow ships beyond the seven now under contract''. Nevertheless, the Navy went on to successfully build a total of 62 of these destroyers since the program's inception with an additional 13 ships planned (under construction, on contract, or covered by awarded contracts).

(6) The Government Accountability Office's July 2013 report, ''Navy Shipbuilding: Significant Investments in the Littoral Combat Ship Continue Amid Substantial Unknowns about Capabilities, Use, and Cost'', overstates the significance of design changes to follow-on ships. As noted by Assistant Navy Secretary Stackley in his July 2013 testimony before Congress, ''No changes to LCS seaframe requirements are envisioned in the near term as both LCS classes meet Navy requirements''. Further, as the Department of the Navy has stated, ''The issues and corrective efforts discussed [in the GAO report] are consistent with all lead ships of any new class of surface combatants, or any lead ship of a new class. Other 'new, potentially significant seaframe design changes' mentioned [in the GAO report] as under consideration by the Navy would—if accepted by the Navy—be incorporated into the next procurement (LCS 25 and follow), as is standard practice in all shipbuilding programs''.

(7) The GAO's concern with concurrency in the development and fielding of LCS mission modules is misplaced. As Assistant Navy Secretary Stackley has explained in his congressional testimony before the House Armed Services Committee, ''The modular strategy for mission packages is a breakthrough concept for delivering cost effective

capability by employing mature technologies to meet today's warfighting requirements while also providing tremendous flexibility to rapidly employ developing technologies to counter emerging threats or otherwise close gaps today, and in the future. . . In order to deliver these capabilities in the capacity needed, and with an eye on controlling cost and risk, the Navy is employing an incremental fielding strategy wherein the first increment leverages mature technologies and existing programs of record to provide a level of performance exceeding that available in the fleet today''. Moreover, Assistant Secretary Stackley made clear that ''[t]his incremental approach minimizes concurrency risk while allowing the flexibility which the modular concept provides. . . This time-phased fielding of capability is fundamental as it allows the Navy to rapidly field systems as they are matured instead of waiting for the final capability delivery. The major systems that comprise mission packages are already established as individual programs, with their own Acquisition Program Baselines (APBs) including cost, schedule and performance objectives and thresholds''.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) chief among the mandates of the Navy is forward presence;

(2) operating forward overseas is critical to United States national security and the preservation of United States national interests;

(3) to achieve this forward presence, the size of the Navy fleet matters;

(4) the Littoral Combat Ship (LCS) will be a critical component of the overall size of the Navy fleet and, without it, the Navy will not be able to provide the capabilities or capacity that operational commanders require;

(5) the capabilities of the Littoral Combat Ship remain essential to operational commanders;

(6) Littoral Combat Ship vessels, together with their mission modules, form a key part of the long-range shipbuilding strategy of the Navy to meet force structure requirements in support of the January 2012 defense strategic guidance document entitled ''Sustaining U.S. Global Leadership: Priorities for 21st Century Defense'';

(7) the Navy should continue to plan on procuring 52 Littoral Combat Ship seaframes in accordance with its most recent long-range shipbuilding plan, while balancing available funding with achieving the lowest possible pricing to the Government;

(8) the progress of the Navy in answering the concerns of the July 2013 report of the Government Accountability Office, entitled ''Navy Shipbuilding: Significant Investments in the Littoral Combat Ship Continue Amid Substantial Unknowns about Capabilities, Use, and Cost'', has been noteworthy and adequate;

(9) the report on the Littoral Combat Ship referred to in paragraph (8), while detailed and substantive, contains recommendations that do not reflect a full and thorough understanding of the Littoral Combat Ship program;

(10) the Navy should be applauded for its decision to deploy U.S.S. Freedom (LCS 1), a research and development funded platform, early and with a surface warfare (SUW) mission package to gather helpful information and lessons learned in order to better inform the development of operational, manning, maintenance, and logistics support concepts;

(11) the Navy should be commended for the ongoing and rigorous testing of the mine countereasures (MCM) mission module being conducted by U.S.S. Independence (LCS 2)—another research and development funded platform—and the recent successful completion of the second phase of developmental testing of the SUW mission package by U.S.S. Fort Worth (LCS 3);

(12) the Navy must continue to endeavor to drive overall Littoral Combat Ship program costs down;

(13) the Navy must inform the future procurement strategy with thorough assessments, which are based on validated requirements and independent cost estimates and which include program thresholds and objectives for cost, schedule, and performance;

(14) future acquisition decisions on the Littoral Combat Ship should be informed with an up-to-date service cost position and ''should cost'' assessment;

(15) the Defense Acquisition Executive should determine whether a new Office of the Secretary of Defense (OSD) Cost Analysis and Program Evaluation (CAPE) independent cost estimate (ICE) will be needed to inform future Littoral Combat Ship program decisions; and

(16) the Navy, along with the Joint Staff, should conduct a requirements assessment study to serve as a revalidation of the Littoral Combat Ship capabilities definition document.

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**SA 2341.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

**SEC. 1208. SENSE OF CONGRESS ON DEFENSE COOPERATION WITH GEORGIA.**

(a) FINDINGS.—Congress makes the following findings:

(1) Georgia is a highly valued partner of the United States and has repeatedly demonstrated its commitment to advancing the mutual interests of both countries, including through the deployment of Georgian forces as part of the NATO-led International Security Assistance Force in Afghanistan, currently serving as the largest non-NATO contributor and without caveats in Helmand Province, and as part of the Multi-National Force in Iraq.

(2) Contrary to international law and the 2008 ceasefire agreement between Russia and Georgia, Russian forces have constructed barriers, including barbed wire and fences, along the administrative boundary line for the South Ossetia region of Georgia. This ''borderization'' is inconsistent with Russia's international commitments under the August 2008 ceasefire agreement, is contrary to Georgia's sovereignty and territorial integrity, creates hardship and significant negative impacts for populations on both sides of these barriers, and is detrimental to long-term conflict resolution.

(3) The peaceful transfer of power as the result of the October 2012 parliamentary elections in Georgia represents a major accomplishment toward the Georgian people's creation of a free society and full democracy.

(4) The presidential election of October 2013 marks another major step in this transition to a free and open democracy. International election observers from the Organization for Security and Co-operation in Europe (OSCE) concluded that the election ''was efficiently administered, transparent and took place in an amicable and constructive environment [. . .]. Fundamental freedoms of expression, movement and assembly were respected, and candidates were able to campaign without restriction. [. . .] A wide range of views and information was made available to voters through the media, providing candidates with a platform to present their programmes and opinions freely.'' This is consistent with significant progress toward a mature and free democracy.

(b) SENSE OF CONGRESS.—Congress—

(1) declares that the United States supports Georgia's sovereignty, independence, territorial integrity, and the inviolability of its internationally recognized borders and expresses concerns over the continued occupation of the Georgian regions of Abkhazia and South Ossetia by the Russian Federation;

(2) encourages the President to enhance defense cooperation efforts with Georgia and supports the efforts of the Government of Georgia to provide for the defense of its government, people, and sovereignty and territorial integrity within its internationally recognized borders;

(3) reaffirms its support for Georgia's NATO membership aspirations and congratulates Georgia on the steps it has taken to further its integration with NATO;

(4) remains committed to assisting the people of Georgia in establishing a free and democratic society in their country; and

(5) congratulates the Government and people of Georgia on the presidential election of October 27, 2013, and commends the Government and people of Georgia on a peaceful and democratic transfer of power and its continued movement toward a free and democratic society.

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**SA 2342.** Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

**SEC. 1220. REPORTING ON DEVELOPMENT AND INFRASTRUCTURE PROJECTS IN AFGHANISTAN.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in cooperation with the Secretary of State and the Administrator of the United States Agency for International Development, shall develop and submit to the appropriate congressional committees a plan to enter into the Afghanistan development assistance database of the United States Agency for International Development relevant information related to development and infrastructure projects in Afghanistan planned or implemented under the Commanders Emergency Response Program, Afghanistan Infrastructure Fund, and the Task Force for Business and Stability Operations.

(b) CONTENT.—

(1) IN GENERAL.—The plan developed under subsection (a) shall include the following:

(A) Appropriate thresholds and timeframes for Department of Defense development or infrastructure projects to be included in the database so as to maximize the usefulness of the database for the monitoring and assessment of prior, ongoing, and future United States Government assistance to Afghanistan.

(B) Rationales for the establishment of such thresholds and timetables as well as an estimated cost and timeframe required to complete the data entry process.

(C) Measures to protect from public disclosure information that if released would potentially threaten the lives or livelihoods of United States citizens, third-country nationals, or citizens of Afghanistan associated with United States Government development projects.

(2) DIRECT SUPPORT FOR ANSF EXCLUDED.—The information included in the development assistance database pursuant to the plan shall not include projects designed to directly support the Afghan National Security Forces (ANSF).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

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**SA 2343.** Mr. MERKLEY (for himself, Mr. PAUL, Mr. LEE, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

**SEC. 1220. COMPLETION OF ACCELERATED TRANSITION OF UNITED STATES COMBAT AND MILITARY AND SECURITY OPERATIONS TO THE GOVERNMENT OF AFGHANISTAN.**

(a) FINDING.—Congress finds that, in June 2013, the Government of Afghanistan assumed the lead for combat operations in all regions of Afghanistan consistent with the schedule agreed to by President Barack Obama and President of Afghanistan Hamid Karzai.

(b) STATEMENT OF POLICY.—It is the policy of the United States—

(1) that, in coordination with the Government of Afghanistan, North Atlantic Treaty Organization (NATO) member countries, and other allies in Afghanistan, the President shall complete the accelerated transition of United States military and security operations to the Government of Afghanistan and redeploy United States Armed Forces from Afghanistan (including operations involving military and security-related contractors) by not later than December 31, 2014; and

(2) to pursue diplomatic efforts leading to a political settlement and reconciliation of the internal conflict in Afghanistan.

(c) SENSE OF CONGRESS.—It is the sense of Congress that, should the President determine the necessity to maintain United States troops in Afghanistan to carry out missions after December 31, 2014, any such presence and missions should be authorized by a separate vote of Congress not later than June 1, 2014.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting or prohibiting any authority of the President to—

(1) modify the military strategy, tactics, and operations of United States Armed Forces as such Armed Forces redeploy from Afghanistan;

(2) attack al Qaeda forces wherever such forces are located;

(3) provide financial support and equipment to the Government of Afghanistan for the training and supply of Afghanistan military and security forces;

(4) gather, provide, and share intelligence with United States allies operating in Afghanistan and Pakistan; or

(5) provide security after December 31, 2014, to United States facilities or diplomatic personnel located in Afghanistan.

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**SA 2344.** Mr. DONNELLY (for Mr. BROWN) proposed an amendment to the bill S. 381, to award a Congressional Gold Medal to the World War II members of the ''Doolittle Tokyo Raiders'', for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo; as follows:

On page 3, strike lines 16 and 17, and insert the following:

(a) PRESENTATION AUTHORIZED.—The President pro tempore

On page 4, line 1, strike ''(2)'' and insert ''(b)'', and move the margin 2 ems to the left.

On page 4, line 2, strike ''paragraph (1)'' and insert ''subsection (a)''.

On page 4, strike lines 6 through 13, and insert the following:

(c) FOLLOWING AWARD OF MEDALS.—

(1) IN GENERAL.—Following the award of the gold medals referred to in subsection (a), 5 of the gold medals shall be given to the 5 surviving members of the mission as of February 2013 or their next of kin, with a sixth

On page 4, line, 19, strike ''(B)'' and insert ''(2)'', and move the margin 2 ems to the left.

On page 4, line 22, strike ''this paragraph'' and insert ''paragraph (1)''.

On page 5, line 1, strike ''(b) DUPLICATE MEDALS.'' and insert ''**SEC. 3. DUPLICATE MEDALS.**'', and move the margin 2 ems to the left.

On page 5, between lines 6 and 7, insert the following:

**SEC. 4. STATUS OF MEDALS.**

On page 5, line 7, strike ''(c)'' and insert ''(a)''.

On page 5, between lines 9 and 10, insert the following:

(b) NUMISMATIC MEDALS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act are numismatic items.

On page 5, strike lines 10 through 20.

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**SA 2345.** Mr. DONNELLY (for Mr. LEVIN) proposed an amendment to the bill H.R. 3304, to authorize the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor; as follows:

On page 2, line 3, strike ''**AND REQUEST**''.

On page 2, line 11, strike ''AND REQUESTED''.

On page 3, line 1, strike ''**AND REQUEST**''.

On page 3, line 9, strike ''AND REQUESTED''.

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**SA 2346.** Mr. DONNELLY (for Mr. LEVIN) proposed an amendment to the bill H.R. 3304, to authorize the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor; as follows:

Amend the title so as to read ''An Act to authorize the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor.''.

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**SA 2347.** Mrs. FISCHER (for herself and Mr. HOEVEN) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1046. BUDGET TREATMENT AND PLAN ON IMPLEMENTATION OF REDUCTIONS IN NUCLEAR FORCES IN CONNECTION WITH THE NEW START TREATY.**

(a) BUDGET TREATMENT OF REDUCTIONS PURSUANT TO NEW START TREATY.—The Secretary of Defense shall ensure that activities relating to the dismantlement or conversion of nuclear weapons in connection with the implementation of the New START Treaty are assigned separate, dedicated program elements in the budget materials submitted to the President by the Secretary in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2015 and each fiscal year thereafter in which reductions to the nuclear forces of the United States are made in connection with the implementation the New START Treaty.

