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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable EDWARD J. MARKEY, a Senator from the Commonwealth of Massachusetts.

PRAYER

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

Let us pray.

Father, we come to You. No other help have we, for You have been our refuge in ages past and our hope for years to come. Sustain our lawmakers during these challenging times. Forgive us when we make You our last option, depending first upon our own ingenuity to save us. Lord, give our Senators the wisdom to seek first Your kingdom, striving to remain within the center of Your will. Send out Your light to lead them to a destination that will glorify You.

Thank You for smiling upon America, blessing this land we love from the reservoir of Your great bounty. Continue to lead us in the way of peace and unity.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 20, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable EDWARD J. MARKEY, a Senator from the Commonwealth of Massachusetts, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican Leader, the Senate will be in a period of morning business for 1 hour. The majority will control the first half and the Republicans the final half.

Following morning business the Senate will resume consideration of the Defense authorization bill. We will debate the sexual assault issue for up to 6 hours today. I hope we will reach an agreement on the ability to vote on those two amendments. We have worked very hard on arriving at a point where we can debate this issue. I hope we can do that. I think it would be very appropriate to have that issue resolved as quickly as possible.

MEASURE PLACED ON THE CALENDAR—S. 1737

Mr. REID. I am told that S. 1737 is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for a second 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. REID. I object to any further proceedings with respect to this bill at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

RECOGNITION OF THE MINORITY LEADER

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

HEALTH CARE

Mr. MCCONNELL. Mr. President, in recent weeks we have seen a lot of hand-wringing on the other side of the aisle over ObamaCare—a little shock here, a little dismay there, and more than a little feigned outrage. What we haven't seen, of course, is anything even approaching a good answer as to why the President told the American people one thing and then did the other or a solution to the national crisis of millions—millions—of Americans, some with very serious medical conditions heading into the holiday season having just been told they would lose their health care plans.

The folks who voted for this law and the President whose name it bears did everything they could to keep these folks in the dark about the realities of ObamaCare for more than 3 years—3 long years. But the problems we are seeing shouldn't come as news to anyone, least of all our Democratic friends, because what we have seen are the utterly predictable consequences of ObamaCare.

The fact is a lot of folks warned about these kinds of consequences coming to pass, but the President's political machine just steamrolled anybody who spoke up—ran right over them. They laughed it all off, dismissed everyone else as naysayers and cynics, when all the while they basically knew—they knew—we were right.

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

Countless independent experts, health care professionals, and insurance authorities across the country all warned—all of them warned—about what we are seeing right now. So did many of us. If only the Democrats who run Washington had listened. But the President needed their votes for a bill he hoped would define his legacy, so they gambled that their constituents would just learn to live with ObamaCare and forget the false promises. That was the gamble. In other words, Washington Democrats were specifically warned about the consequences we are seeing, and they voted for ObamaCare anyway.

Republicans repeatedly warned about Americans losing their health plans—repeatedly. We repeatedly warned about Americans losing access to doctors and to hospitals. We repeatedly warned about rising costs and skyrocketing premiums. Check the CONGRESSIONAL RECORD. We warned and we warned and we warned about each of these.

Frankly, we shouldn't have had to do that. It doesn't take an actuary to figure this stuff out, and the issues my constituents now have to put up with as a result of this law are just simply unacceptable.

Kimberly Maggard from Nicholasville wrote that the health plan available to her through the ObamaCare exchange—now listen to this—would cost more than her family's house payment and car payment combined. Kimberly Maggard from Nicholasville in my State wrote that the health plan available to her through the ObamaCare exchange would cost more than her family's house payment and car payment combined.

Here is what she said:

> We are just average Kentuckians working and living paycheck to paycheck without any assistance from government programs. I really don't know what we will do if they have to pay that amount out for insurance. We might lose our home . . . our transportation . . . my daughter might have to drop out of college . . . the list goes on and on. What are we supposed to do?

Harriet White from Rockville said that ObamaCare is negatively impacting her family's finances and quality of care. Here is what she said:

> The sad truth is that like my coworkers, my deductible has doubled along with my premiums. The only way to be able to adjust is for us to either reduce or stop our 401(k) contributions. This is hardly affordable health care.

Here is what Larry Thompson from Lexington said:

> [The] health plan that I've had for 10 years just got cancelled, and the least expensive plan on the exchange is the 246 percent increase—that means hundreds of extra dollars per month we don't have.

Look, all of this is completely and totally unacceptable, and so many of ObamaCare's consequences were basically predicted by Republicans years ago—years ago.

So it is no wonder vulnerable Democrats are dashing for the exits, performing political contortions that would make Houdini blush. But here is the issue: Until these folks are willing to face reality, I doubt it will matter.

One of our colleagues on the other side was asked back in 2009 if she would accept ''100 percent responsibility'' and ''100 percent accountability'' for the failure or success of any legislation she voted for. She said she would. So she and her colleagues now have a choice. They can keep trying to distance themselves from ObamaCare in public while simultaneously protecting it from meaningful change in private—to keep standing by as this train wreck unloads on the middle class—or they can simply accept that they were wrong to ignore all the warnings, and then work with Republicans to repeal and replace ObamaCare with real bipartisan health care reform. That is the choice.

If Washington Democrats are looking for a political exit, that is the only meaningful one available—the only exit. If they are looking for the best policy outcome to do right by the people who elected them, they will reach the same conclusion. That is the good news.

I hope they will get there soon because we have already seen Washington Democrats travel through just about every one of the stages of grief: Denial at first, claiming the law's only problem is that it was just too popular; then anger, pointing fingers of blame at contractors, Republicans, of course, the media—really anyone but themselves, then bargaining, proposing nips and tucks to a law that needs an overhaul instead.

For the sake of our country, let's hope they just speed right along to acceptance—the acceptance that ObamaCare can't work and won't work, and that their constituents deserve better. When they do, Republicans will be right here, just as we have always been, ready to work with them to start over with real reforms that decrease costs and improve access to care. That is what our constituents wanted all along, and that is just what we should give them.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 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.

Who yields time?

The Senator from Oregon.

NOMINATIONS

Mr. MERKLEY. Mr. President, I rise today along with my colleague from New Mexico to protest the paralysis that has kept the Senate from confirming well-qualified nominees to do their jobs.

The U.S. Senate provides the opportunity for all of us to weigh in on our constitutional role of advice and consent, advice and consent regarding nominations to the executive branch and to the judicial branch by the President.

Everyone in this body agrees that the Senate should, under this responsibility, serve as a significant check on the quality of Presidential nominations, the quality of nominations or nominees for the court and for executive positions. I certainly share that sentiment, that the Senate should provide this significant check on quality. The Senate should vet nominees. We should question them. We should debate them. And then we should vote on whether to confirm or reject them.

What is absolutely clear, however, is that when advice and consent becomes block and destroy, then the Senate process is broken. A minority of one branch of government should never be able to systematically undermine the other two branches of government. Yet that is exactly what we have today.

Look at the well-qualified nominees who have been blocked from having an up-or-down vote here in the Senate Chamber just in recent weeks: MEL WATT, nominated to head the Federal Housing Finance Agency; and then nominees to the court: Patricia Millett, Cornelia Pillard, and now Robert Wilkins.

These folks are highly qualified, but they were not allowed to have an up-or-down vote. The Senate was not allowed to weigh in on whether they were to be confirmed or not confirmed. This situation in which the Senate minority undermines the executive and judicial branches is unacceptable. It is inconsistent with the concept of coequal branches of government. Our Constitution laid out this vision that the House and the Senate, as the legislative branch, would serve as a coequal branch with the executive branch and the judicial branch.

Certainly the ability to check nominations, to vet nominations, is part of that check on the other two branches. But when it is used in this manner, this manner in which you can systematically undermine the function of another branch, then you have taken a position and created a process that is inconsistent with coequal branches. Taken to its extreme—and we are seeing that extreme today—the executive branch is compromised in its ability to function, the judicial branch is compromised in its ability to function.

Now we have a special situation that has arisen in which the minority says: We are going to block all nominees to the DC Circuit Court regardless of their qualifications because we want to

see it dominated by the nominees from a former President, and we do not let the existing President put his fair share of nominees into those vacancies.

The argument has been brought forward—to cover up this effort to ideologically pack the court—that this is simply about the work requirements of that circuit not being high enough to justify additional judges. Yet if that was indeed the case and there was an effort to distinguish it from the ideological bent that is clear here, then that would be something one would say about the future: Let's implement that 8 years down the road or we would have seen it in the past when President Bush was putting his nominees forward. The Republicans would have said: No, we do not want to confirm these nominees because the workload is not heavy enough. But just a few years ago, the argument was very much: Let's confirm these nominees of President Bush. Well, the workload, if anything, has increased.

So we cannot allow this process in which a minority says: When our President is in charge we are going to insist on up-or-down votes, but when a President of the other party is in charge, we are not going to allow those votes.

Let's be clear: There should not be an ''our President'' and ''their President.'' The President is the President of the entire country, of the blue States and the red States, altogether. The judicial system serves all of us regardless of our party identities. It is our responsibility to make it work.

In January we had a promise made on the floor of this Chamber, and that promise from Minority Leader MITCH MCCONNELL was to restore the ''norms and traditions of the Senate'' regarding nominations.

What are the norms and traditions of the U.S. Senate regarding nominations? It is an up-or-down vote, with rare exception. But, unfortunately, as we stand here today, we see that January promise has been broken. It was broken a few weeks into this year when a filibuster for the first time in U.S. history was launched on a Defense Secretary nominee. We then saw it in July—another effort of this Chamber to come together and return to the norms and traditions of the Senate. And briefly we did have up-or-down votes on executive branch nominees. But that ended a couple weeks ago when MEL WATT was blocked from that opportunity. So, therefore, the Senate must act. The Senate must act to restore its traditional role of having an up-or-down vote.

I, quite frankly, would prefer, in a perfect world, to see this done simply through the type of agreement we have sought a couple of times: up-or-down votes, with rare exception. But it is clear that is not possible because the January promise was broken, because the July promise was broken, and, therefore, we are in the position where we have to do by rule that which cannot be done by simple cooperation.

Some have said this has never been done, changing the rules or the application of the rules by a simple majority in the middle of a term. But that is simply not the case. I have in my hand a list of 18 times when this has been done since 1977. I have put up a chart in the Chamber of some of those changes that are quite relevant to this discussion.

By a simple majority in 1977: preventing postcloture filibusters; in 1979, by a simple majority: preventing abuse of legislative amendments in appropriations bills; in 1980, preventing filibusters on the motion to proceed to nominations and treaties; in 1987, preventing filibusters via rollcall of the Journal.

I have put these up for those instances that pertain to filibusters. But these are only 4 of the 18 times since 1977 that we have changed the application of the rules by a simple majority. So let no one say this is unprecedented. And these 18 changes have come more often in Republican hands than the hands of Democrats in terms of the majority of this body.

It is time to end the block-and-destroy strategy being employed by the minority in regard to executive branch nominations and judicial nominations.

I am very honored to be a partner in this conversation with the senior Senator from New Mexico, who has been raising concerns about the functionality of the Senate from the day he first set foot in this Chamber.

With that, I yield for my colleague.

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

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that Senator MERKLEY and I be allowed to engage in a colloquy following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. UDALL of New Mexico. Mr. President, I could not agree more with what Senator MERKLEY pointed out. There has been a lot of discussion—especially as shown on that chart the Senator talked about—that we have done this before. When the Senate hits a roadblock, we can come back to our majority powers and get through the roadblock and continue to do business, to do business as the Senate and do the business we were sent here to do.

As the Senator noted, I remember I called for rules reform 4 years ago. I said the Senate was a graveyard for good ideas. I remember talking about that in my campaign and coming here, and I am sorry to say little has changed, that the digging continues.

Americans are tired, I believe, with the gridlock and the dysfunction in Washington—filibusters, shutdowns, hyperpartisan attacks. Americans want reform in the way their government operates: more cooperation, more transparency, less partisanship, more problem solving.

Monday's vote was one more example of why we need reform. Judge Robert Wilkins is well qualified to serve on the Court of Appeals for the DC Circuit. He deserved an up-or-down vote. Instead, what did we get? Another filibuster. He is the fourth nominee to that court to be trampled on by the minority—not because he is unqualified, not because of any failing on his part, but because a Democratic President nominated him. For some that is enough, that is all it takes to tell an eminent American to go home.

First it was Caitlin Halligan in March, then Patricia Millett last month, followed by Nina Pillard last week, and now Robert Wilkins—each of them exceptional, every one of them distinguished nominees. Each would be a credit to the court of appeals.

So No. 4, and counting. In baseball, three strikes and you are out. Not so in the Senate.

But this is not just about the rules. It is about having a Senate that works—not one that buckles under the weight of filibusters.

The partisan games continue, and the game has gone on long enough because the losers are the American people.

Senators MERKLEY and HARKIN and I proposed changes to the rules at the beginning of this Congress—rules changes that were fair. They reined in the abuse. They protected the minority. We were very clear. We called for a talking filibuster. We argued that if the minority wants to continue debate, which is what voting against cloture is, they should actually have to stand on the floor and debate. Come down here, if you want to slow things down, and get on the floor and debate.

Instead, a compromise was reached. The two leaders agreed to ''work together to schedule votes on nominees in a timely manner by unanimous consent, except in extraordinary circumstances.'' That was the standard and the test: ''extraordinary circumstances.''

The minority leader said:

> On the subject of nominations, Senate Republicans will continue to work with the majority to process nominations, consistent with the norms and traditions of the Senate.

That was the agreement, and we all know it has not been kept.

In July, we had another shutdown on confirmations—all qualified candidates, all prepared to serve, but nominated by a Democratic President—or asked to lead agencies the other side does not like: the Department of Labor, the EPA, the Consumer Financial Protection Bureau—all blocked.

Once again we looked at changing the rules with a simple majority to restore the Senate's ability to function. We had a historic meeting in the Old Senate Chamber, and we reached another compromise.

I was hopeful for the outcome. There was feeling on both sides that things had to change, that we needed to change the way we do business here, and we confirmed several of those nominees.

But here we are again back on the filibuster merry-go-round and getting nowhere. Four months later, the same debate, the same partisan games, with qualified nominees denied an up-or-down vote. And not just judicial nominees but also Congressman MEL WATT blocked from leading the Federal Housing Finance Agency.

The only ''extraordinary circumstance'' has been continual obstruction.

These are not the norms and traditions of the Senate. It is the failure of partisan politics. In fact, it was not long ago that Republicans were the first to say so during the Bush administration. They were up in arms. Why? Because 10 judicial nominations had been blocked—10, mind you. That number seems quaint now, but it was enough for the Republicans.

Here is what the Republican policy committee said in 2005. These are their words:

This breakdown in Senate norms is profound. There is now a risk that the Senate is creating a new 60-vote confirmation standard. The Constitution plainly requires no more than a majority vote to confirm. Exercising the constitutional option in response to judicial nomination filibusters would restore the Senate to its longstanding norms and practices governing judicial nominations, and guarantee that a minority does not transform the fundamental nature of the Senate's advice and consent responsibility. This approach, therefore, would be both reactive and restorative.

Restoring the Senate to its longstanding norms and practices. It would be difficult to state the case more clearly.

One of my colleagues on the other side of the aisle said: We should be careful what we wish for; that is, majority rule could backfire, which might get more Justice Scalias.

Well, that is exactly the point. The Constitution does not give me the right to block a qualified nominee no matter who is in the White House. The real norms and traditions of the Senate honor that principle. Some of us may disagree with Justice Scalia on judicial philosophy, but he was a qualified nominee. He received an up-or-down vote and he was unanimously confirmed. Likewise, Justice Ruth Bader Ginsburg was considered liberal, the former ACLU general counsel. Many on the other side may have disagreed with her views, but there was no filibuster. She was confirmed by a vote of 96 to 3. A minority in the Senate should not be able to block qualified nominees.

On the other side of the aisle, this is not advise and consent; this is obstruct and delay. The people elect the President. They give him or her the right to select a team to govern and to appoint judges to the Federal bench. If those nominees are qualified, they deserve an up-or-down vote. That is how our democracy is intended to work. That is the mandate of our Constitution. That is the real tradition of the Senate. That is the way it is supposed to work. It has worked that way in the past.

My father was Secretary of the Interior for President Kennedy. He later told me—when I asked him how long it took to get his team in place at Interior, he said, ''Tom, I had virtually my entire team in place in the first 2 weeks''—in place and ready to serve the American people in 2 weeks. The President's team is his team to choose so long as they are qualified to do the job.

My colleague on the other side is right. The winds can change. Let's be candid. Neither side is 100 percent pure. Both sides have had their moments of obstruction and, no doubt, their reasons at the time. But I do not think the American people care much about that. They do not want a history lesson or a lesson in parliamentary procedure. They want a government that is fair. They want a government that is reasonable and that works for them.

I say to Senator MERKLEY, we are back in this situation now where we started as we came in the Senate in 2008 and saw a broken Senate, a Senate that was not responding to the American people.

What I wanted to ask the Senator about, because to me it is one of the troublesome parts of what is happening with these judges, the last four judges who have been filibustered have been women. I think we are talking about a different standard because in between the four, a man got onto the same court, was voted in, but three women have been held up and filibustered: Caitlin Halligan, Patricia Millett, Nina Pillard. So over and over we have this kind of obstruction. Does the Senator think we have a double standard? Is it one standard when we look at what has happened recently on the court of appeals where a man gets on and three women get denied?