(b) SUBMISSION OF PLAN ON NEW START TREATY.—Not later than the date on which the President submits the budget of the President to Congress under section 1105 of title 31, United States Code, for fiscal year 2015, the Secretary of Defense shall submit to the appropriate congressional committees the plan required by section 1042(a) of the National Defense Authorization Act of Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1575).

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the following:

(A) The congressional defense committees.

(B) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) NEW START TREATY.—The term ''New START Treaty'' means the Treaty on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011, between the United States and the Russian Federation.

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**SA 2348.** Mr. JOHANNS (for himself and Mrs. FISCHER) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title IX, add the following:

**SEC. 949. BRIEFINGS FOR CONGRESS ON THE STATUS OF THE UNITED STATES CYBER COMMAND.**

(a) QUARTERLY BRIEFINGS REQUIRED.—Commencing 30 days after the date of the enactment of this Act, and every 120 days thereafter, the Secretary of Defense shall provide the congressional defense committees, and any other Member of Congress requesting such a briefing, a briefing on the status of the United States Cyber Command.

(b) ELEMENTS.—Each briefing under subsection (a) shall include the following:

(1) An update on the status of any proposal to elevate the United States Cyber Command to the status of a unified combatant command.

(2) A current summary assessment of the specific advantages and disadvantages for the national security of the United States of elevating the United State Cyber Command to the status of a unified combatant command.

(3) A current estimate of the cost of elevating the United States Cyber Command to the status of a unified combatant command, and a current justification for that cost.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 19, 2013, at 3:30 p.m.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on November 19, 2013, at 10 a.m. in room SR–418 of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REED. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 19, 2013, at 2:30 p.m.

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

SUBCOMMITTEE ON EAST ASIA AND PACIFIC AFFAIRS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 19, 2013, at 10:30 a.m., to hold an East Asia and Pacific Affairs subcommittee hearing entitled, ''Assessing the Response to Typhoon Yolanda/Haiyan.''

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

SUBCOMMITTEE ON THE EFFICIENCY AND EFFECTIVENESS OF FEDERAL PROGRAMS AND THE FEDERAL WORKFORCE

Mr. REED. Mr. President, I ask unanimous consent that the Subcommittee on the Efficiency and Effectiveness of Federal Programs and the Federal Workforce of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 19, 2013, at 2:30 p.m., to conduct a hearing entitled, ''Strengthening Government Oversight: Examining the Roles and Effectiveness of Oversight Positions Within the Federal Workforce.''

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

SUBCOMMITTEE ON NATIONAL SECURITY AND INTERNATIONAL TRADE AND FINANCE AND THE SUBCOMMITTEE ON ECONOMIC POLICY

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on National Security and International Trade and Finance and the Subcommittee on Economic Policy be authorized to meet during the session of the Senate on November 19, 2013, at 3:30 p.m., to conduct a hearing entitled, ''The Present and Future Impact of Virtual Currency.''

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

## PRIVILEGES OF THE FLOOR

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that MAJ Casey Williams, a U.S. Army officer who is serving as a military fellow in my office, be granted the privilege of the floor for the remainder of the first session of the 113th Congress.

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

Mr. INHOFE. Mr. President, I ask unanimous consent to extend floor privileges to MAJ Richard Anderson, our Army fellow, for the remainder of this calendar year.

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

Mr. NELSON. Mr. President, I ask unanimous consent that Col. B.B. Lange, a defense fellow assigned to our office, be granted privileges of the floor for the purpose of the Defense bill.

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

Mr. MANCHIN. Mr. President, I ask unanimous consent that Dan Gilbert, my Department of Defense Fellow, and Erica Miller, my State Department Fellow, be granted floor privileges for the duration of the National Defense Authorization Act, through final passage.

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

Mr. LEVIN. Mr. President, I ask unanimous consent that Alec Johnson, a legislative fellow detailed to the Committee on Appropriations, be granted floor privileges for the duration of the consideration of the National Defense Authorization Act for Fiscal Year 2014.

I ask unanimous consent that CDR Tasya Y. Lacy, a U.S. Naval officer, who is currently serving as Senator SHAHEEN's defense legislative fellow this year, be granted floor privileges during the duration of S. 1197, the National Defense Authorization Act for 2014. I also ask unanimous consent that floor privileges be granted to Maj. Nate Somers, a U.S. Air Force officer who is serving as a defense legislative fellow in Senator CARDIN's office, for the duration of consideration of S. 1197.

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

## UNANIMOUS CONSENT AGREEMENT—S. 1197

Mr. DONNELLY. I ask unanimous consent that when the Senate resumes consideration of S. 1197 on Wednesday, November 20, there be up to 6 hours of debate only on the issue of sexual assault, with Senator GILLIBRAND or designee controlling 3 hours, Senators MCCASKILL and AYOTTE or designees each controlling 75 minutes, the ranking member or designee controlling 20 minutes, and the chairman or designee controlling 10 minutes.

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

## DOOLITTLE TOKYO RAIDERS CONGRESSIONAL GOLD MEDAL

Mr. DONNELLY. I ask unanimous consent the Banking, Housing and Urban Affairs Committee be discharged from further consideration of S. 381 and the Senate proceed to its consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 381) to award a Congressional Gold Medal to the World War II members of the ''Doolittle Tokyo Raiders,'' for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo.

There being no objection, the Senate proceeded to consider the bill.

Mr. DONNELLY. I ask unanimous consent the Brown amendment, which is at the desk, be agreed to, the bill, as amended, be read three times and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The amendment (No. 2344) was agreed to.

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 381), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 381

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FINDINGS.**

Congress finds that—

(1) on April 18, 1942, the brave men of the 17th Bombardment Group (Medium) became known as the ''Doolittle Tokyo Raiders'' for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo;

(2) 80 brave American aircraft crewmen, led by Lieutenant Colonel James Doolittle, volunteered for an ''extremely hazardous mission'', without knowing the target, location,

or assignment, and willingly put their lives in harm's way, risking death, capture, and torture;

(3) the conduct of medium bomber operations from a Navy aircraft carrier under combat conditions had never before been attempted;

(4) after the discovery of the USS Hornet by Japanese picket ships 170 miles further away from the prearranged launch point, the Doolittle Tokyo Raiders proceeded to take off 670 miles from the coast of Japan;

(5) by launching more than 100 miles beyond the distance considered to be minimally safe for the mission, the Doolittle Tokyo Raiders deliberately accepted the risk that the B–25s might not have enough fuel to reach the designated air-fields in China on return;

(6) the additional launch distance greatly increased the risk of crash landing in Japanese occupied China, exposing the crews to higher probability of death, injury, or capture;

(7) because of that deliberate choice, after bombing their targets in Japan, low on fuel and in setting night and deteriorating weather, none of the 16 airplanes reached the prearranged Chinese airfields;

(8) of the 80 Doolittle Tokyo Raiders who launched on the raid, 8 were captured, 2 died in the crash, and 70 returned to the United States;

(9) of the 8 captured Doolittle Tokyo Raiders, 3 were executed and 1 died of disease; and

(10) there were only 5 surviving members of the Doolittle Tokyo Raiders as of February 2013.

**SEC. 2. CONGRESSIONAL GOLD MEDAL.**

(a) PRESENTATION AUTHORIZED.—The President pro tempore of the Senate and the Speaker of the House of Representatives shall make appropriate arrangements for the award, on behalf of Congress, of 6 gold medals of appropriate design in honor of the World War II members of the 17th Bombardment Group (Medium) who became known as the ''Doolittle Tokyo Raiders'', in recognition of their military service during World War II.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury shall strike the gold medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) FOLLOWING AWARD OF MEDALS.—

(1) IN GENERAL.—Following the award of the gold medals referred to in subsection (a), 5 of the gold medals shall be given to the 5 surviving members of the mission as of February 2013 or their next of kin, with a sixth medal to be given to the National Museum of the United States Air Force, where it shall be displayed with the Doolittle Tokyo Raiders Goblets, as appropriate, and made available for research.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the National Museum of the United States Air Force should make the gold medal received under paragraph (1) available for display elsewhere, particularly at other locations and events associated with the Doolittle Tokyo Raiders.

**SEC. 3. DUPLICATIVE MEDALS.**

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under this Act, at a price sufficient to cover the costs of the medals, including labor, materials, dyes, use of machinery, and overhead expenses.

**SEC. 4. STATUS OF MEDALS.**

(a) NATIONAL MEDALS.—Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC MEDALS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act are numismatic items.

## AWARDING OF THE MEDAL OF HONOR

Mr. DONNELLY. I ask unanimous consent the Armed Services Committee be discharged from further consideration of H.R. 3304, and the Senate proceed to its consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3304) to authorize and request the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor.

There being no objection, the Senate proceeded to consider the bill.

Mr. DONNELLY. I ask unanimous consent the Levin amendment, which is at the desk, be agreed to; the bill, as amended, be read three times and passed; the Levin title amendment, which is at the desk, be agreed to; and the motions to reconsider be laid upon the table, with no intervening action or debate.

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

The amendment (No. 2345) was agreed to, as follows:

On page 2, line 3, strike ''**AND REQUEST**''.
On page 2, line 11, strike ''and requested''.
On page 3, line 1, strike ''**AND REQUEST**''.
On page 3, line 9, strike ''and requested''.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The amendment (No. 2346) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read ''An Act to authorize the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor.''.

## AUTHORIZING DOCUMENT PRODUCTION

Mr. DONNELLY. I ask unanimous consent that the Senate proceed to the consideration of S. Res. 300, which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 300) to authorize production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has received a request from a federal law enforcement agency seeking access to records that the Subcommittee obtained during its recent investigation into JP Morgan Chase's ''whale trades'' and risks and abuses of derivatives.

This resolution would authorize the chairman and ranking minority member of the Permanent Subcommittee on Investigations, acting jointly, to provide records, obtained by the Subcommittee in the course of its investigation, in response to this request and requests from other government entities and officials with a legitimate need for the records.

Mr. DONNELLY. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 300) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

## MEASURE READ THE FIRST TIME—S. 1737

Mr. DONNELLY. Madam President, I understand that S. 1737, introduced earlier today by Senator HARKIN, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 1737) to provide for an increase in the Federal minimum wage and to amend the Internal Revenue Code of 1986 to extend increased expensing limitations and the treatment of certain real property as section 179 property.

Mr. DONNELLY. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

## ORDERS FOR WEDNESDAY, NOVEMBER 20, 2013

Mr. DONNELLY. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, November 20, 2013; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for debate only for 1 hour, with Senators permitted to speak therein for up to 10

minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half; and that following morning business, the Senate resume consideration of S. 1197, the National Defense Authorization Act, under the previous order.

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

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DONNELLY. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:13 p.m., adjourned until Wednesday, November 20, 2013, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

AFRICAN DEVELOPMENT FOUNDATION

LINDA THOMAS–GREENFIELD, AN ASSISTANT SECRETARY OF STATE (AFRICAN AFFAIRS), TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 27, 2015, VICE JOHNNIE CARSON.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND AS PERMANENT PROFESSOR AT THE UNITED STATES AIR FORCE ACADEMY UNDER TITLE 10, U.S.C., SECTIONS 9333(B) AND 9336(A):

*To be colonel*

BRANDON K. DOAN

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

DAVID A. CENITI
DOUGLAS J. DIMOND
BRIAN J. KELLER
PAUL J. MCDONALD
EDWARD M. REILLY

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

JULIE A. MEIER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

KRYSTEN J. PELSTRING

# EXTENSIONS OF REMARKS

## HONORING THE CAREER AND SERVICE OF SAL HOWARD

### HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. HIGGINS. Mr. Speaker, today I rise to honor the Sal Howard and his service to the City of Buffalo. A dedicated employee with an indefatigable spirit, Sal has worked for the City of Buffalo for 31 years.

Sal began his long career with the City of Buffalo during the tenure of Mayor Jimmy Griffin. Due to the death of his father, Benjamin, Sal left high school to provide for his mother, brother, and sister. Through the Mayor's Summer Youth Program, Sal worked fixing snow plows and lawnmowers to aid his family.

After working for the Mayor's Summer Youth Program, Sal accepted a position with the City of Buffalo Animal Shelter, transporting dogs back and forth to the veterinarian, among other responsibilities. Sal's next step came with a position in the City of Buffalo's Engineering Department. As part of the Clean Sweep initiative, Sal drives trucks to help clean city streets, remove debris, and beautify our neighborhoods.

In addition to his day job, Sal serves as a New York State licensed armed security guard. Sal's work ethic is second to none.

The Howard family has an impressive history of civil service. Sal's father Benjamin was a sanitation engineer for the City, and his mother Columbia worked as a custodian for the Board of Education. His sister Sarah currently is a bus aide for the Board of Education and his brother Bernie worked for the City until his passing.

Sal's dedication to our community extends beyond his job. A devoted Catholic, he is an usher and Eucharistic Minister at St. Columba-Brigid Roman Catholic Church, on the corner of Hickory and Eagle Streets in Buffalo.