Mr. MERKLEY. I say to my colleague from New Mexico, I would say that it has been very disturbing to see these very capable women whom you have mentioned not be able to get an up-or-down vote. Indeed, our chair of the Judiciary Committee Senator LEAHY held a press conference to make this very concern known, that it seemed as if there is one process for men and a different process for women. I am going to defer to his judgment on that because I have not been part of the Judiciary Committee. I would like to think that in this day and age there is not that sort of gender bias. That is what I would like to think, but I will let Senator LEAHY's commentary and his concerns in that area speak for themselves. It is clear, though, that fundamentally the situation is this: These women were highly qualified. They did not get up-or-down votes.

I have in my hand a memo from April 25, 2005. It is titled ''The Senate's Power to Make Procedural Rules by Majority Vote.'' It consists of arguments made by the Republican majority in 2005 that nominees should get up-or-down votes for the judiciary. There are many quotes from colleagues who still serve in this body who said in 2005 that regardless of whether they were in the majority or the minority, they felt nominees deserved an up-or-down vote, that the Constitution demanded it, and that the balance of powers between the branches demanded it.

I would ask my colleague if he would help us understand what has changed since 2005 when our colleagues across the aisle made the case that nominees deserved up-or-down votes, said it was essential in the constitutional vision, was essential in the proper application of advice and consent. What has changed that makes those arguments disappear now in 2013, 8 years later?

Mr. UDALL of New Mexico. I think we have come back to the central question. That question is, How does our Constitution work when it comes to nominees? I do not have any doubt that we are talking about majorities. There are only five places in the Constitution where a supermajority is mentioned. It is not mentioned when it deals with advice and consent, judicial nominees, or Presidential nominees to the executive branch.

I think the Republican policy committee said it very well in the memo the Senator is talking about. It was authored at the time when the head of the policy committee was John Kyl. He was the chairman of the policy committee, known in the Senate as a good lawyer, and was respected on the Constitution. He wrote about the Constitution and how the Constitution should work. He said a couple of things that I think are interesting. This was back on April 25, 2005:

The filibustering Senators are trying to create a new Senate precedent—a 60-vote requirement for the confirmation of judges—contrary to the simple-majority standard presumed in the Constitution.

A little bit further on, he also said:

An exercise of the constitutional option—

That means taking an action to put a judge on the court with a majority vote—

The exercise of the constitutional option under the current circumstance would be an act of restoration—a return to the historic and constitutional confirmation standard of simple-majority support for all judicial nominations.

So I do not think anything has changed. I do not think it has changed from the time in 2005 to today. I do not think the Constitution has changed from the time we put it into place until today, that when it comes to those nominees the traditions and norms of the Senate are to have the majority have a say, that they get an up-or-down vote.

That is the situation right now. We have a filibuster going on on a number of nominees, both Presidential nominees and judicial nominees. So I think what we are trying to do in working with our leadership is say: Let's go back to the norms and traditions of the Senate where we use the majority wisely and give that advice and consent.

Mr. MERKLEY. I thank the Senator for expanding on that picture of the core elements necessary to exercise our constitutional responsibilities. I keep thinking about how polarization in our society has come to bear on this issue. I believe there are many colleagues across the aisle who believe very much in what they said in 2005, that there should be up-or-down votes; therefore, I have to conclude that they have decided their base demands a permanent campaign against the President and the maximum use of every tool available and that is trumping the appropriate exercise of advice and consent.

Perhaps that polarization explains why the promise made by the minority leader in January to return to the norms and traditions of the Senate fell apart within weeks, if not days. Perhaps it explains how the understanding that was reached in July to allow up-or-down votes on executive nominations fell apart a couple of weeks ago. In that situation we have a single path left to us to appropriately exercise advice and consent; that is, to change the rules so they cannot be abused. If the abuse cannot be cured through goodhearted dialog and understanding of our need to honor the constitutional vision, then we need to change the rules. That is why I wholeheartedly support moving toward a simple up-or-down vote.

In 2005 our Republican colleagues said: If the Democrats keep blocking up-or-down votes, we are going to change the rules and require a simple majority. The Gang of 14 came out with a compromise, and they said—the compromise was that Democrats would only filibuster under extraordinary circumstances and Republican colleagues would then not change the rules. But actually that worked fine in that the Democrats honored that until President Obama came into office. But that extraordinary circumstance has not continued to be honored after President Obama came into office. In that situation, it does seem as if the only way to make sure we honor the constitutional vision and the balance between the powers is to actually change the rules and say it is an up-or-down vote.

I would ask my colleague from New Mexico whether he shares that perspective or perhaps has a different take on it.

Mr. UDALL of New Mexico. I do not think there is any doubt in this country that on both sides—the Republican side and the Democratic side—the base pushes us hard. I think we have reached this stage of hyperpartisanship. I believe our job as leaders is to overcome that and to lead. Leading here means allowing the norms and traditions of the Senate to continue, and that would be an up-or-down vote on judicial nominees.

What I asked the Senator about what was particularly troublesome to me was when we look at the history, the last two women who were put onto the Supreme Court—Sonia Sotomayor and Elena Kagan—75 percent of the Republicans in the Senate voted against both of them. So we have that history compared with the women who have been denied here. It is very troubling to me to see that.

I think we are supposed to wrap up. I do not know whether the Senator has any closing comments.

Mr. MERKLEY. I thank my colleague from New Mexico for his leadership in trying to restore the Senate so that it will work—work on legislation, work on executive nominations, work on judicial nominations. The country has a low opinion of the function of our Chamber. We certainly do not deserve a high opinion when we are captured by this level of partisan paralysis. I look forward to continuing to work together to help restore this body to a great deliberative body that fulfills its responsibilities under our Constitution.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

OBAMACARE

Mr. JOHANNS. I come to the floor to discuss reports I have heard from my fellow Nebraskans about the President's health care law.

Senators have been quoting facts, figures, and reports about the negative effects of this law, and that dates back to when the debate began in 2009. The reality is that no amount of facts or figures can illustrate the real-life stories from our hometowns and from the Main Streets of Nebraska. These personal stories are compelling and powerful examples of what the reports have been saying all along, why we must stand with the American people, and repeal ObamaCare.

A woman named Deb from Kearney, NE, reached out to me. As millions of other Americans, her family's insurance plan has been cancelled, notwithstanding the President's promise that if you like your plan, you can keep it, period.

Now she is facing new premiums for her family. They have increased an unbelievable 133 percent. Their plan pays for maternity coverage, even though they no longer need maternity coverage. Why? Because ObamaCare mandates this, they have no choice about it.

Deb said:

> Obama needs to call it like it is. This is not the affordable health care act.

Jennifer, from Madison, NE, reached out to me with a very compelling story. Jennifer is a two-time cancer survivor. She shared that last year she spent a fair amount of time evaluating health care plans, doing her homework. She picked a plan that made a lot of sense for her family under her circumstances. Recently, Jennifer learned that her current plan would no longer be available because of the health care law's new requirements. She described her new plan and said:

> My deductible is going up, my co-insurance is going up, and my premium is almost doubling. . . . I think it is an insult to hard working, responsible people like myself to require me to pay for coverage of all these additional services.

A woman named Hannah from Lincoln, NE, 25 years old, is seeing massive increases as well. Her monthly premium is increasing by about 160 percent, and her annual deductible is more than doubling to over $6,000. She explains:

> I'm healthy and active—I love long-distance running—and I rarely get sick. This is impossible for my budget. I feel like Obama is punishing those of us who have graduated college and are working hard trying to make a life for ourselves. We're starting our families, building businesses, launching our careers, and trying to give back to our communities however we can. Now ObamaCare is devastating the American dream of an entire generation.

These Nebraskans and people all over this great country are understandably frustrated. There has been a lot of talk recently about this law. There has been a lot of talk about the President's promises. Over the course of the last 4 years, none of his promises have centered on American families such as these who are losing the plans they like or who are paying more for their coverage. None of its promises indicated that young people's costs, such as Hannah's, would go through the roof.

One wonders if there had been honesty in this debate whether the bill would ever have passed. In fact, President Obama's promises signal just the opposite. He said over and over that people could keep their plans if they liked them. He even put a ''period'' there, and he said they would pay less.

These consequences are not happening by accident. They are the central pillars of the President's law, ObamaCare. The law mandated coverage standards for health insurance plans and forced people into policies that meet those mandates.

What is the result? The result is a law that drives up costs. It eliminates choices. It is motivated by a simple guiding principle; that is, that Nebraskans and Americans can't decide for themselves. It is motivated by a principle that government knows best. It is saying that the health insurance people freely chose is an inferior plan because the President and his people say so. It says that government must protect people from their own decisionmaking.

That is not what the American people want and is not the kind of country they want to live in. They have spoken loudly and clearly, especially when the truth came out as the realities of ObamaCare are settling into their daily lives.

The frustrating part is that the President's announcement last week that Americans can supposedly keep their plans was provoked not by devastating stories of millions of Americans or Nebraskans but by members of

his own party who are now in a panic about their reelection. To the American people, to the people I represent in Nebraska, this is far too little and far too late.

In 2010, the administration's own rule on this subject showed as many as 80 percent of small business plans and 69 percent of all business plans would lose their grandfathered status. I went to the Senate floor at the time to warn about it. Everyone on this side of the aisle voted to cancel this ill-advised ObamaCare regulation. Let me remind everyone that every single Senator on the other side of the aisle voted to let this destructive rule go forward. Now Americans and Nebraskans are paying the price for that vote.

Taking action 3 years ago would have been a very thoughtful step to avoiding disastrous consequences, but a surprise announcement caught everybody by surprise. Essentially 45 days to undo 3 years of ObamaCare damage, to protect people in their reelection, is not a serious policy effort. If a team is five touchdowns behind, they can't wait until there is 1 minute left to start playing. Let's face it. President Obama's announcement last week was not a policy decision. It was an attempt to arrive at a political fix to save reelection for members of his party. Once again he sidestepped Congress and the legislative process to unilaterally enact a temporary delay of one of his signature law's major provisions. Let me emphasize, it is temporary. It is only designed to get us past election day and to try to save some seats for his party.

Even if people believe that insurance companies and every insurance commissioner in 50 States can undo all of the planning they have done to comply with ObamaCare, to follow the rules—even if one assumes they can undo that in 45 days, our citizens will be back in the same boat next year after election day. The cancellation policies will again be printed. The replacement ObamaCare-approved policies will reveal skyrocketing prices, and our citizens will be back in the same lurch. The time for temporary fixes that shift the blame or delay the pain until the election is over needs to end.

While I will fight to eliminate this law's most burdensome provisions, the truth is that changes to this law create an avalanche of consequences. The provisions of this failed policy are so interconnected, so ill-fated, that no amount of amending and tweaking will solve the problems that American families and businesses are facing. We have only seen the tip of the iceberg. I believe full repeal is the only real answer for American families.

Congress can take a stand so millions of Americans can keep their doctors and keep the plans they like. We don't need a 2,700-page law and $1 trillion in taxes to address the cost of health care or to help individuals with preexisting conditions.

Americans are demanding what they didn't get in 2010 and since this law passed. They are demanding transparency. They are demanding thoughtful policy steps for a better, more efficient, and lower cost health care system. They want leaders who recognize we are not on the right track; we never have been with this law. It is time to head in a direction that puts Americans first, not political opportunity.

I believe this is a critical moment. I hope we seize upon this moment and do all we can to listen to the American people.

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

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

The legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO STAFF

Mr. BLUNT. I rise to acknowledge Maj. Mark Shirley, serving as a Defense legislative fellow, and Robert Temple, an intern in my office. We have certainly benefited from both of them, particularly Major Shirley. He has been with our office for 1 year. This has been the first year I have been on both the Armed Services Committee and the Defense Appropriations Committee. Major Shirley's help in both of those cases has been exceptional. I am pleased we have had this benefit.

OBAMACARE

Mr. BLUNT. I want to talk a few minutes about what is happening with health care. I came to the floor last week to talk about individuals who were having problems. People are contacting our office. In fact, I suspect they are contacting 100 Senate offices every day expressing their concerns as they lose insurance.

At least 4.2 million Americans have now received cancellation notices on the insurance they had. I know last week the President made his proposal that apparently you could keep the insurance you like for 1 year if your insurance company will still offer it and if the State insurance commissioner will approve it. But those are two pretty big ifs and certainly nowhere close to ''you can keep your insurance if you like it, period. If you like your doctor, you can keep your doctor, period.'' Neither of those is going to turn out to be the case. In fact, insurance commissioners immediately—their organization—said this is going to be practically very hard to comply with. So it is one of many problems.

I think the law that is most likely to apply with the Affordable Care Act will be the law of unintended consequences—consequences for individuals, consequences for people who had preexisting conditions and who in 35 States were being well served by something called the high-risk pool. Virtually all of those high-risk pools go out of existence on December 31. I know the Missouri high-risk pool goes out of existence on December 31, and the 4,300 people who depend on that for their insurance now have to find insurance on their own. They can get insurance through the exchange, but in all cases I have heard of so far, they will be paying more for their insurance on January 1 than they are paying for coverage today or will pay through the end of this year. So much for helping people with preexisting conditions. There was certainly a way to extend those high-risk pools, but we didn't do that.

This week I had a number of businesses talking about the problems they are having. I would like to briefly talk about two of them this morning. One of them is the Older Adults Transportation System in our State. It is headquartered near the middle of the State in Columbia, MO. It provides transportation for seniors, for people who are disabled, for low-income Missourians. Like many, the Older Adults Transportation System—called OATS—was notified that their current plan would be canceled on January 1. The rate for their new policy for their 50 full-time employees is going to be 40 percent higher on January 1 than the policy they have until December 31, and the only way they can do anything about that is to provide fewer services. So because of that 40-percent increase, fewer trips will be available to take the people they serve. Surely that wasn't the goal of the health care plan. They wanted to insure their driving staff. There are 600 drivers in that system; they wanted to insure them. They were actually hopeful, with all the promises about the Affordable Care Act, that they would be able to add their driving staff. Instead of adding their driving staff, they have to figure out what they are going to do with the 50 employees they have been insuring at rates that are now 40 percent higher than they were before.

Businesses around the State are calling. I recently heard from McArthur's Bakery in St. Louis. They currently have a 9-percent cap on a 2-year health policy. It is a qualified plan. Randy, the president of McArthur's Bakery, believes they have a pretty good plan. He thought their plan was a plan that should meet any standard they would hope to meet. It wasn't a rich plan. He described it to me as not a Cadillac plan but at least an Impala plan, and they thought the Impala was what they could do. Suddenly they have learned there is going to be a 4.4-percent increase in fees and taxes and a huge increase in the deductible. Their current plan has a deductible of about $500 for an individual and $1,250 for a family. The deductible on the new plan is going to be about $3,500 for an individual and $10,000 to $12,000 for a family.

That is what I am hearing all the time, that the coverage may be broader, there may be things covered that

didn't used to be covered, but the deductible is now so big that the plan people thought protected their needs doesn't really protect their needs. For most families, $12,000 is catastrophic. It doesn't take $120,000 or $500,000 to be catastrophic; $12,000 is catastrophic. If that becomes your new deductible year after year, you will have a problem you didn't have when your deductible was $1,200.

Randy McArthur says:

The very thing that ObamaCare was supposed to do was to protect the working people—to give them access to affordable insurance—but it's actually doing the exact opposite.

Instead, this law will mandate coverage for things you will have to pay for that you didn't have to pay for before and apparently will offset that by being sure you pay a lot more of your own money up front.

I think we are going to continue to see these problems develop. I hope we can find ways to fix that. I introduced a number of bills in 2009 that I thought were better alternatives than this one. We may have to go back and start all over. But right now, the one thing we do know is that the law of unintended consequences appears to be hitting a lot of families and hitting a lot of families very hard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BARRASSO. Madam President, how much time remains?

The PRESIDING OFFICER. Eight and a half minutes.

Mr. BARRASSO. Madam President, I come to the floor today and would note a headline on the front page of Politico today regarding the ObamaCare Web site. ''Tech Chief: Up to 40% Work Is Left On ObamaCare. Financial management tools are unfinished.''

This Web site has been a debacle. People all around the country are angry. They are anxious, frustrated, and bothered, but mostly I am hearing anger from people in Wyoming. And it is not just the Web site. The Web site is just the tip of the iceberg. People are furious when they get letters of cancellation, when they have coverage canceled and then they see higher premiums. All across the country people are finding out that because of the health care law, they can't keep their doctor. They are hearing stories about fraud, identity theft, and higher copays and deductibles. So I bring to the floor today a couple of letters I have received from people in Wyoming.

Last week, Veterans Day, I was in Douglas, WY, for the flag-raising ceremony at the American Legion at 7 a.m. talking to folks—some who had gotten cancellation letters. Let me read a letter from a family in Douglas, WY, a small community in Converse County. They say:

We just found out that our current health insurance policy with Blue Cross Blue Shield of Wyoming (which is a $20,000 deductible for our family) will not be allowed after January 1st . . . that only those under age 30 will be able to have catastrophic plans. We ranch, work very hard, have been healthy . . . can't afford and don't believe a lower deductible makes sense for us.