Mr. Speaker, thank you for allowing me a few moments to acknowledge Sal's commendable career and service to our community. I am grateful for his good works and wish him the best in all his future endeavors.

## HONORING JULIAN NABOZNY

### HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. PASTOR of Arizona. Mr. Speaker, I rise before you today to pay tribute to a Phoenix community leader and businessman, who for 20 years now has given back to his community by providing complimentary breakfasts to thousands of individuals at his McDonald's restaurant on Thanksgiving Day.

Mr. Julian Nabozny, a native of Argentina whose family moved to Chicago when he was 13, went to high school and college in Illinois and became a naturalized U.S. citizen. He became a high school teacher, mainly so he could pursue his first love—soccer—but soon learned he could not survive on a coach's salary. When he learned McDonald's was looking for prospective Hispanic owners, he took a shot and worked his way up from three establishments in Chicago to now owning five restaurants in Phoenix.

Since he moved to Phoenix in the early 1990s, Mr. Nabozny has built his restaurants to offer more than just a family experience; they have become local community centers. Besides providing thousands of free breakfasts on Thanksgiving Day, his McDonald's stores have provided free community resources, such as information about health insurance, immigration laws, or free mammograms. He has become a trusted leader whose voice lends help to important causes in the Hispanic community. He was recently honored as the 2012 Man of the Year at ''La Noche de Amistad (The Night of Friendship)'', an event organized by Phoenix 1190 AM Radio and Mujeres Unicas, a Spanish-language radio program, for donating much of his time and personal finances to help those less fortunate. In 2000, he won the National Restaurant Association's Cornerstone Humanitarian Award.

In addition, Mr. Nabozny has been a member of the McDonald's Board of Directors; president of Chicago McDonald's Hispanic Owners Association; treasurer, vice president, and president of the national McDonald's Hispanic Owners Association; chair of the company's Hispanic Marketing Committee; a leader in McDonald's Hispanic Scholarship Program; and is a member of the company's Arizona Board of Directors. He is also the Arizona/Nevada representative to the McDonald's National Hispanic Board of Directors.

As he has grown his business, Mr. Nabozny has built his restaurants to reflect the diversity of the neighborhoods in which they are located. He features Aztec-inspired artwork and a Talavera mosaic from Puebla, Mexico in his Phoenix restaurants, among other cultural features.

Mr. Nabozny has said that he believes God saved his life three times on separate occasions. Those incidents reinforced his drive to help those who are less fortunate. By providing free Thanksgiving Day breakfasts and other resources to the Phoenix community, he has provided physical nourishment, and in many cases, spiritual nourishment, to thousands of his fellow human beings. I have had a longstanding friendship with Mr. Nabozny and I admire him greatly. Therefore, on the occasion of the 20th year he plans to provide free Thanksgiving breakfasts, and to show him our deep appreciation, I ask my colleagues today to help me pay tribute to my friend and a great community leader, Mr. Julian Nabozny.

## HONORING THE CAREER OF RAY LOMAS

### HON. CHERI BUSTOS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mrs. BUSTOS. Mr. Speaker, I rise today to talk about Ray Lomas of Rock Island, Illinois.

Ray Lomas has been helping kids in the Quad-Cities since the 1950s. He coached sports teams, mentored students and athletes, and co-founded the Metropolitan Youth Program in the 1980s. Metro Youth continues to this day to engage students through its steppers and drill team while providing tutoring and educational programs. A drummer himself, Lomas hosted the drum unit at his house every day, and made sure that they also learned practical skills like paying bills and applying for jobs.

Now 84, Ray Lomas has lived in the Quad-Cities for almost his entire life, and spent 36 years working for Deere & Co. in East Moline. His son Rory Lomas is now retired after serving in the Army for over 24 years.

Mr. Speaker, I'd like to thank Ray Lomas for his years of service to our community and I am very happy that Rock Island celebrated Ray Lomas Day on October 24th.

## PERSONAL EXPLANATION

### HON. NIKI TSONGAS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Ms. TSONGAS. Mr. Speaker, I was unable to cast a vote on rollcall 586 and 587 on November 15, 2013. I was in Massachusetts to meet with Army Chief of Staff General Ray Odierno at Natick Soldier Systems Center, the only active duty Army installation in New England. Since I encouraged him to come, and helped organize a portion of his visit, I felt it was necessary to be present.

Had I been present for this vote, I would have voted ''yes'' on the Motion to Recommit (rollcall 586) and ''no'' on the final passage of H.R. 3350 (rollcall 587).

I would have voted against H.R. 3350 because it would have opened up health insurance plans that do not meet the basic requirements of the Affordable Care Act to new enrollees. I would have voted for the Democratic Motion to Recommit. This motion would have given insurance companies the option to continue offering plans that were in existence as of October 1, 2013 to current enrollees, but would not have opened up these plans that do not meet basic requirements to new consumers.

## RECOGNIZING THE 100TH ANNIVERSARY OF THE ROTARY CLUB OF READING, BERKS COUNTY, PENNSYLVANIA

### HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. GERLACH. Mr. Speaker, I rise today to congratulate the Rotary Club of Reading, Berks County, Pennsylvania, on the occasion of its 100th anniversary.

The Rotary Club of Reading was chartered on December 1, 1913 and was the 88th Rotary Club of over 30,000 now to be chartered. Throughout its proud 100 year history, the Reading Rotarians have committed themselves to making a difference in the community by providing meaningful service to those in need. Among the many projects the members of the Rotary Club of Reading have undertaken and completed include: establishing Rotary Park for the enjoyment of the citizens of Reading and Berks County; performing roadside cleanups; and awarding scholarships to Reading High School students.

The distinguished volunteer service by the members of the Rotary Club of Reading over the last 100 years has served to significantly improve the quality of life in the Greater Reading community.

Mr. Speaker, in recognition of its 100th anniversary, I ask that my colleagues join me today in recognizing the Rotary Club of Reading, Berks County, Pennsylvania.

## CRISIS IN THE CENTRAL AFRICAN REPUBLIC

### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. SMITH of New Jersey. Mr. Speaker, today I held a subcommittee hearing that was not called an ''emergency'' hearing, but it very well could have been. Since we first decided to hold a hearing to spotlight the human rights situation in the Central African Republic, the situation has deteriorated even further so that today the country is on the verge of a humanitarian catastrophe.

Coups and dictatorships have characterized the Central African Republic since its independence in 1960, but the current crisis is far more dangerous than what has come before.

Consider this: in a country of approximately 5 million people, roughly 1.1 million citizens face serious food insecurity. Some 460,000 CAR nationals are displaced, including 64,000 who have fled to neighboring countries as refugees and nearly 400,000 who are internally displaced.

This is because there has been a complete breakdown of law and order in the country following the ouster of former President François Bozizé in March of this year. After riding to power on the back of an insurrection known as Seleka, the current dictator, Michel Djotodia, has found it difficult to disengage. Seleka, originally a political alliance, has transformed into a militia of about 25,000 men, up to 90 percent of which come from Chad and Sudan and therefore constitute in the eyes of many a foreign invasion force. They do not speak the local language, and are Muslim in a nation that is roughly 80 percent Christian. They have targeted churches for destruction and stirred up sectarian hatreds where none had existed previously. Indeed, the Sudanese contingent in particular are said to be members of the notorious janjaweed, who have spread slavery and destruction in the Darfur region of Sudan and now are doing the same in the Central African Republic.

And if that is not bad enough, elsewhere, the Lord's Resistance Army, or LRA, under the psychotic leader Joseph Kony is also loose in the Central African Republic. Both the LRA and Seleka are said to kidnap children to serve as soldiers, and UNICEF estimates that there are now as many as 3,500 child soldiers affiliated with armed groups in the country.

Djotodia has formally disbanded Seleka, but Seleka continues to wreak destruction in the countryside, and they have seized mines and other resources in the country. Djotodia's writ does not extend much beyond the capital city of Bangui.

Even in Bangui, the situation is chaotic. One of our witnesses, Mike Jobbins, related how ''There have been nearly a dozen successful or attempted carjackings of humanitarian vehicles over the past two weeks and at least three aid workers have lost their lives since the crisis began.''

In response to the depredations of Seleka, their victims have begun to form self-defense units referred to as anti-balaka, or anti-machete, gangs, which have begun to commit retaliatory outrages of their own. Rather than confront the Seleka rebels who are responsible for starting the cycle of violence, however, they often target Muslim civilians, who are deemed ''soft targets.'' Thus, violence begets violence.

The situation is so bad that just this past week, John Ging, director of the UN Office for Coordination of Humanitarian Affairs warned, ''We are very, very concerned that the seeds of a genocide are being sown.''

All this is happening in a state which is, by any definition, dysfunctional.

In the words of PM Nicolas Tiangaye, who is the closest thing to a legitimate figure in the government of the Central African Republic and whom my staff and I met with this summer when he visited Washington, the Central African Republic is ''anarchy, a non-state.''

This descent into chaos has compounded the misery of the people of the Central African Republic suffered greatly and lagged substantially in terms of development. Prior to this year, the Central African Republic ranked 180 of 186 countries per the UN Human Development Index.

One area where the Central African Republic did lead bespeaks an irony: National Geographic ranked the Central African Republic as the nation least affected by light pollution. This is, of course, indicative of its low level of development, and the neglect and affirmative harm which generations of political leaders have subjected the country and its people.

Amid this darkness, however, there are bright spots. It is the leadership of churches and faith based organizations, as well as traditional Muslim leaders long resident in the Central African Republic who have sought to defuse communal tensions. These indigenous Muslim leaders who speak for peace need to be recognized and distinguished from foreign fighters from countries such as Sudan—the same janjaweed who harrowed Darfur—who kill and sow destruction in the name of jihad.

We had the opportunity to hear from one such courageous faith leader, Bishop Nongo. I had the privilege of hosting Bishop Nongo in my office when he came to visit Washington this summer, and I was moved nearly to tears as he described the suffering of the people in his country. It is leaders such as Bishop Nongo, who provide assistance to all regardless of their affiliation, and who strive for peace, who provide the greatest hope for the Central African Republic.

## DIGITAL ACCOUNTABILITY AND TRANSPARENCY ACT OF 2013

SPEECH OF

### HON. RUSH HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 18, 2013*

Mr. HOLT. Mr. Speaker, as a scientist, I know firsthand how important scientific conferences and meetings are. I opposed H.R. 2061, the Digital Accountability and Transparency Act, because it would cut by 30 percent the amount of travel federal employees could undertake for conferences, meetings, and other crucial events.

Although I appreciate the sponsors' efforts to ensure oversight on travel expenditures, I suspect they fail to realize the impact that this legislation would have on the progress of science and technology. Scientific conferences play a key role in American innovation. The informal conversations, formal presentations, and everything else that goes on between scientists from different institutions and different countries lead to new collaborations that have the promise of new discoveries.

Just about any scientific society in this country can give you examples where large numbers of federally sponsored researchers have teamed up to tackle pressing issues of our day at a conference. To give just one example, the American Chemical Society and the American Physical Society have stated that the development of an anti-cancer drug was the result of collaboration between a team of scientists from three laboratories that took place at one of these conferences.

We justifiably invest in federal research efforts, and we should ensure that we maximize that investment. When we deny federal scientists and researchers the ability to travel and collaborate with their peers, we leave them and our country with a diminished ability to make the most of that investment.

This affects not only scientists, of course. It is important for all federal employees to meet with their fellow professionals. If any of my colleagues wonder why face-to-face meetings are important, I would ask, why did they vote for House rules that require all of our votes to be taken in person here in the House of Representatives?

While H.R. 2061 takes some laudable attempts to increase transparency, it will undoubtedly stifle scientific collaboration, and thus I cannot support it.

## TO RECOGNIZE THE 150 YEAR ANNIVERSARY OF THE GETTYSBURG ADDRESS

### HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. FITZPATRICK. Mr. Speaker, I rise today in recognition of 278 simple words spoken a century and a half ago in a small town in my home state of Pennsylvania. When President Lincoln addressed the crowd assembled at the dedication of the National Cemetery at Gettysburg, he noted in his speech that his words were ones that, ''the world will little note, nor long remember''. Yet, 150 years later, President Lincoln's words of sacrifice and strength still ring true. Even amidst the fog of a still raging civil war, Lincoln promised that ''this nation, under God, shall have a new birth of freedom''—and that ''government of the people, by the people, for the people, shall not perish from the earth.'' Today, we recognize the commitment of President Lincoln to reunite and ensure the continued success of our nation. Furthermore, we reinforce our efforts to protect his solemn pledge of a free government for a free people.

## COMMEMORATING JOHN LANCE LINDABERRY

### HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. LANCE. Mr. Speaker, I rise today to honor the memory of Private First Class John Lance Lindaberry of Long Valley, New Jersey who honorably served his country during the Vietnam War. Mr. Lindaberry was a member of the 2nd Battalion of the 27th Infantry Regiment, 25th Infantry Division, and killed in action on Nov. 16, 1967.

Mr. Lindaberry was graduated from West Morris Central High School in 1966, and joined the Army in 1967. He was loved by his family and the community, especially his fellow parishioners at the Highlands Presbyterian Church.

Long Valley continues to honor the memory of Mr. Lindaberry at its annual Memorial Day services, as well as other fallen service members.