So this is a family who decided what was best for them as a family—not what the government told them they had to buy but what worked for them as a family. They say that what they bought was something that made sense for them.

Continuing to read from their letter:

. . . basically have had insurance to avoid losing our cows and land if something catastrophic happened to us. Don't know what we will do if you guys don't get this derailed.

Madam President, as someone from the Rocky Mountain West, I can tell you that in a community of lots of ranchers and farmers, what they are trying to do is insure against this catastrophic loss.

They go on to say:

Quick side note—we think most people expect health insurance to cover everyday costs—it wouldn't make sense and it would cost way too much to get insurance to cover new tires, oil changes, washer fluid, new batteries (regular expected upkeep) for our vehicles—if we only had insurance for the big health issues, it wouldn't cost as much for all of us in the end.

Of course, that is what they wanted to do.

They go on:

Obamacare doesn't deal with any of the issues of why health care in America costs what it does and truly seems to make it all worse.

Thank you for what you do—we know you already understand this. We just thought you should know what we are dealing with.

That is a ranch family in Douglas, WY, in Converse County.

This past Saturday night I was in Lusk, WY, in Niobrara County, and I have an email I wish to share with you from Lusk, WY. Again, this is somebody who has had coverage canceled, higher copays, and all of the things we are talking about.

Just for a second, let me show the list of the number of people who have been canceled. Some 4.7 million Americans have had their health insurance canceled in 32 States, and we don't even have the numbers for a number of other States. This is what people all across the country are seeing.

Let me read this email from Lusk, WY. This individual says:

I have supported the President and the Affordable Health Care act since the beginning. That changed on Thursday. All along we have been told if we have insurance, and we are satisfied, no changes will be necessary. That is a misleading statement. I was informed by my company my policy will be canceled in December. Then they will offer me another policy but with huge changes. My premium will go up . . . my deductible will rise . . . That is not the same as my current policy. I feel like, after decades of paying my own insurance, I am being penalized. I won't call it lying, but the President certainly misled a lot of us middle aged Americans.

I do have one alternative I am pursuing. I can buy insurance that does not meet the guidelines of the Act. However, I will be forced to pay the penalty for noncompliance. I can afford my insurance and the penalty.

Once again, Americans do not like to be misled from the top leadership down. It simply helps to solidify the mistrust we have in government.

Thank you for your solid leadership.

That is why I am here today on the floor. We need to hear more stories from people around the country—not just Republicans but Democrats need to hear these stories. Tweet us your story at hashtag ''your story.''

Republicans have better ideas about ways we can actually help people get the care they need from a doctor they choose at a lower cost.

This health care law is hurting many millions of Americans. We now know that the President knew it at the time he continued to repeat the line—which we now know is a misleading line—to the American people. Very soon we will find that the line ''if you like your doctor, you can keep your doctor'' was misleading as millions more will be losing their doctor. There is great damage continuing to be done. We need to start over.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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 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 billion 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. 2305, to change the enactment date.

Reid amendment No. 2306 (to (the instructions) amendment No. 2305), of a perfecting nature.

Reid amendment No. 2307 (to amendment No. 2306), of a perfecting nature.

The PRESIDING OFFICER. Under the previous order, there will be up to 6 hours of debate only.

The Senator from New York.

Mrs. GILLIBRAND. Madam President, I rise today to speak about my amendment to the National Defense Authorization Act, an amendment known as the bipartisan Military Justice Improvement Act. I wish to start by thanking my colleagues on both sides of the aisle for their strong and unwavering leadership on behalf of our brave men and women in uniform. I could not be more proud of the bipartisan work that has been done to do the right thing.

I thank Senator REID, Senator BOOKER, and Senator HELLER, the three most recent supporters of our bill. I thank them for their extraordinary leadership and determination to end the scourge of sexual violence in the military.

I also thank my colleague and friend from Missouri for her unwavering commitment to helping victims of sexual assault. Although we disagree on my amendment, I remind all of our colleagues that the Defense Authorization Act has been made stronger in enumerable ways by Senator MCCASKILL's work, advocacy, and dedication. I also will be supporting her amendment today because I think the provisions in her amendment will add even more positive changes to the command climate and will help victims feel like they have a stronger voice.

However, while the changes in the McCaskill amendment are very good, I do not believe they are enough to truly ensure justice for victims of sexual assault. For that, we essentially need impartial, unbiased, objective consideration of the evidence by trained military prosecutors, which is what my amendment will provide.

Yesterday, I proudly stood with retired generals, leaders of veterans organizations, and survivors, who represent a growing chorus of military voices, to urge Congress to take its oversight role head-on and finally create an independent, unbiased military justice system the men and women who serve in our military so deeply deserve.

Leaders such as retired Maj. Gen. Martha Rainville, the first woman in history of the National Guard to serve as an adjutant general, who has served in the military for 27 years, including 14 years in command positions, wrote to me:

As a former commander, endorsing a change that removes certain authority from military commanders has been a tough decision. It was driven by my conviction that our men and women in uniform deserve to know, without doubt, that they are valued and will be treated fairly with all due process should they report an offense and seek help or face being accused of an offense.

When allegations of serious criminal misconduct have been made, the decision whether to prosecute should be made by a trained legal professional. Fairness and justice require sound judgment based on evidence and facts, independent of pre-existing command relationships.

Leaders such as BG (retired) Lorree Sutton, who served as the top psychiatrist in the U.S. Army, wrote, saying:

Failure to achieve these reforms would be a further tragedy to an already sorrowful history of inattention and ineptitude concerning military sexual assault.

In my view, achieving these essential reform measures must be considered as a national security imperative, demanding immediate action to prevent further damage to individual health and well-being, vertical and horizontal trust within units, military institutional reputation, operational mission readiness and the civilian military compact.

Far from ''stripping'' commanders of accountability, as some detractors have suggested, these improvements will remove the inherent conflict of interest that clouds the perception and, all too often, the decision-making process under the current system.

Implementing these reforms will actually support leaders to build and sustain unit cultures marked by respect, good order, and discipline.

LTG (retired) Claudia Kennedy, the first three-star female general in the Army, wrote:

Having served in leadership positions in the U.S. Army, I have concluded that if military leadership hasn't fixed the problem in my lifetime, it's not going to be fixed without a change to the status quo. The imbalance of power and authority held by commanders in dealing with sexual assault must be corrected. There has to be independent oversight over what is happening in these cases.

Simply put, we must remove the conflicts of interest in the current system. . . . The system in which a commander can sweep his own crime or the crime of a decorated soldier or friend under the rug protects the guilty and protects serial predators. And it harms military readiness . . .

Until leadership is held accountable, this won't be corrected. To hold leadership accountable means there must be independence and transparency in the system.

Permitting professionally trained prosecutors rather than commanding officers to decide whether to take sexual assault cases to trial is a measured first step toward such accountability . . . I have no doubt that command climate, unit cohesion and readiness will be improved by (these) changes.

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

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

It is because they love the military that they are making their voices heard—standing united behind brave survivors. I will share some of those stories because it is their stories which inform some of this legislation.

Kate Weber, from Protect Our Defenders, was awarded the 2013 Woman Veteran Leader of the Year by the California Department of Veteran Affairs, and Sarah Plummer came to Washington, DC, all the way from Colorado. Yesterday they came to courageously tell their stories so that their brothers and sisters in uniform get a military justice system that is finally worthy of their great service to our Nation.

Sarah's story is extremely disturbing. She was raped as a young marine in 2003. She said:

I knew the military was notorious for mishandling rape cases, so I didn't dare think anything good would come of reporting the rape.

Having someone in your direct chain of command doesn't make any sense, it's like getting raped by your brother and having your dad decide the case.

Kimberly Hanks, the brave survivor from the infamous and horribly unjust Aviano case, who I spoke to months ago about this issue when our journey began, just wrote an op-ed published this week:

Regardless of all the promises by military leadership and half measures offered in the name of reform nothing short of removing the prosecution and adjudication authority away from the commander and placing it with independent, military professionals outside the accused's and victim's chain of command will end this nightmare.

Trina McDonald, who at 17 enlisted in the Navy, was stationed at a remote base in Alaska. Within 2 months, she was attacked, repeatedly drugged, and raped by superior officers over the course of 9 months. She said:

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

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

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

A1C Jessica Hinves, who was raped in 2009 by a coworker who broke into her room at 3:00 in the morning, said:

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

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

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

We also can't forget that more than half of the victims last year alone were men.

Blake Stephens, now 29, joined the Army in 2001, just 7 months after graduating high school. The verbal and physical attacks started quickly, he says, and came from virtually every level of the chain of command. In one of the worst incidents, a group of men

tackled him, shoved a soda bottle into his rectum, and threw him backward off an elevated platform onto the hood of a car.

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

Blake said:

> You just feel trapped. They basically tell you you're going to have to keep working with these people day after day, night after night. You don't have a choice.

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

This is the problem: There were 26,000 sexual assaults estimated by the Department of Defense last year alone based on confidential surveys, but only 3,374 were actually reported. Of those reported, 302 went to trial.

So if you are starting with 26,000 estimated cases and only 302 go to trial, that is a 1-percent rate of conviction in the U.S. military for the heinous crime of degradation, aggression, and dominance of rape and sexual assault. One percent. And we just heard from these victims. There are too many command climates that are toxic, that do not ensure good order and discipline, that do not protect against rape and sexual assault, that do not create a sense that if I come forward and report, that justice could be done.

In this survey—this a confidential survey—the reason victims didn't report is they said they didn't believe anything would be done. They also said they either feared or witnessed retaliation. This is the problem. About 23,000 cases weren't reported. It means in 23,000 command climates, these assaults are happening and victims feel they will not get justice.

So I am grateful for every reform we have put in place in this underlying bill. They are good, strong reforms that will help victims who report. But every single one of them applies only to these 3,000 cases. They apply to the cases that are reported, where the command climates are sufficient that a victim feels: I can come forward. I can at least report these cases. In the 23,000 other cases, those victims don't have that confidence.

So if we don't create a transparent, accountable system that is outside the chain of command, the hope of getting more victims to come forward and report so we can at least weigh the evidence and see if we can go to trial is not there. The hope isn't there. The confidence in an objective review by someone who doesn't know the perpetrator and doesn't know the victim doesn't exist.

So while we have these 3,000 cases which were reported and commanders did make sure 1 in 10 went to trial—and when they did go to trial, there was a 95-percent conviction rate. So they are not making the wrong decisions about what case to try. It is just that only 3,000 command climates were strong enough. We can't train their way out of this problem. There are 23,000 command climates that weren't strong enough, that didn't ensure justice, that created fear of retaliation. That is the problem.

So without an objective system, without creating transparency and accountability, without saying the decider doesn't know the victim of the perpetrator, there is no bias, because in too many cases, as we heard from these stories, the perpetrators may well be more valuable to the commander, may well have several tours of duty under his belt, may well have done great acts of bravery, may well have two kids and a wife at home. So when that commander, looking at the case file, says: You know, it can't possibly have happened; it didn't happen this way; he weighs the evidence differently than someone objective, who is trained, who actually knows the difference in these crimes and knows what a rape is. They know rape is not a crime of romance. They know rape is a crime of dominance. They know rape is a crime of violence. It is not about a date gone badly. It is not about hormones. It is not about a hookup culture. It is actually a crime that is brutal and violent, committed by someone who is acting on aggression and dominance and violence.

That is why the training matters. I want somebody who knows that, who has been trained as a lawyer, who understands prosecutorial discretion and can weigh evidence objectively.

We have to look at who is advocating for this bill—our veterans organizations: Iraq and Afghanistan Veterans of America wants this reform. Vietnam Veterans of America wants this reform. Service Women's Action Network wants this reform. They are all speaking in one voice, and they say: ''A vote for an independent and objective military justice system is a vote for our troops and a vote to strengthen our military.''

They know. They have served. They are veterans. They are no longer Active Duty. They can speak their mind.

This week we released a letter of 26 retired generals, admirals, commanders, colonels, captains, and senior enlisted personnel, including two generals and two admirals known as flag officers, who are saying to Congress:

> We believe that the decision to prosecute serious crimes including sexual assault should be made by trained legal professionals who are outside the chain of command but still within the military.
>
> This change will allow prosecutorial decisions to be made by facts and evidence and not be derailed by preexisting relationships, attitudes, biases, and perceptions.
>
> It is our sincere belief that this change in the military justice system will provide the opportunity for real progress toward eliminating the scourge of sexual assault in the military.

I am hopeful our colleagues will listen to these collective voices because nobody knows the military and what needs to be done to fix this broken system better than they do. Listen to the victims who have clearly told us over and over how a system that only produces 302 prosecutions out of the DOD's estimated 26,000 cases of rape, sexual assault, and unwanted sexual contact last year must be fundamentally changed to restore trust and accountability.

These men and women of America's military have put everything on the line to defend our country. Each time they are called to serve they answer that call. But too often these brave men and women find themselves in the fight of their lives, not on some far-off battlefield against an enemy but right here on their own soil, within their own ranks, with their commanding officers, as victims of horrible acts of sexual violence.

Sexual assault is not new, but it has been allowed to fester in the shadows for far too long because instead of the zero tolerance pledge we have heard for two full decades now, since Dick Cheney was the Secretary of Defense, first using those words in 1992, what we truly have is zero accountability.

There is no accountability because any trust that justice will be served has been irreparably broken under our current system where commanders hold all the cards over whether a case moves forward to prosecution.

There are those who argue that removing these decisions out of the chain of command into the hands of independent prosecutors in the military will diminish good order and discipline. This is not a theoretical question. We actually know the answer to this. Our allies have already made these reforms and they have not seen a diminishment in good order and discipline. The UK, Israel, Australia, Canada, Netherlands, Germany—all of them have taken the decisionmaking whether to prosecute the cases outside the chain of command for civil liberties reasons—some in interests of defendants' rights, some in interests of victims' rights—to make their justice system better. We could use a better justice system. We could use that transparency and accountability. We have a unique problem. I think this reform solves our problem.

Director general of the Australian Defence Force Legal Service Paul Cronan said that Australia has faced the same set of arguments from military leaders in the past. Cronan said:

> It's a little bit like when we opened up [to] gays in military in the late '80s. There was a lot of concern at the time that there'd be issues. But not surprisingly, there haven't been any.

There are those who argue that our reform would somehow take commanders off the hook or that they would no longer be accountable. Let me be clear. There is nothing in this bill that takes commanders off the hook. They are still the only ones responsible for setting command climate, for maintaining good order and discipline, for making sure these rapes

and assaults do not happen, for making sure there is no retaliation and the victim comes forward, for making sure the command climate is sufficient when they do come forward.

This is a legal decision and actually most commanders never get to make this legal decision. Your platoon sergeant, your drill sergeant, they are never going to be able to be the convening and disposition authority. That is not their job. But they still have to maintain good order and discipline. They are on the hook and the underlying bill is strong because we make retaliation a crime to give them just one more tool to help them set their command climate.

There are those who argue that this reform will cost too much. I do not know how you could possibly say that forwarding cases and prosecuting rape in the military costs too much. Our men and women in uniform are worth much more. Not only do these critics ignore the facts that we already have trained JAGs serving in our military, they actually ignore the financial cost of sexual assault in the military. The RAND Corporation has estimated that this scourge cost $3.6 billion last year alone.

There are those who say commanders move forward on cases that civilian prosecutors will not. To claim that keeping prosecutions inside the chain of command will increase the prosecutions is not supported by the statistics. If you only have 3,000 or so cases being reported and 23,000 cases not being reported under the current system, if you change that system and those 23,000 cases start becoming reported cases, you will have more prosecutions, you will have more convictions, you will have more justice.

The bottom line is simple. The current system oriented around the chain of command is producing horrible results and has been producing horrible results for 25 years. The current structure is producing 1 percent of cases that go to trial. That is not good enough. It is not a system that is deserving of the sacrifice that the men and women in uniform give to our country every single day.

It is also contrary to the fundamental values of our American justice system. Our justice system relies on the fact that a decision about whether to go to trial is never made on bias, it is always made on facts and evidence. It is not made on whether it is good for the commander. It is made on whether there are facts and evidence to prove a serious crime has been committed.

For all those who say this is a radical idea and should wait until next year, the DOD has an advisory panel that actually has opined for the past 50 years on the status of women in the military. That panel, called the DACOWITS—that panel had a vote on these proposals. They voted in favor overwhelmingly, with no one against. Of the 10 votes that we have, 9 are former military, 4 are high-ranking generals and officers. The nonmilitary voice is the head of a women's law center—knowledgeable individuals who are actually tasked by the Department of Defense, handpicked by the Department of Defense, to opine on the status of women in the military. They have voted to support these measures.

Secretary Hagel has even said he places ''a great premium'' on the voices of this panel.

I have not come lightly to the conclusion that we need to fundamentally reform our military justice system in order to strengthen it, but this is a commonsense proposal. It is not a Democratic idea. It is not a Republican idea. It is just doing what is right. If you listen to these survivors, veterans, retired generals, and commanders, they believe this change is needed. But even our current military commanders at the Department of Defense do not dispute the problem or the facts or the reason for the problem. The Commandant of the Marine Corps Gen. James F. Amos said earlier this year the victims do not report these cases because ''they don't trust us, they don't trust the chain of command, they don't trust the leadership.''