## CONGRESSIONAL BLACK CAUCUS: HUNGER IN AMERICA

SPEECH OF

### HON. JOYCE BEATTY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 18, 2013*

Mrs. BEATTY. Mr. Speaker, as we begin to enter the holiday season, let us reflect on the devastating impact of hunger on individuals, families, and communities.

Mr. Speaker—hunger is no holiday for millions of Americans.

50 million individuals in this country are food insecure and 17 million of them are children.

Making sure children are well fed is necessary if America is to reach its health, education, economic, and fiscal goals.

In 2011, 679,900 children in Ohio lived in food insecure households.

On Nov. 1, the largest cuts in the history of our country's food stamp program, now called the Supplemental Nutrition Assistance Program, went into effect when the increase given by the 2009 economic stimulus package expired.

This reduction, which totaled $5 billion, has already touched more than 47 million people—1 in 7 Americans.

Moreover, billions more in cuts are scheduled to occur in the following two years, despite the fact that food insecurity in America has not even begun to return to pre-recession levels.

Mr. Speaker, we are in a hunger crisis.

When almost 50 million people in the richest country on the planet hungry, that is a crisis.

Moreover, food insecurity can have wide-ranging detrimental consequences on individual's physical and mental health, especially with the more vulnerable populations such as pregnant women and seniors.

According to the U.S. Department of Agriculture, more than 1 in 6 Ohio households faced food insecurity from 2010 to 2012, up 6.3 percentage points from a decade earlier.

Ohio trailed only Missouri and Nevada in hunger increases during that same time.

Ohioans have been left to cope with loss of employment, wage stagnation, slow economic recovery, and food insecurity.

Ohioans are hurting.

Shellie, a mother in my district expressed to me that by the end of every month, she has to tell her kids that all they have left to eat is enough food for dinner.

There is nothing left in the pantry to put on the table for breakfast or lunch.

Then there is Roberta, who was a county caseworker in my district for 25 years and a school board member for ten years, and suffered a serious and sudden illness.

Now, because of medical bills, she and her family rely on food stamps and food pantries.

Another touching example is Saundra in my district, who is disabled and lost her job during the recession.

Food stamps are her only recourse for food.

There are thousands of stories like Shellie's, Roberta's, and Saundra's throughout our country.

We must let our constituents know that we hear their struggles and we are fighting for them.

Preventing irrational cuts to the Supplemental Nutrition Assistance Program (SNAP) is a great first step to curbing hunger.

The large $40 billion cuts in the House version of the 2013 Farm Bill are unprecedented.

SNAP should remain a part of the farm bill and I urge anyone who believes hunger and food insecurity should end to make sure that it does.

This is a practical and moral imperative.

I will continue to support the American people through their daily fight to preserve funding for these initiatives and to end hunger in America.

I thank you for the opportunity to speak on this important issue.

## HONORING BRANDT BEAUCHAMP

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Brandt Beauchamp. Brandt is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 663, and earning the most prestigious award of Eagle Scout.

Brandt has been very active with his troop, participating in many scout activities. Over the many years Brandt has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Brandt has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Brandt for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## INTRODUCING A RESOLUTION IN RECOGNITION OF PEOPLE OF AFRICAN DESCENT AND BLACK EUROPEAN LEADERS

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce a resolution recognizing people of African descent, and particularly Europe's Black community and political leaders, as we welcome a delegation of Black European Rights Leaders representing 10 European countries to Washington, DC this week, and continue working to address issues of inequality, discrimination, and inclusion in the 57 North American and European countries that make up the region of the Organization for Security and Cooperation in Europe (OSCE).

An estimated seven to ten million individuals of African descent currently live in Europe, particularly in France, the United Kingdom, and the Netherlands, and form an influential part of the African diaspora. From labor and scholarship to politics and civil rights, they have contributed greatly to European history and culture over the past several centuries. However, the story of Black Europeans remains widely untold, rendering many of their past and present contributions to the political and social life of Europe invisible or forgotten. Furthermore, similar to the experiences of many African Americans, they have increasingly become the targets of discrimination, pernicious racial profiling, and violent hate crimes impacting equal access to housing, employment, education, and justice.

On April 29, 2008, I chaired a U.S. Helsinki Commission hearing entitled, ''The State of (In)visible Black Europe: Race, Rights, and Politics,'' which focused on bringing to light the daily challenges of racism and discrimination encountered by Black Europeans, specifically with regard to their representation in leadership positions and political participation. Since

then, I have worked with minority and other European legislators to convene annual events in Brussels, Belgium at the European Parliament to address these issues, including the 2009 Black European Summit: Transatlantic Dialogue on Political Inclusion and the 2010 and 2011 Transatlantic Minority Political Leadership Conferences. Follow-on initiatives from these events have included the Transatlantic Inclusion Leaders Network in cooperation with the State Department and German Marshall Fund, which works to advance young, diverse, and inclusive leaders on both sides of the Atlantic.

This resolution acknowledges the findings from the OSCE's Annual Hate Crimes Report and European Union Agency for Fundamental Rights' (EUFRA) 2009 European Union Minorities and Discrimination Survey (EU-MIDIS), as well as initiatives such as the June 2013 European Network Against Racism's ''People of African Descent and Black Europeans'' Policy Paper and Open Society Justice Initiative 2009 report, entitled ''Ethnic Profiling in the European Union,'' which reveal systemic discrimination against Black Europeans in housing, education, health care, employment, the criminal justice system, and access to political participation. Moreover, recent racist acts towards Black European cabinet-level officials highlight continuing issues of racism and national extremism, and the need to increase the awareness of rights and protection for Black Europeans.

Cooperation is key to addressing the global problems of racism and discrimination. As we continue working to build on past and current initiatives, I encourage my colleagues to join me in recognizing and celebrating the collective history and achievements made by people of African descent. This resolution reaffirms the importance of inclusion and the full and equal participation of people of African descent around the world in all aspects of political, economic, social, and cultural life. To that end, Congress should welcome increased parliamentary activities, including those of the OSCE Parliamentary Assembly, to engage in efforts to promote racial equality and combat racial discrimination through efforts such as introducing legislation, speaking out against racism, increasing the political participation of racial minorities, and working with Black European and other minority communities to develop relevant policies.

Europe today grapples with complex questions at the intersection of national identity, decreasing birth rates, increasing immigration, security concerns, and a rise in extremist political parties and vigilantism. In this context of changing demographics and attitudes, the experiences of Black Europeans increasingly serve as a measure of the strength of European democracies and commitments to human rights. Following the 2011 Transatlantic Minority Political Leadership Conference, U.S. and European parliamentarians called for a Joint US-EU Action Plan to work on transatlantic solutions to address bias and discrimination and foster inclusion—much the way we work jointly on counterterrorism, trade, and other issues. The adoption of such an initiative would significantly increase the tools our governments have to address common issues, develop proactive policies to meet changing demographics leading to increased diversity in our societies, and ultimately ensure the long-term stability and prosperity of our democracies.

Mr. Speaker, I urge the adoption of a Joint Action Plan in addition to immediate actions by European governments and members of civil society and the private sector, in consultation with Black European communities, to develop and implement initiatives to combat racial discrimination and promote racial equality in Europe. In the interim, our government can do more to partner with European public and private sectors and Black and migrant communities to advance human rights and inclusion in Europe, including appointing at the State Department and U.S. Agency for International Development (USAID) Senior Advisors on Afro-descent peoples and establishing a State Department Fund for the Inclusion of Racial and Ethnic minorities modeled after the Department's International Fund for Women and Girls and Lesbian, Gay, Bisexual, and Transgender (LGBT) Global Equality Funds.

## PERSONAL EXPLANATION

### HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. CONAWAY. Mr. Speaker, on November 18th, I was attending a funeral and missed rollcall No. 588, on H.R. 2061. Had I been present, I would have voted ''aye.''

## HONORING MICHAEL A. LENOIR, M.D.

### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Ms. LEE of California. Mr. Speaker, I rise today to honor the extraordinary career of Dr. Michael LeNoir as we celebrate over 40 years of his contributions to the medical field. Dr. LeNoir continues to be a celebrated physician, and we join together in praise of his remarkable contributions to the Bay Area, California, and our great nation.

Dr. LeNoir is married to Denise Washington LeNoir and they have 4 daughters and 5 grandchildren. He attended the University of Texas Medical Branch at Galveston and graduated in 1967. During his transitional year, he interned at the Los Angeles County and the University of Southern California Medical Center. He completed his pediatrics residency at the William Beaumont Army Medical Center in 1970, and finished his fellowship in pediatric allergy and immunology in 1972 at the University of California at San Diego. Dr. LeNoir has been certified for 39 years in Allergy and Immunology from the American Board of Allergy and Immunology, and certified 40 years in Pediatrics from the American Board of Pediatrics. He has practiced clinical allergy and pediatrics in the Bay Area since 1977, and has been an active member of the National Medical Association(NMA) since 1975.

Throughout his prolific career, Dr. LeNoir has served in a number of leadership roles including former board member of the American Association of Certified Allergists, former chair of the Underserved Committee of the American Academy of Allergy, past President of the Northern California Allergy Association, former Chair of the NMA Allergy and Asthma Section, and former Chair of the Clinical Faculty at the University of California, San Francisco when he served as an associate clinical professor.

Dr. LeNoir has also earned myriad accolades, including the first Floyd Malveaux Award by the NMA Allergy and Asthma Section, the 2006 Community Physician of the Year Award by the Residents at Oakland Children's Hospital and Research Institute, the Lydia Smiley Award from the California School Nurses Association, as well as numerous awards highlighting his community service.

Dr. LeNoir was named as one of the America's leading African American Allergists by Black Enterprise Magazine in 2001 and 2008. Since 2001, Dr. LeNoir has been named as one of the best 200 physicians by Oakland Magazine and San Francisco Magazine.

From 1981 to 1993, Dr. LeNoir was the medical editor for KCBS Radio, hosting a 2 hour weekly talk show. He has been the CEO of the Ethnic Health America Network since 1985, and is the host and executive producer of the About Health Program, a talk show featured on Pacifica Radio stations, including Berkeley's KPFA. He has also served as president of the National Association of Physician Broadcasters.

Currently, Dr. LeNoir is president of the Ethnic Health Institute at Alta Bates Summit Medical Center, Board Chair of the African American Wellness Project, and member of the Board of Directors at Children's Hospital and Research Center in Oakland.

Earlier this summer, Dr. LeNoir was inaugurated as the 114th President of the NMA. The NMA is the largest and oldest national organization representing the interests of more than 32,000 African American physicians and the patients they serve. Under Dr. LeNoir's leadership, the NMA will continue its work to eliminate health disparities, improve the pipeline for African American students, and advance the quality of health among communities of color and disadvantaged populations.

I have had the privilege of knowing and working with Dr. LeNoir for many years. He is a brilliant and compassionate physician who has used his expertise and experience on behalf of his patients and the overall community. I am proud to call him a colleague and a friend.

On behalf of California's 13th Congressional District, Dr. Michael LeNoir, I salute you. Your 40 years of dedication to improving the health of our communities and leadership on medical advances have made an indelible mark in history. Thank you for your continued work and best wishes to you and your loved ones in the years to come.

## HONORING THE 150TH ANNIVERSARY OF SAINT PETER LUTHERAN CHURCH—AFTON, MN

### HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Ms. McCOLLUM. Mr. Speaker, I rise to pay tribute to the congregation of Saint Peter Lutheran Church of Afton, Minnesota on the occasion of the 150th anniversary of the church. Since its founding by German settlers in 1863, the church has served as a center of faith and community.

The founding families of Saint Peter Lutheran Church of Afton held tightly to their faith and, as their numbers grew, they recruited a travelling missionary, Reverend Horst, to conduct services from the homes of worshipers. Shortly thereafter another clergyman, Pastor Rolf, took over duties, regularly travelling 15 miles from Saint Paul by foot to preside over the parish.

On December 27th, 1863, the congregation was formally organized into the ''The Evangelical Lutheran Saint Peter's Church of Afton Township, Washington County, Minnesota.'' During the next two years, three acres of land were purchased and on it built the first church from a reconstructed mill that had been abandoned in the area. The first service in the new Saint Peter's church was held on August 12, 1865 and it stood intact for nearly sixty years.

Ultimately, the original structure was converted into a schoolhouse in 1898 and a replacement church was erected beside it, both remaining until they burned down in 1924. The following year saw the completion of a replacement building on the grounds, today known as the 'old' church.

Saint Peter Lutheran Church continues to play a central role in the lives of many Afton families, serving both spiritual and physical needs. Through its strong support of local food shelves and clothing drives, the congregation is directly helping to feed and clothe families in need. The congregation's growth is a tribute to the generosity and commitment of six generations who have built on the foundation laid by those early German settlers. Saint Peter Lutheran Church has blessed the Afton area with its dedication to good deeds for 150 years.

Mr. Speaker, in honor of the 150th Anniversary of Saint Peter Lutheran Church of Afton, Minnesota, I am pleased to submit this statement to the CONGRESSIONAL RECORD.

## HONORING IAN MORBY

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Ian Morby. Ian is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 663, and earning the most prestigious award of Eagle Scout.