We have to restore that trust. If you have too many commanders and too many command climates with 23,000 unreported cases where that trust is broken, you are not going to fix it by keeping it with the commanders. That is the problem. This is a fundamental problem.

Listen to the Chairman of the Joint Chiefs of Staff, General Dempsey, who said that the military is sometimes ''too forgiving'' in these cases, admitting bias in the system toward decorated officers.

I firmly believe it is our obligation to restore that trust. Our fundamental duty as Senators, as Members of Congress, is to provide the needed oversight and accountability over the armed services. We should not do what the generals are telling us to do. This is our job.

Every time I meet with a member of the military I am overwhelmingly grateful for their service, for their sacrifice, for their courage. They deserve better. They deserve a military justice system that is consistent with our core, fundamental American values of objectivity, of truth, of evidence, of fact, and of justice.

I urge my colleagues to support our amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that any time spent on quorum calls during this debate on the sexual assault issue be equally divided between Senator GILLIBRAND on one side and Senator AYOTTE and Senator MCCASKILL on the other side.

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

Mrs. MCCASKILL. I yield 5 minutes of the time of Senator AYOTTE to the Senator from Missouri, Mr. BLUNT.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. I thank Senator MCCASKILL, my colleague from Missouri, and Senator GILLIBRAND both for the effort, the time, the commitment, the focus they have made on this issue. They have clearly both been at the frontlines of changing the underlying bill.

There are two things Senator GILLIBRAND said that I absolutely agree with. The underlying bill is strong. It is a step in the right direction. It is the result of our committee debate, our committee action. I think I heard the Senator from New York say she was supporting the McCaskill amendment which adds even additional strength to that.

I also am supporting that amendment. I think it does make the bill even stronger. It says the commanders will be evaluated based on this as one of the factors; that no longer would this just be something if it happens to come up you talk about it, but the commanders will be evaluated based on what they did to change the command atmosphere, what they did to protect people against sexual assault, what they did to create an atmosphere where these things not only do not happen, but when they do happen, they are vigorously dealt with and looked to as something that has to be dealt with, and the commander should be evaluated in that way.

There is another layer of review in the McCaskill amendment. If the commander disagrees with something that has happened in this process, they have to kick that review up another level. The so-called good soldier defense is no longer a defense. This is about this incident, this assault, this accusation, and dealt with solely in that way because of this additional amendment that I think many of us will support that will be added to what is already a strong underlying bill.

Also, this amendment would allow victims to express a preference, whether they would have this pursued in a civilian trial or in a military trial, a court-martial. Those are all good additions. I think that is why—not only why Senator MCCASKILL proposed them, but the Senator from New York and I would be supporting that amendment.

I believe the amendment improves what the committee did. But I think the committee had a full debate and a long debate and a vigorous debate on how important it is the commanders be involved. Senator MCCASKILL, my colleague from Missouri, has been a leader on this all her time in the Senate. When she came to the Senate, one of the things in her background was her work as a county prosecutor and, more specifically, a prosecutor for sexual assault cases. I have relied on her judgment as we looked at these issues, and I think her judgment is borne out by so many things we heard in the committee.

Senator AYOTTE will be speaking in support of the McCaskill amendment

and underlying bill. Senator FISCHER, a member of the Armed Services Committee, will also be part of that debate.

The Armed Services Committee introduced a bill that has the most comprehensive legislation targeting sexual assault that has ever been considered by the Congress. We added to that amendment these important elements of another McCaskill amendment. There are 26 provisions in the underlying bill which deal with this issue. It was among the most difficult decisions I think we met, but also one of the most important decisions we met: the idea that commanders would have responsibility for the atmosphere they create.

One of the things that was mentioned more than once was the integration of the Armed Forces. I stand by Senator Truman's desk, one of our predecessors in this Senate from Missouri. He signed the order that integrated the Armed Forces. President Eisenhower pursued that further, but only when the command structure was given absolute responsibility to deal with what had become a real problem. There were even race riots on ships, according to Senator MCCAIN, who talked to us about this issue. It was when the commanders were given the responsibility to see that this problem was solved that it was solved.

I think this bill, and the additional amendment I will be supporting, the McCaskill amendment, clarifies in new ways how important it is that commanders accept this as part of their command responsibility.

The numbers Senator GILLIBRAND talked about are totally unacceptable. One of the things commanders will be evaluated on in the future will be what they did about changing that environment. In my view, taking them out of the command responsibility in this area makes it less likely, not more likely, that the atmosphere will change.

I ask unanimous consent for 1 additional minute. Since Senator AYOTTE is not here to object, I will take it from her time.

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

Mr. BLUNT. The fact that this is in the bill and further improved, I believe, by the amendment, clearly says we are going to change the culture of the military.

Had it not been for the hard work of my colleagues, particularly Senator MCCASKILL and Senator GILLIBRAND, this bill would not be as far along as it is. Their difference of opinion is not about solving this problem, because we all believe this problem is going to be solved. I think we all believe this bill takes a significant and strong step toward doing that. I feel most Senators will believe the McCaskill amendment adds another element to the bill.

I am glad the defense committee, the Armed Services Committee, and now the U.S. Senate, are taking additional steps to solve this problem. It is a tragedy for every individual in the military, man or woman, who has been the victim of a sexual assault, reported or not. Whatever we can do to see that they are reported, minimized, and finally ended is what ought to happen. I hope this bill does that, and I believe it does.

I was pleased to be part of bringing this bill to the floor, and I will be pleased when the McCaskill amendment is added to it today, and we face a new view of how this issue is dealt with.

I yield the floor.

The PRESIDING OFFICER (Mr. MURPHY). The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, I thank Senator BLUNT for his comments and appreciate his hard work on the Armed Services Committee as we tackle an issue that all of us have an emotional commitment to for all the right reasons.

I thank Senator GILLIBRAND. We both want fundamental reform. We are both working as hard as we know how to get it. We have a fundamental disagreement on how best to obtain that goal, and I would like to go through some of that disagreement for the next few minutes.

The 26 historic reforms that are in the bill are going to make our military the most victim-friendly criminal justice system in the world. In no other system does a victim get their own lawyer. In no other system will they have the protection, empowerment, and the deference we are creating for them in this bill.

In my years of experience in handling these cases—hundreds of them with victims—I would have given anything if that victim had had the confidence of independent advice. I think it would have made a tremendous difference in the staggering number of victims who refused to go forward.

This is the most personally painful moment of anyone's life. Make no mistake about it, no matter what we do in this Chamber and no matter what this bill accomplishes, we will never be able to get every victim to come forward because of the nature of this horrific crime, but we have to do better.

Like Senator GILLIBRAND, I have talked to dozens and dozens and dozens of victims. I have talked to and spent hundreds of hours with prosecutors—military prosecutors, women and men, veterans, commanders, active and retired—and just as there is not agreement among all the women in this Chamber, there is not agreement among all the victims, there is not agreement among all the veterans, there is not agreement even among all the commanders, although most women commanders have acknowledged that even though this sounds seductively simple, it is much more complicated, and we will be creating more problems than we will be solving if we make the change as advocated by Senator GILLIBRAND.

Let's get at what we are trying to do. We have no disagreement that there are too many of these crimes and that they are not reported enough—complete agreement. The goal here is how do we get more reporting. There is a theory that if we do this—if we take this decision away from any command at all to go forward, that that will magically have victims come forward.

Senator GILLIBRAND talked about our allies. I am grateful we have their experience because we can look and see what happened. Our allies have done this, and not in one instance has reporting gone up. We know this is not the silver bullet because if it were, we would have seen an increase in reporting in all the countries that have adopted this system.

The response systems panel was put in place by the Armed Services Committee to recommend to the Pentagon changes in this area. We know they have formally acknowledged that our allies—many of whom did this to protect defendants' rights—have not seen an increase in reporting.

If the theory is that reporting can only go up if we do this, then why are we seeing a spike in reporting right now? There is a 46-percent increase of reporting this year over last year. That is because some of the military are already putting in the reforms we are codifying in the underlying bill. They are giving victims their own lawyers. They are ramping up the protection, information, and deference they give victims. That is the single most important factor, based on all of my experience, that will dictate whether a victim has the courage to come out of the shadows, and finally that somehow doing this will stop retaliation. That unit is still going to know that that crime was reported.

Keep in mind that currently, and under our reforms, the victim does not have to report to the chain of command. Right now the victim does not have to report to the chain of command. Many of my colleagues didn't realize that a victim has many places they can report this crime. Under our reforms, they will immediately get a lawyer and have that level of protection immediately. They will also have the information that they don't have to report to the chain of command.