Ian has been very active with his troop, participating in many scout activities. Over the many years Ian has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Ian has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Ian Morby for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## PERSONAL EXPLANATION

### HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 588, I was unable to be present for the vote on H.R. 2061.

Had I been present, I would have voted ''yes.''

## TRIBUTE TO LOUISE A. ANDERSON

### HON. LARRY BUCSHON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. BUCSHON. Mr. Speaker, I rise today to pay tribute to Ms. Louise A. Anderson who at the end of this month will be retiring as Director of the West Central Indiana Area Health Education Center in my district.

A nurse by vocation, she has been passionate about ensuring that Hoosiers have access to quality healthcare in their communities by recruiting and training the next generation of healthcare providers. In addition to her professional engagements, Ms. Anderson remains a very active volunteer in professional and community organizations holding several board and committee positions at the local, state, and national levels. Her commitment to the citizens of West Central Indiana for the last three decades has been exemplary through her service as a provider, teacher, and educator. May we all live such a rich and distinguished life of service.

## HONORING DR. STEPHEN T. BARTLETT

### HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today to honor Dr. Stephen T. Bartlett, a close friend and accomplished surgeon and respected professor, on the occasion of his 60th birthday.

A specialist in kidney and pancreas transportation as well as vascular surgery, Dr. Bartlett has taught and practiced medicine at the renowned University of Maryland since 1991. He is a Peter Angelos Distinguished Professor and chairs the Department of Surgery at the university's School of Medicine. He also serves as Senior Vice President and Surgeon-in-Chief at the University of Maryland Medical System.

Dr. Bartlett earned his medical degree from the University of Chicago and completed his residency at the University of Pennsylvania. He continued his training at Northwestern University and taught at the University of California Davis. He was then recruited to Maryland and revitalized the university's transplant program. The school's kidney transplant program is now the second highest in volume in the country. Under his leadership, the surgical department ranks among the highest in the country in National Institute of Health grant funding.

While Dr. Bartlett's accomplishments are too numerous to list in their entirety, it bears mentioning that he has been recognized as a ''Top Doctor'' by Baltimore Magazine. The National Kidney Foundation recently named him one of its 2013 ''Kidney Champions'' for his groundbreaking contributions to the field of kidney research and transplantation. He has authored more than 230 peer-reviewed journal articles and 11 book chapters.

Of particular note, Dr. Bartlett lead an effort that recently resulted in the most extensive full face transplant completed in the world to date. In addition to historic projects like this, he continues to spearhead basic scientific research always with the singular goal of improving patients' quality of life.

I have had the pleasure of knowing Dr. Bartlett—as well as his wife, June, and three children—on a personal level for many years. I am impressed with his dedication to his family. He may receive distinguished accolades for his medical breakthroughs, but his commitment to his wife and children come first.

Mr. Speaker, I ask that you join with me today to honor Dr. Stephen Bartlett. His service and dedication to the University of Maryland is an asset to the state. It is with great pride that I wish him the happiest of birthdays and many more to come.

## THE 125TH ANNIVERSARY OF THE TOWN OF BRAMWELL, WEST VIRGINIA

### HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. RAHALL. Mr. Speaker, nestled in a picturesque valley setting, amidst gently sloped green hills, complete with a meandering river is the town of Bramwell, West Virginia, which celebrates its 125th birthday tomorrow.

Coal was very much a part of the genesis of Bramwell. It is a town that was home to many coal mine owners and operators. So much so in fact, this small town was once able to boast of more per capita millionaires than any town in the country. Entrepreneurism still reigns in Bramwell, although today it is not as much of the pocketbook as it is of the heart. Many of the town's grand homes have been painstakingly and lovingly preserved by homeowners.

Throughout the year, the town hosts a number of festive events that celebrate its coal heritage. Every Christmas, homes are opened for tours and period costumed, well versed and pithy witted interpreters will guide visitors through a domestic lifestyle enjoyed in yesteryear. Each spring, home tours welcome the new season just as cordially and each fall, the Bramwell Octoberfest is not to be missed.

However, any day of the year is a good day to visit this homage to history. Visitors will be met with a sincere pride in our coal heritage, the heritage of our families and of our State. That sense of pride is just as alive and kicking as ever. For everyone in Bramwell, history is not a thing of the past; it is a prologue to the future. In fact, the future of this temperate region fittingly dubbed Four Seasons Country, is bright, largely due to the efforts of communities like Bramwell.

For the same pioneering spirit that established deep roots here, the same productive

mindset that grew this small town into a considerable per capita national asset; the same soul that said our best days are yet ahead; this town, with its share of Bluestone, is seeing more and more blue skies each day. And the word has spread. From Hatfield and McCoy Trail riders, from national and international Boy Scouts of America and their families, to even our neighbors here in the Virginias, Bramwell has become a distinctive, desirable destination in and of its own right. Of that we are most proud.

I take great pride myself in playing a role in bringing the federal resources to bear so that the Bramwell story can be told and retold 1,025 years from now. From Coal Heritage funding to supporting funding for VISTA to help staff the new Farmer's Market, Bramwell is one heck of a good, sound federal investment. And, boy, that's a story we can share with the world.

It's a story that exceeds the fame and infamy of the fabled fortunes of coal barons. It's a tale with far broader implications than a slice of living history romanticized for a few days of entertainment. It is nothing short of a life's lesson, of a people not giving up nor giving in. And it is proof positive of the productivity that comes from a close knit group of people who work together for the common good.

Mr. Speaker, the work and achievements this town's citizens have forged constitute nothing short of a model for the country.

I hope my colleagues will take note of this national investment and take time to visit soon. They may feel completely free to share this treasure of a town with their constituents. Bramwell welcomes all.

To all my good friends in Bramwell, I wish you a very Happy Birthday and Godspeed.

## PERSONAL EXPLANATION

### HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Ms. GRANGER. Mr. Speaker, on rollcall No. 587, due to a previously scheduled, important event in my district with my constitutents that could not be rescheduled, I was not present for this vote.

Had I been present, I would have voted ''aye.''

## HONORING RYAN A. McCOY

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Ryan A. McCoy. Ryan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and earning the most prestigious award of Eagle Scout.

Ryan has been very active with his troop, participating in many scout activities. Over the many years Ryan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Ryan has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Ryan A. McCoy for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## PERSONAL EXPLANATION

### HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. CONAWAY. Mr. Speaker, on November 18th, I was attending a funeral and missed rollcall No. 589, on H.R. 272. Had I been present I would have voted ''aye.''

## OUR UNCONSCIONABLE NATIONAL DEBT

### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was $10,626,877,048,913.08.

Today, it is $17,192,878,839,268.39. We've added $6,566,001,790,355.31 to our debt in 4 years. This is $6.5 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

## IN CELEBRATION OF LOTTIE ALBERT'S 98TH BIRTHDAY

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. HASTINGS of Florida. Mr. Speaker, today I rise to wish my dear friend Lottie Albert a very happy 98th birthday. Lottie was born on December 25, 1915 to Eva and Louis Wernick in New York, New York. In 1936, she married Sol Albert and shared 55 wonderful years of marriage with him. They had two daughters, Harriet and Doreen. Now, Lottie is a grandmother of Eric, Glenn, and Lowell, as well as a great-grandmother of Kyle, Samantha, Heather, and Seth.

Lottie has been a resident of Broward County for 40 years and lived in the City of Sunrise for the past 12 years. She is an amazing individual who has selflessly dedicated herself to helping so many throughout South Florida, and for that I am truly grateful.

Her work with the Ann Storck Children's Center, The Elderly Interest Fund's MEDIVAN Program, and the Alzheimer's Family Center was honored on March 25, 2012 with her induction into the Broward County Women's Hall of Fame. Additionally, in 1988, she was inducted into the Area Agency on Aging's Dr. Nan S. Hutchison Broward Senior Hall of Fame. Furthermore, in 2005 Broward County named November 12th as ''Lottie Albert Appreciation Day.''

Mr. Speaker, Lottie exemplifies the ideals of civic engagement. Her compassion and tireless devotion to her community are a shining example for us all. She has been a wonderful friend to me for so many years, and it is my distinct honor to wish her a happy birthday.

## HONORING ARGO MARKETING GROUP ON BEING AWARDED THE 2013 INC. HIRE POWER AWARD FOR JOB CREATION

### HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the Argo Marketing Group as it celebrates being awarded the 2013 Inc. Hire Power Award as the number one job creator in Lewiston, Maine.

Argo Marketing Group was founded in 2003 by Jason Levesque, a veteran of the United States Army. It provides quality third-party customer service to its clients' customers around the world. In the past 10 years, the firm has grown from being the brainchild of one determined individual to a fast-growing industry pioneer with three Maine offices.

This year, Argo Marketing Group has invested $2.4 million in turning a dilapidated building in Lewiston's downtown into a 25,000 square foot headquarters with space for 250 jobs. With the addition of the new Lewiston facility, Argo Marketing Group expects to have a total of 350 call center seats and 500 employees. For these efforts, the firm placed first on the 2013 Inc. Hire Power list of job creators in Lewiston.

Throughout the Group's rapid expansion, it has remained devoted to community service. It has lent its support to groups including the Lewiston Public Theater, Sand Castle preschool, and Maine's National Guard and Reserve Family Readiness Program. Founded by a veteran, the firm is committed to giving back to Maine service members by offering hiring bonuses to military veterans, active members and veterans of the Maine National Guard and Reserve, and their spouses.

Argo Marketing Group is truly a testament to the creative and dynamic spirit of Maine. As a job-builder and community member, its efforts help make Maine a great place to live and do business.

Mr. Speaker, please join me again in congratulating Argo Marketing Group on being awarded the 2013 Inc. Hire Power Award for their outstanding job creation in the city of Lewiston, Maine.

## CONGRESSIONAL RECOGNITION FOR YOUTH DEVELOPMENT CONFERENCE

### HON. RON BARBER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. BARBER. Mr. Speaker, today I wish to recognize the first Douglas Youth Leadership Development Forum that will be held this week in Southern Arizona.

The theme of this forum is ''Speaking Truth to Power'' and it is being held in conjunction with national, state and local observations of Rural Health Day.

This forum will engage junior high school and high school students living in the Douglas area who are eager to gain leadership experience through volunteer initiatives tied to the improvement of health care in rural areas.

I hope that many young people in Cochise County and elsewhere in Southern Arizona will take this opportunity to participate in this very worthwhile endeavor.

During the forum, attendees will hear from established youth leaders. Also speaking will be long-time Douglas leaders who support the advancement of youth into leadership roles.

The Arizona Rural Health Association is sponsoring this important event. Other sponsors are the city of Douglas, Chiricahua Community Health Center, Cochise County Health Department, Cochise County Youth Health Coalition, Douglas Family Care, Douglas High School Health Occupation Students of American, Douglas High School Med Club, People's Choice Hospital, Southeast Arizona Area Health Education Center, Southeast Arizona Medical Center, Students Against Destructive Decisions, University of Arizona Center for Rural Health and the Voice of Douglas.

I am proud to recognize the first Douglas Youth Leadership Development Forum and encourage residents of my district to fully support it.

## HONORING JARED DALE GOULD

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Jared Dale Gould. Jared is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1393, and earning the most prestigious award of Eagle Scout.

Jared has been very active with his troop, participating in many scout activities. Over the many years Jared has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Jared has earned the rank of Eagle Scout. Jared has also contributed to his community through his Eagle Scout project. Jared constructed a fire pit at Heartland Presbyterian Center outside of Parkville, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Jared Dale Gould for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## PERSONAL EXPLANATION

### HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Ms. MOORE. Mr. Speaker, I rise today regarding my absence from the House for votes on the evening of November 18, 2013, due to a medical issue. I would like to submit how I would have voted had I been in attendance for the following votes:

Rollcall No. 588, on the motion to suspend the rules and pass, as amended, the Digital Accountability and Transparency Act (H.R. 2061): I would have voted ''yea.''

Rollcall No. 589, on the motion to suspend the rules and pass, as amended, a bill (H.R. 272) to designate the Department of Veterans Affairs and Department of Defense joint outpatient clinic to be constructed in Marina, California, as the General William H. Gourley Federal Outpatient Clinic: A Joint VA–DOD Health Care Facility: I would have voted ''yea.''

## PERSONAL EXPLANATION

### HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Ms. SCHWARTZ. Mr. Speaker, on rollcall no. 589, I was unable to be present for the vote on H.R. 272.

Had I been present, I would have voted ''yes.''

## KEEP YOUR HEALTH PLAN ACT OF 2013

SPEECH OF

### HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 15, 2013*

Mr. PETERS of Michigan. Mr. Speaker, I rise today in support of a temporary, one year extension of health care plans in the individual market. Although this bill isn't perfect, I believe it is important that Congress works together to give Michigan residents certainty and stability in their healthcare choices while the Administration works out the problems in the implementation of the Affordable Care Act.

I want to emphasize my support for health care reform. I voted for this important law in 2010, and have voted 40 times against efforts to repeal and dismantle health care reform. However, many of my constituents have called my office confused by the cancellation letters sent by insurers. Compounding this confusion is the ongoing technology glitches that are keeping people from signing up on the exchanges and learning about new options for health insurance.

At a time when too many Michigan families are still struggling economically, it is important that we keep our promises that the law would allow you to keep your insurance and doctor if you want to.

The President announced his plan to grandfather in health care plans that have been recently canceled, but I believe that Congress must also vote to support that decision legislatively. I believe that this temporary, one year extension of health care plans is necessary while people can get the information they need to make the right choices for their family on the benefits of the Affordable Care Act.

I support the President's requirement to have insurers disclose better information about these grandfathered plans and new plans that might be available. That is why I also joined in sending a letter to Secretary Sebelius stating that we must require insurers to explain to policyholders what benefits they would be losing under the grandfathered plans, and the tax credits and subsidies they could be eligible for in the new insurance marketplace. We must ensure that insurance companies provide a clear explanation when any future changes to plans are not a requirement of the Affordable Care Act.

As I have always said, I am willing to work in order to make improvements to ACA as they are needed. Clearly a fix is needed to ensure that people can keep their insurance if they like it. It is important that we work together to give certainty on this issue, and Congress should pass a bipartisan bill to achieve this goal.

## RECOGNIZING ZORAIDA RIOS-ANDINO

### HON. ALAN GRAYSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. GRAYSON. Mr. Speaker, I rise today in honor of Hispanic Heritage Month, to recognize the public service of Zoraida Rios-Andino. Zoraida was born in East Chicago, Indiana. Her passion for social justice started when she was studying at Saint Joseph's College where she received a Bachelor's Degree in Sociology and Education. As a student, she was the founder of an organization called ''Palante'' and was the assistant director of a college TV program, ''Know Your Community,'' which informs Latino students about issues affecting the Hispanic community. She is the proud mother of her two children Carolina Raquel and Gilberto Antonio. Her pride and joy is her granddaughter Analiz Diana Balderas.

In 1979, Zoraida moved to Puerto Rico and worked for several community services companies. In 1986, she returned to Indiana and began advocating for the rights of the Puerto Rican and Latino community. She served as President of Madre Atrevete Muevete Ahora (MAMA) and Secretary of the Latino Historical Society. She was also active with the Northwest Indiana Voter Registration and Education Foundation, United Citizens Organization, and United Farm Workers. Zoraida was the co-founder and President of the National Conference of Puerto Rican Women and received their Lifetime Achievement Award in 2000. She also received the Roberto Clemente Community Service Award from the Northwest Indiana Coordinating Counsel.

After moving to Florida with her family, Zoraida became the founder and President of the National Conference of Puerto Rican Women's local chapter in Orlando. She is also a member of the Asociación Borinqueñia and La Casa de Puerto Rico. In 2008, she got involved with various social justice groups and served as Vice President for Frente Unido 436 and Vice President of the National Council of Puerto Rican Rights. She is also involved with the Black, Latino, Puerto Rican Alliance for Justice and is founder and co-director of the Orlando chapter of the National Congress of Puerto Rican Rights. She is currently working on her project ''Boricua,'' a tool to unite the worldwide Puerto Rican community.

I am happy to honor Zoraida Rios-Andino for her public service to the Hispanic community.

## TO CONGRATULATE THE FUND A CURE FOR PANCREATIC CANCER ORGANIZATION OF NEWTOWN, PENNSYLVANIA

### HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. FITZPATRICK. Mr. Speaker, November has been designated Pancreatic Cancer Awareness Month. This disease and its alarming statistics call for aggressive measures to develop early detection and treatment tools before its incidence increases dramatically. More advanced scientific research will give hope to those diagnosed with pancreatic cancer, which is the only major cancer with a five-year relative survival rate of just six percent. Since there are no effective early detection tools or curative treatments for pancreatic cancer, it is expected to become the second leading cause of cancer-related deaths by 2020. I, therefore, commend the Fund a Cure for Pancreatic Cancer Organization, of Newtown, Bucks County, Pennsylvania, and its 2013 Run Over Cancer 5K that took place on July 6 with more than 250 participants. Congratulations for raising over $35,000 for the Thomas Jefferson University Hospital's Pancreatic Cancer Research Team. The proceeds from this annual event will be presented to the hospital in Philadelphia on Dec. 2, 2013.

## HONORING PHILLIP CHRISTOPHER RUARK

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Phillip Christopher Ruark. Phillip is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 214, and earning the most prestigious award of Eagle Scout.

Phillip has been very active with his troop, participating in many scout activities. Over the many years Phillip has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Phillip has contributed to his community through his Eagle Scout project. Phillip performed needed maintenance work in Wallace State Park in Cameron, Missouri, including raising the necessary funds and installing a handicap-accessible bench.

Mr. Speaker, I proudly ask you to join me in commending Phillip Christopher Ruark for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## COMMEMORATING VINCENT EVERETT FIELDS

### HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. LANCE. I rise today to honor the memory of Vincent Everett Fields of Long Valley, New Jersey who honorably served his country during the Second World War. Mr. Fields was a Private First Class, United States Marine Corps, and was killed in action during the battle of Iwo Jima on March 6, 1945.

Mr. Fields was 23 years old at the time of his death and left behind a young wife and a baby daughter. He was a member of the 5th Marine Amphibious Corps, which assaulted the Island with sea and air support. In the battle of Iwo Jima our Nation lost 6,800 American service members.

At the time of this tremendous loss, General James L. Jones, 32nd Commandant of the Marine Corps, stated,: ''The valor and sacrifice of the Marines and Sailors who fought on Iwo Jima is, today and forever, the standard by which we judge what we are and what we might become.''

## IN SUPPORT OF NATIONAL ENTREPRENEURS' DAY

### HON. ELIZABETH H. ESTY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Ms. ESTY, Mr. Speaker, today is National Entrepreneurs' Day, a time when we celebrate the hard work of small business owners, inventors, and start-up companies across the country. Entrepreneurs are truly driving growth in our economy, and the small businesses they create account for more than 97% of all employers in Connecticut.

I had the honor of celebrating National Entrepreneurs' Day yesterday—a day early—back home in Connecticut. I visited iDevices, a local company in Avon that creates wireless connectivity for smartphones and tablets. The company builds apps such as the iGrill Bluetooth cooking thermometer, the iShower, and the iKitchen. The CEO, Christopher Allen, started with one product, the iGrill, and $150,000 of pre-seed funding through Connecticut Innovations. He used that money to grow his business and take his product to market, partnering with key tech players like Apple and receiving a major endorsement from Mark Zuckerberg. Last summer, the founder of Facebook, ''liked'' iDevice's iGrill, and his endorsement went viral sparking major traffic on iDevice's website and demand for their product.

Since their launch, iDevices has grown from a small staff of 3 people to a company that now employs 28 people. And they're still growing. Yesterday, Christopher told me they expect to have 40 employees by the end of the year. He has built a campus in Avon the likes of what one would expect to find in Silicon Valley that provides a nurturing environment for his engineers and employees to innovate and create new products. The company has also invested in our local students—they hosted four interns this past summer from local colleges, and those interns will be returning as full-time employees upon graduation.

With all apologies to my colleagues in Northern California, Christopher has created a business in my district that attracts the talent and minds that would typically go to Facebook and Google. He and his team are providing a way to keep our homegrown New England talent in Connecticut for generations to come. iDevices and Christopher are just one of many entrepreneurs making a difference in Connecticut and across the country. I am proud and grateful that they call Connecticut home.

I look forward to continuing to work with my friend Rep. Scott Peters on issues to improve our economy and support job creation.

## HONORING THE LIFE AND LEGACY OF EDWARD O. WATTS, SR.

### HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. HIGGINS. Mr. Speaker, today I rise to acknowledge Edward O. Watts, Sr., director of Watts Architecture & Engineering, who passed away on October 31st, 2013 in Buffalo at the age of 70.

A Western New York native, Mr. Watts grew up in Grand Island and graduated from Camden Academy in Alabama. He earned a bachelor's degree in mechanical engineering from Tuskegee University, and went on to gain his master's degree from Baldwin Wallace College.

Mr. Watts began his career at Lockheed Martin in Atlanta as a design engineer, and moved on to work for DuPont in Cleveland, Ohio before being transferred to Niagara Falls. He was able to follow the American Dream and start his own business, now known as Watts Architecture & Engineering. The company began with just one employee—Mr. Watts himself—and now employs about 100 people. Recently, the firm celebrated its 25th anniversary. Mr. Watts received many business and design awards for his work, perhaps the most prominent being the U.S. Small Business Administration Graduate Firm of the Year Award in 2010.

Dedicated to giving back to communities that helped him grow, Mr. Watts was a member of the Tuskegee University Alumni Association, and frequently returned to the school to raise funds to upgrade the engineering department and for scholarships. He helped fund the Watts Family Scholarships at Alabama State University in honor of his mother, who was a graduate of the university. Mr. Watts also generously contributed to schools in his native Western New York. His company provides scholarships every year at the University at Buffalo for minority students, one for the School of Engineering and one for the School of Architecture. Mr. Watts completed the University at Buffalo Center for Entrepreneurial Leadership Program, and for more than 10 years he returned as a mentor for numerous business owners.

Mr. Watts was a member of the Lincoln Memorial United Methodist Church and served on its board of trustees as church treasurer. His favorite pastime was playing the Robert Trent Jones Golf Trail in Alabama—a passion he pursued at home as well. He organized the

Watts Open Golf Tournament for his employees as well as the American Institute of Architects/American Council of Engineering Consultants of Western New York Golf Tournament.

Mr. Watts's dedication to his community was equaled by his love for his family. Together, he and his wife of forty-four years, Lydia, raised two sons, Edward and Jonathan. Mr. Watts was close with his sisters, Dr. Vivien DeShields, Claudette Camp, and Dr. Geraldine Bell.

## ADDITIONAL ORIGINAL CO-SPONSORS FOR H.R 3526

### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. SMITH of New Jersey. Mr. Speaker, Rep. RANDY K. WEBER SR., Rep. JEFF FORTENBERRY, and Rep. JAMES P. MCGOVERN should have been included as original co-sponsors of a piece of legislation that I introduced yesterday, H.R. 3526, a bill to permit persons subject to the jurisdiction of the United States to enter into transactions with certain sanctioned foreign persons that are customary, necessary, and incidental to the donation or provision of goods or services to prevent or alleviate the suffering of civilian populations, and for other purposes or more simply, the Humanitarian Access Facilitation Act.

## HONORING KEYAN DAVID LUNDERS

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 19, 2013*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Keyan David Lunders. Keyan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1333, and earning the most prestigious award of Eagle Scout.

Keyan has been very active with his troop, participating in many scout activities. Over the many years Keyan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Keyan has become a Member of the Order of the Arrow and earned the rank of Warrior in the Tribe of Mic-O-Say. Keyan has also contributed to his community through his Eagle Scout project. Keyan restored a section of trail and constructed two benches along the White Tail Trail at the Parkville Nature Sanctuary in Parkville, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Keyan David Lunders for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

# *Daily Digest*

# Senate

## *Chamber Action*

*Routine Proceedings, pages S8143–S8291*

**Measures Introduced:** Seventeen bills and three resolutions were introduced, as follows: S. 1722–1738, and S. Res. 299–301. **Page S8186**

**Measures Reported:**

S. 1398, to require the Federal Government to expedite the sale of underutilized Federal real property. (S. Rept. No. 113–122) **Page S8186**

**Measures Passed:**

***Doolittle Tokyo Raiders Congressional Gold Medal:*** Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of S. 381, to award a Congressional Gold Medal to the World War II members of the ''Doolittle Tokyo Raiders'', for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Page S8289**

Donnelly (for Brown) Amendment No. 2344, to award the gold medals to the next of kin of surviving members, as appropriate, and to designate the gold medals as numismatic items. **Pages S8289–90**

***The Medal of Honor:*** Committee on Armed Services was discharged from further consideration of H.R. 3304, to authorize the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor, and the bill was then passed, after agreeing to the following amendments proposed thereto: **Page S8290**

Donnelly (for Levin) Amendment No. 2345, of a perfecting nature. **Page S8290**

Donnelly (for Levin) Amendment No. 2346, to amend the title. **Page S8290**

***Authorizing Production of Records:*** Senate agreed to S. Res. 300, to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs. **Page S8290**

**Measures Considered:**

**National Defense Authorization Act—Agreement:** Senate continued consideration of S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, taking action on the following amendments and motions proposed thereto: **Pages S8153–58, S8158–81**

Rejected:

By 43 yeas to 55 nays (Vote No. 237), Inhofe (for Ayotte) Amendment No. 2255, to propose alternative requirements and limitations applicable to individuals detained at United States Naval Station, Guantanamo Bay, Cuba. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, the amendment was not agreed to.) **Pages S8169–79**

By 52 yeas to 46 nays (Vote No. 238), Levin/McCain Amendment No. 2175, to propose an alternative to section 1033, relating to a limitation on the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, the amendment was not agreed to.) **Pages S8169–80**

Withdrawn:

Reid motion to recommit the bill to the Committee on Armed Services, with instructions, Reid Amendment No. 2125, to change the enactment date. **Page S8153**

Pending:

Reid (for Levin/Inhofe) Amendment No. 2123, to increase to $5,000,000,000 the ceiling on the general transfer authority of the Department of Defense. **Page S8153**

Reid (for Levin/Inhofe) Amendment No. 2124 (to Amendment No. 2123), of a perfecting nature. **Page S8153**

Reid motion to recommit the bill to the Committee on Armed Services, with instructions, Reid

Amendment No. 2305, to change the enactment date. Page S8180

Reid Amendment No. 2306 (to (the instructions) Amendment No. 2305), of a perfecting nature. Page S8180

Reid Amendment No. 2307 (to Amendment No. 2306), of a perfecting nature. Pages S8180–81

During consideration of this measure today, Senate also took the following action:

Reid Amendment No. 2126 (to (the instructions) Amendment No. 2125), of a perfecting nature, fell when Reid motion to recommit the bill to the Committee on Armed Services, with instructions, Reid Amendment No. 2125, was withdrawn. Page S8153

Reid Amendment No. 2127 (to Amendment No. 2126), of a perfecting nature, fell when Reid Amendment No. 2126 (to (the instructions) Amendment No. 2125), fell. Page S8153

A unanimous-consent-time agreement was reached providing for further consideration of the bill at approximately 10:30 a.m., on Wednesday, November 20, 2013; that there be up to six hours of debate only on the issue of sexual assault; with Senator Gillibrand, or designee controlling three hours; Senators McCaskill and Ayotte, or designees, each controlling 75 minutes; the Ranking Member, or designee, controlling 20 minutes; and the Chairman, or designee, controlling 10 minutes. Page S8289

**Nominations Received:** Senate received the following nominations:

Linda Thomas-Greenfield, an Assistant Secretary of State (African Affairs), to be a Member of the Board of Directors of the African Development Foundation for the remainder of the term expiring September 27, 2015.

Routine lists in the Air Force, Army, and Navy. Page S8290

**Messages from the House:** Page S8184

**Measures Referred:** Page S8184

**Measures Read the First Time:** Pages S8184, S8290

**Executive Communications:** Pages S8184–86

**Additional Cosponsors:** Pages S8186–89

**Statements on Introduced Bills/Resolutions:** Pages S8189–99

**Additional Statements:** Page S8184

**Amendments Submitted:** Pages S8199–S8288

**Authorities for Committees to Meet:** Pages S8288–89

**Privileges of the Floor:** Page S8289

**Record Votes:** Two record votes were taken today. (Total—238) Page S8179–80

**Adjournment:** Senate convened at 10 a.m. and adjourned at 7:13 p.m., until 9:30 a.m. on Wednesday, November 20, 2013. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8290.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## VIRTUAL CURRENCY

*Committee on Banking, Housing, and Urban Affairs:* Subcommittee on National Security and International Trade and Finance concluded a joint hearing with the Subcommittee on Economic Policy to examine the present and future impact of virtual currency, after receiving testimony from Jennifer Shasky Calvery, Director, Financial Crimes Enforcement Network, Department of the Treasury; David J. Cotney, Massachusetts Division of Banks Commissioner of Banks, Boston, on behalf of the Conference of State Bank Supervisors; Anthony Gallippi, BitPay, Atlanta, Georgia; Mercedes Kelley Tunstall, Ballard Spahr LLP, and Paul Smocer, BITS, on behalf of the Financial Services Roundtable, both of Washington, DC.; and Sarah Jane Hughes, Indiana University Maurer School of Law, Bloomington.

## TYPHOON YOLANDA/HAIYAN

*Committee on Foreign Relations:* Subcommittee on East Asian and Pacific Affairs concluded a hearing to examine the response to Typhoon Yolanda/Haiyan, after receiving testimony from Scot Marciel, Principal Deputy Assistant Secretary of State for East-Asia Pacific Affairs; and Jeremy Konyndyk, Director, Office of U.S. Foreign Disaster Assistance, U.S. Agency for International Development.

## NOMINATIONS

*Committee on Foreign Relations:* Committee concluded a hearing to examine the nominations of Dana J. Hyde, of Maryland, to be Chief Executive Officer, Millennium Challenge Corporation, and Mark E. Lopes, of Arizona, to be United States Executive Director of the Inter-American Development Bank, after the nominees testified and answered questions in their own behalf.

## OVERSIGHT POSITIONS WITHIN THE FEDERAL WORKFORCE

*Committee on Homeland Security and Governmental Affairs:* Subcommittee on the Efficiency and Effectiveness of Federal Programs and the Federal Workforce concluded a hearing to examine the roles and effectiveness of oversight positions within the Federal workforce, focusing on strengthening government oversight, after receiving testimony from Peggy E.

Gustafson, Inspector General, Small Business Administration, Chair, Legislation Committee, Council on the Inspectors General for Integrity and Efficiency; Michael E. Horowitz, Inspector General, Department of Justice; Carolyn N. Lerner, Special Counsel, Office of Special Counsel; Karen Neuman, Chief Privacy Officer, Department of Homeland Security; and Wendy Ginsberg, Analyst in American National Government, Congressional Research Service, Library of Congress.

**BUSINESS MEETING**

*Committee on Veterans' Affairs:* Committee ordered favorably reported the following business items:

S. 932, to amend title 38, United States Code, to provide for advance appropriations for certain discretionary accounts of the Department of Veterans Affairs, with an amendment in the nature of a substitute;

S. 1262, to require the Secretary of Veterans Affairs to establish a veterans conservation corps, with an amendment in the nature of a substitute;

S. 1556, to amend title 38, United States Code, to modify authorities relating to the collective bargaining of employees in the Veterans Health Administration;

S. 1581, to authorize the Secretary of Veterans Affairs to provide counseling and treatment for sexual trauma to members of the Armed Forces, to require the Secretary to screen veterans for domestic abuse, to require the Secretary to submit reports on military sexual trauma and domestic abuse, with an amendment in the nature of a substitute;

S. 1593, to amend the Servicemembers Civil Relief Act to enhance the protections accorded to servicemembers and their spouses with respect to mortgages, with an amendment in the nature of a substitute;

S. 1604, to amend title 38, United States Code, to expand and enhance eligibility for health care and services through the Department of Veterans Affairs, with an amendment in the nature of a substitute; and

The nominations of Sloan D. Gibson, of the District of Columbia, to be Deputy Secretary, Linda A. Schwartz, of Connecticut, to be Assistant Secretary for Policy and Planning, and Constance B. Tobias, of Maryland, to be Chairman of the Board of Veterans' Appeals, all of the Department of Veterans Affairs.

**INTELLIGENCE**

*Select Committee on Intelligence:* Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

# House of Representatives

## *Chamber Action*

**Public Bills and Resolutions Introduced:** 14 public bills, H.R. 3529–3542; and 3 resolutions, H. Res. 421–423 were introduced. **Pages H7251–52**

**Additional Cosponsors:** **Page H7253**

**Report Filed:** A report was filed today as follows:

H. Res. 420, providing for consideration of the bill (H.R. 1900) to provide for the timely consideration of all licenses, permits, and approvals required under Federal law with respect to the siting, construction, expansion, or operation of any natural gas pipeline projects, and for other purposes (H. Rept. 113–272). **Page H7251**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Holding to act as Speaker pro tempore for today. **Page H7191**

**Recess:** The House recessed at 10:57 a.m. and reconvened at 12 noon. **Page H7197**

**Chaplain:** The prayer was offered by the guest chaplain, Rev. Dr. John Adams, First Baptist Church, Mantachie, Mississippi. **Page H7197**

**Journal:** The House agreed to the Speaker's approval of the Journal by voice vote. **Pages H7197, H7211**

**Federal Lands Jobs and Energy Security Act:** The House began consideration of H.R. 1965, to streamline and ensure onshore energy permitting, provide for onshore leasing certainty, and give certainty to oil shale development for American energy security, economic development, and job creation. Consideration is expected to resume tomorrow.

**Pages H7201–11, H7211–32**

Pursuant to the rule, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113–26 shall be considered as adopted in the House and in the Committee of the Whole, in lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill. The bill, as amended, shall be considered as the original bill for

the purpose of further amendment under the five-minute rule. **Page H7218**

Agreed to:

Hastings (WA) manager's amendment (No. 1 printed in part A of H. Rept. 113–271) that adjusts the amount of funds authorized to be made available to BLM field offices for energy permitting to ensure bill has a positive (deficit reducing) score; **Page H7223**

Hanabusa amendment (No. 5 printed in part A of H. Rept. 113–271) that requires the Secretary of the Interior in consultation with the Secretary of Agriculture to include in their Quadrennial Federal Onshore Energy Production Strategy, the best estimate, based upon commercial and scientific data, of the expected increase in domestic production of geothermal, solar, wind, or other renewable energy sources on lands designated as Hawaiian Home Lands that the state agency or department responsible for the administration of these lands selects to be used for energy production; and **Page H7228**

Marino amendment (No. 6 printed in part A of H. Rept. 113–271) that requires the Secretary of the Interior to include Federal lands as a part of its plan to address new demands for oil and gas pipelines. **Pages H7228–29**

Proceedings Postponed:

Jackson Lee amendment (No. 2 printed in part A of H. Rept. 113–271) that seeks to preserve the First Amendment Right To Petition; **Pages H7223–25**

Lowenthal amendment (No. 3 printed in part A of H. Rept. 113–271) that seeks to allow the Secretary of the Interior to continue to review actions that generally qualify for Categorical Exclusions to NEPA for possible Extraordinary Circumstances (e.g. Violations of a Federal law, or a State, local, or tribal law or requirement) which would then supersede the Categorical Exclusion and require further NEPA review; **Pages H7225–26**

Jackson Lee amendment (No. 4 printed in part A of H. Rept. 113–271) that seeks to eliminate prohibition of award of attorney fees which otherwise would be recoverable under Equal Access to Justice Act; **Pages H7226–28**

Polis amendment (No. 7 printed in part A of H. Rept. 113–271) that seeks to require the National Academy of Sciences to study and report to Congress about the impact of flooding on oil and gas facilities and the resulting instances of leaking and spills from tanks, wells, and pipelines; and **Pages H7229–30**

DeFazio amendment (No. 8 printed in part A of H. Rept. 113–271) that seeks to authorize $10 million of the revenue generated by the underlying bill for the Commodity Futures Trading Commission to use existing authority to limit speculation in energy markets. **Pages H7230–31**

H. Res. 419, the rule providing for consideration of the bills (H.R. 1965) and (H.R. 2728), was agreed to by a recorded vote of 222 ayes to 196 noes, Roll No. 591, after the previous question was ordered by a yea-and-nay vote of 223 yeas to 194 nays, Roll No. 590. **Pages H7201–11**

**Suspension:** The House agreed to suspend the rules and pass the following measure:

***PEPFAR Stewardship and Oversight Act of 2013:*** S. 1545, to extend authorities related to global HIV/AIDS and to promote oversight of United States programs. **Pages H7232–38**

**Quorum Calls—Votes:** One yea-and-nay vote and one recorded vote developed during the proceedings of today and appear on pages H7210 and H7210–11. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 7:08 p.m.

# *Committee Meetings*

## IMPROVING THE CARL D. PERKINS CAREER AND TECHNICAL EDUCATION ACT

*Committee on Education and the Workforce:* Full Committee held a hearing entitled ''Preparing Today's Students for Tomorrow's Jobs: Improving the Carl D. Perkins Career and Technical Education Act''. Testimony was heard from Brenda Dann-Messier, Assistant Secretary for Adult and Vocational Education, Department of Education; and public witnesses.

## EXAMINING FEDERAL REGULATION OF MOBILE MEDICAL APPS AND OTHER HEALTH SOFTWARE

*Committee on Energy and Commerce:* Subcommittee on Health held a hearing entitled ''Examining Federal Regulation of Mobile Medical Apps and Other Health Software''. Testimony was heard from Jeffrey E. Shuren, M.D., Director, Center for Devices and Radiological Health, Food and Drug Administration; and public witnesses.

## SECURITY OF HEALTHCARE.GOV

*Committee on Energy and Commerce:* Subcommittee on Oversight and Investigations held a hearing entitled ''Security of HealthCare.gov''. Testimony was heard from Henry Chao, Deputy Chief Information Officer and Deputy Director of the Office of Information Services, Center for Medicare and Medicaid Services; and public witnesses.

**MISCELLANEOUS MEASURE**

*Committee on Energy and Commerce:* Subcommittee on Energy and Power began a markup on H.R. 3301, the ''North American Energy Infrastructure Act''.

**A GENERAL OVERVIEW OF DISPARATE IMPACT THEORY**

*Committee on Financial Services:* Subcommittee on Oversight and Investigations held a hearing entitled ''A General Overview of Disparate Impact Theory''. Testimony was heard from public witnesses.

**IMPLEMENTATION OF THE BIGGERT-WATERS FLOOD INSURANCE ACT OF 2012: PROTECTING TAXPAYERS AND HOMEOWNERS**

*Committee on Financial Services:* Subcommittee on Housing and Insurance held a hearing entitled ''Implementation of the Biggert-Waters Flood Insurance Act of 2012: Protecting Taxpayers and Homeowners''. Testimony was heard from public witnesses.

**CRISIS IN THE CENTRAL AFRICAN REPUBLIC**

*Committee on Foreign Affairs:* Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations held a hearing entitled ''Crisis in the Central African Republic''. Testimony was heard from Robert P. Jackson, Principal Deputy Assistant Secretary, Bureau of African Affairs Department of State; and public witnesses.

**MISCELLANEOUS MEASURE**

*Committee on Foreign Affairs:* Subcommittee on Europe, Eurasia, and Emerging Threats held a markup on H. Res. 188, Calling upon the Government of Turkey to facilitate the reopening of the Ecumenical Patriarchate's Theological School of Halki without condition or further delay. The resolution was agreed to and favorably reported, without amendment.

**U.S. POLICY TOWARD THE ARABIAN PENINSULA**

*Committee on Foreign Affairs:* Subcommittee on the Middle East and North Africa held a hearing entitled ''U.S. Policy Toward the Arabian Peninsula: Yemen and Bahrain''. Testimony was heard from Barbara Leaf, Deputy Assistant Secretary for the Arabian Peninsula, Department of State.

**SECURE MARITIME BORDER**

*Committee on Homeland Security:* Subcommittee on Border and Maritime Security held a hearing entitled ''What Does a Secure Maritime Border Look Like?''. Testimony was heard from Rear Admiral William ''Dean'' Lee Deputy for Operations Policy and Capabilities, Coast Guard, Department of Homeland Security; Randolph D. Alles, Assistant Commissioner, Office of Air and Marine, Customs and Border Protection, Department of Homeland Security; Steve Caldwell, Director, Maritime and Security Coast Guard Issue, Homeland Security and Justice Team, U.S. Government Accountability Office; and a public witness.

**RISE OF INNOVATIVE BUSINESS MODELS: CONTENT DELIVERY METHODS IN THE DIGITAL AGE**

*Committee on the Judiciary:* Subcommittee on Courts, Intellectual Property and the Internet held a hearing entitled ''The Rise of Innovative Business Models: Content Delivery Methods in the Digital Age''. Testimony was heard from public witnesses.

**OVERSIGHT OF THE SOCIAL SECURITY ADMINISTRATION'S MISMANAGEMENT OF FEDERAL DISABILITY PROGRAMS**

*Committee on Oversight and Government Reform:* Subcommittee on Energy Policy, Health Care and Entitlements held a hearing entitled ''Continuing Oversight of the Social Security Administration's Mismanagement of Federal Disability Programs''. Testimony was heard from Patrick P. O'Carroll, Inspector General, Social Security Administration; Glenn E. Sklar, Deputy Commissioner, Adjudication and Review, Social Security Administration; and Jasper J. Bede, Regional Chief Administrative Law Judge, Region 3 Office of Disability, Adjudication and Review, Social Security Administration.

**NATURAL GAS PIPELINE PERMITTING REFORM ACT**

*Committee on Rules:* Full Committee held a hearing on H.R. 1900, the ''Natural Gas Pipeline Permitting Reform Act''. The Committee granted, by record vote of 8–4, a structured rule for H.R. 1900. Provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. Waives all points of order against consideration of the bill. Makes in order as original text for purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113–25 and provides that it shall be considered as read. Waives all points of order against the amendment in the nature of a substitute. Makes in order only those further amendments printed in the Rules Committee report. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent,

shall not be subject to amendment, and shall not be subject to a demand for division of the question. Waives all points of order against the amendments printed in the report. Provides one motion to recommit with or without instructions. In section 2, the rule provides that on any legislative day during the period from November 22, 2013, through November 29, 2013: the Journal of the proceedings of the previous day shall be considered as approved; and the Chair may at any time declare the House adjourned to meet at a date and time to be announced by the Chair in declaring the adjournment. In section 3, the rule provides that the Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 2 of the rule. Testimony was heard from Representatives Pompeo and Castor (FL).

### DATA ON HEALTHCARE.GOV

*Committee on Science, Space, and Technology:* Full Committee held a hearing entitled ''Is My Data on Healthcare.gov Secure?''. Testimony was heard from public witnesses.

### AUTONOMOUS VEHICLES

*Committee on Transportation and Infrastructure:* Subcommittee on Highways and Transit held a hearing entitled ''How Autonomous Vehicles Will Shape the Future of Surface Transportation''. Testimony was heard from David Strickland, Administrator, National Highway Traffic Safety Administration; and public witnesses.

### FEDERAL TRIANGLE SOUTH: REDEVELOPING UNDERUTILIZED FEDERAL PROPERTY THROUGH PUBLIC PRIVATE PARTNERSHIPS

*Committee on Transportation and Infrastructure:* Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing entitled ''Federal Triangle South: Redeveloping Underutilized Federal Property Through Public Private Partnerships''. Testimony was heard from Representative Denham; and Daniel Tangherlini, Administrator, U.S. General Services Administration; L. Preston Bryant, Jr., Chairman, National Capital Planning Commission; and a public witness.

## *Joint Meetings*

### INEQUALITY, DISCRIMINATION, AND INCLUSION FOR BLACK EUROPEANS

*Commission on Security and Cooperation in Europe:* Commission concluded a hearing to examine people of African descent and Black Europeans, focusing on issues of inequality, discrimination, and inclusion for Black Europeans, and discussing similarities and work with African-American civil rights organizations, after receiving testimony from Charles Asante-Yeboa, Africa Center, Kyiv, Ukraine; Hedwig Bvumburah, Cross Culture International Foundation, Paola, Malta; Salome Mbugua, AkiDwA, Migrant Women's Network, Dublin, Ireland; Malcolm Jallow Momodou, European Network Against Racism, Malmo, Sweden; and Larry Olomoofe, Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights, Warsaw, Poland.

## COMMITTEE MEETINGS FOR WEDNESDAY, NOVEMBER 20, 2013

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Commerce, Science, and Transportation:* to hold hearings to examine soldiers as consumers, focusing on business practices relating to the military community, 2:30 p.m., SR–253.

*Committee on Energy and Natural Resources:* Subcommittee on Public Lands, Forests, and Mining, to hold hearings to examine S. 182, to provide for the unencumbering of title to non-Federal land owned by the city of Anchorage, Alaska, for purposes of economic development by conveyance of the Federal reversion interest to the City, S. 483, to designate the Berryessa Snow Mountain National Conservation Area in the State of California, S. 771, to provide to the Secretary of the Interior a mechanism to cancel contracts for the sale of materials CA–20139 and CA–22901, S. 776, to establish the Columbine-Hondo Wilderness in the State of New Mexico, to provide for the conveyance of certain parcels of National Forest System land in the State, S. 841, to designate certain Federal land in the San Juan National Forest in the State of Colorado as wilderness, S. 1305, to provide for the conveyance of the Forest Service Lake Hill Administrative Site in Summit County, Colorado, S. 1341, to modify the Forest Service Recreation Residence Program as the program applies to units of the National Forest System derived from the public domain by implementing a simple, equitable, and predictable procedure for determining cabin user fees, S. 1414, to provide for the conveyance of certain Federal land in the State of Oregon to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, S. 1415, to provide for the conveyance of certain Federal land in the State of Oregon to the Cow Creek Band of Umpqua Tribe of Indians, S. 1479, to address the forest health, public safety, and wildlife habitat threat presented by the risk of wildfire, including catastrophic wildfire, on National Forest System land and public land managed by the Bureau of Land Management by requiring the Secretary of Agriculture and the Secretary of the Interior to expedite forest management projects relating to hazardous fuels reduction, forest health, and economic development, and S. 339, to facilitate the efficient extraction of mineral

resources in southeast Arizona by authorizing and directing an exchange of Federal and non-Federal land, 3:30 p.m., SD–366.

*Committee on Finance:* to hold hearings to examine the nominations of Sarah Bloom Raskin, of Maryland, to be Deputy Secretary of the Treasury, and Rhonda K. Schmidtlein, of Missouri, to be a Member of the United States International Trade Commission, 10 a.m., SD–215.

*Committee on Health, Education, Labor, and Pensions:* Subcommittee on Primary Health and Aging, to hold hearings to examine health relating to social and economic status, 10 a.m., SD–430.

*Committee on Homeland Security and Governmental Affairs:* business meeting to consider the nomination of Jeh Charles Johnson, of New Jersey, to be Secretary of Homeland Security, 10 a.m., SD–342.

Subcommittee on the Efficiency and Effectiveness of Federal Programs and the Federal Workforce, to hold hearings to examine the national security workforce, 2 p.m., SD–342.

*Committee on Indian Affairs:* to hold an oversight hearing to examine Carcieri, focusing on bringing certainty to trust land acquisitions, 2:30 p.m., SD–628.

*Committee on the Judiciary:* to hold hearings to examine the nomination of David Jeremiah Barron, of Massachusetts, to be United States Circuit Judge for the First Circuit, 2:30 p.m., SD–226.

*Committee on Small Business and Entrepreneurship:* to hold hearings to examine Affordable Care Act implementation, focusing on how to achieve a successful rollout of the small business exchanges, 10 a.m., SR–428.

## House

*Committee on Armed Services,* Full Committee, hearing on the 2013 Report to Congress of the U.S.-China Economic and Security Review Commission, 10 a.m., 2118 Rayburn.

Subcommittee on Military Personnel, hearing entitled ''Military Resale Programs Overview'', 2 p.m., 2212 Rayburn.

*Committee on Education and the Workforce*, Subcommittee on Workforce Protections, hearing entitled ''Redefining Companion Care: Jeopardizing Access to Affordable Care for Seniors and Individuals with Disabilities'', 10 a.m., 2175 Rayburn.

*Committtee on Energy and Commerce,* Subcommittee on Energy and Power, continued markup on H.R. 3301, the ''North American Energy Infrastructure Act'', 10 a.m., 2123 Rayburn.

Subcommittee on Health, hearing entitled ''Examining Public Health Legislation to Help Local Communities'', 2 p.m., 2123 Rayburn.

*Committee on Financial Services,* Full Committee, markup on H.R. 2385, the ''CFPB Pay Fairness Act of 2013''; H.R. 2446, the ''Responsible Consumer Financial Protection Regulations Act of 2013''; H.R. 2571, the ''Consumer Right to Financial Privacy Act of 2013''; H.R. 3183, to provide consumers with a free annual disclosure of information the Bureau of Consumer Financial Protection maintains on them; H.R. 3193, the ''Consumer Financial Protection Safety and Soundness Improvement Act of 2013''; and H.R. 3519, the ''Bureau of Consumer Financial Protection Accountability and Transparency Act of 2013'', 10 a.m., 2128 Rayburn.

*Committee on Foreign on Affairs,* Full Committee, markup on H. Res. 147, calling for the release of United States citizen Saeed Abedini and condemning the Government of Iran for its persecution of religious minorities; H. Res. 402, supporting the European aspirations of the peoples of the European Union's Eastern Partnership countries, and for other purposes; H. Res. 404, expressing condolences and support for assistance to the victims of Typhoon Haiyan which made landfall in the Republic of the Philippines on November 8, 2013; H.R. 1992, the ''Israel Qualitative Military Edge Enhancement Act''; H.R. 3470, the ''Naval Vessel Transfer and Arms Export Control Amendments Act of 2013''; and H.R. 3509, the ''Assessing Progress in Haiti Act of 2013'', 10 a.m., 2172 Rayburn.

Subcommittee on Terrorism, Nonproliferation, and Trade, hearing entitled ''Terrorist Groups in Syria'', 1:30 p.m., 2200 Rayburn.

Subcommittee on Asia and the Pacific, hearing entitled ''Bangladesh in Turmoil: A Nation on the Brink?'', 2 p.m., 2172 Rayburn.

*Committee on House Administration,* Full Committee, hearing entitled ''Military and Overseas Voting in 2012''; and markup on a resolution regarding the House Academic Competition, 11:30 a.m., 1310 Longworth.

*Committee on the Judiciary,* Full Committee, markup on H.R. 3309, the ''Innovation Act'', 11:15 a.m., 2141 Rayburn.

*Committee on Oversight and Government Reform,* November 20, Subcommittee on National Security, hearing entitled ''Abuse of Overtime at DHS: Padding Paychecks and Pension at Taxpayer Expense'', 10 a.m., 2154 Rayburn.

*Committee on Science, Space, and Technology,* November 20, Subcommittee on Space, hearing entitled ''Commercial Space'', 10 a.m., 2318 Rayburn.

*Committee on Small Business,* November 20, Full Committee, hearing entitled ''The Startup Movement'', 1 p.m., 2360 Rayburn.

*Committee on Veterans' Affairs,* November 20, Full Committee, markup on Department of Veterans Affairs Major Medical Facility Lease Authorization Act of 2013, 9:30 a.m., 3334 Cannon.

November 20, Full Committee, hearing entitled ''Building VA's Future: Confronting Persistent Challenges in VA Major Construction and Lease Programs'', 10 a.m., 334 Cannon.

## Joint Meetings

*Conference:* meeting of conferees on H.R. 3080, to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, 9:30 a.m., SH–216.

*Next Meeting of the* **SENATE**

**9:30 a.m., Wednesday, November 20**

**Senate Chamber**

**Program for Wednesday:** After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of S. 1197, National Defense Authorization Act.

*Next Meeting of the* **HOUSE OF REPRESENTATIVES**

**10 a.m., Wednesday, November 20**

**House Chamber**

**Program for Wednesday:** Consideration of H.R. 2728—Protecting States' Rights to Promote American Energy Security Act (Subject to a Rule).

## Extensions of Remarks, as inserted in this issue

HOUSE



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