I am trying to understand how reporting, investigating, and deciding half a continent away—a group of lawyers making that decision—stops retaliation. How does that keep the people in your unit from acting inappropriately toward you because you have reported a crime? There is nothing magical about that. In most instances the word will get out.

Let's use our common sense. Say you are back in your unit after having been assaulted. Which way are you going to have more protection? Will you have more protection if a group of colonels a half continent away is looking at the facts of the case or if your commander has signed off? Of course, if your commander has signed off, because that sends a message to the unit: We are getting to the bottom of this.

Probably the most telling fact about this debate is: Is this happening now? Because at this time outside investigators investigate these cases, and outside JAGs make recommendations. We have that in our system now. So the question is: If these outside lawyers are recommending that we go forward based on their independent investigation, are commanders shutting them down? Are commanders saying: We will not go forward? No one can find me a case where that happened and the prosecutors said: We need to go and the commanders said no.

On the other hand, over the last 2 years, there have been 93 separate times the outside lawyer said: You know, this case is too weak, this case doesn't have enough facts—93 times. You know what happened in every one of those cases? The commander said: We are going to get to the bottom of it. So almost 100 victims over the last 2 years would not have had their day in court under Senator GILLIBRAND's proposal.

In Senator GILLIBRAND's proposal, when the lawyer says no, it is over, whereas, in our proposal, if this were to ever happen, even though we know this is not a problem now, we have review after review after review. No one is going to be able to turn a victim away from her day of justice without accountability, checks and balances, and oversight. There will be a difference in that unit because now retaliation is a crime and the commander is going to be evaluated on how they are handling this issue within their command.

There are also practical problems—and some of my colleagues will come to the floor today and talk about this. There are a number of implementation issues that I don't think have been thought through, and this is the real world here. We are talking about appeals and challenges. We are talking about not even having enough colonels right now to staff this. We are talking about risking the ability to get a speedy trial. We are talking about eliminating the ability to plea bargain.

Let me tell the Presiding Officer, having handled these cases, I think people sometimes make the assumption that a plea bargain is about copping out, it is about not protecting the victim. Talk about stories of victims, I can tell story after story of real people whom I dealt with who came forward and said: Yes, I think I can do this.

I will never forget this one woman who came to me and said: My mental health counselor said that testifying in court will set me back so far I can't do it, but can you get something on him? In those instances, do you think that defense lawyer is going to plead to a sexual offense or even a serious offense? But many times we were able to get something on him so the next time, if it happened, we at least had a better shot. Many times plea bargains are dictated by victims. Military prosecutors are telling me this, that it will really limit their ability and create serious due process concern.

In her proposal, this outside lawyer picks everybody—picks the defense lawyer, picks the jury, and picks the prosecutor. How is that going to stand up to a due process claim? It is not clear who picks the judge. That is left silent. I don't know who picks the judge. It is not clear. That is another question: Who is going to decide who is going to actually pick the judge?

It eliminates the option of nonjudicial punishment. Take the case of the Air Force airman who was just recently tried in civilian courts. He was initially charged with a sexual offense. It was reduced to a simple assault. If that had been within the military, they couldn't have done that because it wasn't a serious offense so it goes back over to the convening authority within the command and then that soldier knows they are not going to do a trial—they can't—and all he has to do is turn down nonjudicial punishment.

Some of these difficulties will be explored in more detail, as I say, throughout the day.

Here is the one I don't understand. If a person believes deeply in the policy he or she is advocating, why in the world would that person then proactively limit the ability to resource it? In the language of the Gillibrand amendment, it actually says there shall be no funds authorized for this, no personnel billets authorized for this. The military has estimated over $100 million a year just in personnel costs because they have to create a completely different system outside the system they currently have, which will still be operative for some offenses that are related to the military and that are low-level offenses. But we have to have a whole new system for arson, robbery, theft, murder, and for sexual assault. Yet she proactively in her amendment says we can't resource it. That is truly one that makes me scratch my head.

There are a lot of problems surrounding this amendment, but let me emphasize our goals are the same and our motives are pure. We believe—and we believe this is borne out by the data—we will have more prosecutions because it will be very easy for lawyers who are a long way away—overworked, underresourced—to say: This is a consent case. It is a little messy. Everybody was drunk. Let that one go, and then it is over.

Let me briefly talk about what we have in our amendment because it is also very important, once again empowering victims further. In our amendment we are going to allow victims to formally weigh in, whether they would prefer, if there is concurrent jurisdiction, for the civilian authorities to handle the case in addition or whether they would rather the military authorities handle the case. It strengthens the role of the prosecutor because it provides another layer of review over the prosecutor's decisions. It increases the accountability of commanders making this evaluation on their forms and adding that other layer of review. It eliminates the good soldier defense. It is irrelevant whether someone is a good pilot if they have sodomized or raped someone in the military, and our amendment will make it irrelevant and inadmissible.

I thank the Presiding Officer for the time. I know we have others who want to visit on this, and I will be happy to be back later in the day to talk specifically about some of the other issues in this bill.

I do not see anyone else here right now, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New York.

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

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

Mrs. GILLIBRAND. Mr. President, as we wait for our colleagues to join the floor so they can have their floor time, I wish to address a few of my colleague's concerns.

Some of the technical concerns she raised—we actually took some of those concerns and revised them in the bill that has actually been presented, so some of those concerns have been actually fully addressed.

For example, as to her concern about the convening authority, the disposition authority, our bill is very specific. The disposition authority is the decisionmaking authority. That goes to the trained military legal prosecutor, the JAG counsel, so they actually get to make the decision about whether to proceed to trial on the evidence.

The convening authority, which is a different right, a different duty, is left intact as it is. So the convening authority still will decide judges, juries, and all the details of what the court and the trial will look like. It is two separate authorities in two separate places. That has been clarified in the bill so there is no concern there.

One other concern my colleague raised is this issue of nonjudicial punishment. Our bill is very specific. We exclude 37 specific crimes, including all article 15 crimes, all of the crimes that one would be using nonjudicial punishment to enforce. If the disposition authority decides they do not want to prosecute the case because they don't have enough evidence to go forward, it goes directly back to the commander to use the benefit of the nonjudicial punishment to do whatever kind of punishment he or she thinks is appropriate.

So those are just two technical issues my colleague raised that I think are very important to clarify.

Then the third issue Senator MCCASKILL raised that I think is a misunderstanding of the bill is about this world away problem. Today, in our bill, compared to the current system, the reporting is the same. One can report

anywhere. One can report to a chaplain or to a friend or to a nurse or to a doctor. One can report anywhere. That is not changing. The reporting is exactly the same.

What also is exactly the same is the investigation. So once a person does report, whether to a chaplain or to a commander, investigators will be sent to investigate the case, whether in Iraq or Afghanistan or Germany or anywhere. That stays exactly the same. So it doesn't matter, this world away, because the investigators go to the person. It is not a different set of investigators; it is the exact same set of investigators, and the commanders are still responsible to make sure the investigators do their job. So the commander has to be protecting the victim and has to be making sure the unit is not retaliating. He has to make sure the investigator has access to the evidence, and he has to make sure the command climate stays strong with good order and discipline. That never changes. Those commanders are always responsible for good order and discipline and command climate.

The only difference under this bill is after the investigation is completed and there is a file—a file of evidence—it doesn't go sit on an 06 commander's desk. An 06 commander is colonel and above, so quite a senior commander. He may not even be in Afghanistan or Germany or exactly where that crime has occurred. The 06 commander will look at the file and decide: Has a crime been committed and is there enough evidence to go forward?

Instead of that commander making that decision, this bill proposes that it will be a trained military prosecutor, so it doesn't matter what desk the file goes on. What does matter is whether the person whose desk that file goes on is objective. What matters is that person is actually trained, understands the law, understands the nature of the crime, can weigh the evidence and make a decision based on the evidence, not whether he likes the victim or values or doesn't value the perpetrator. Those biases are what is affecting the system negatively today.

So that is why the world away is not a concern, because the investigation proceeds exactly as it always did. The only difference is on whose desk it goes to make the ultimate legal decision.

Then, lastly, back to this issue of whether commanders are being held accountable. Commanders are held accountable. We actually have it in the underlying bill. Not only is retaliation now a crime, but they will be measured, as Senator BLUNT said, on whether their command climate is strong. Is the command climate strong enough to make sure these rapes aren't happening? Is your command climate strong enough to make sure retaliation of a victim doesn't happen? Is the command climate strong enough to make sure victims believe justice is possible?

So they will be evaluated and commanders will be held accountable.

I don't think it is appropriate to hold a commander accountable based on whether he weighs the evidence properly. That is a legal judgment. It is not based on whether a person is tough or not tough on these rapes. It is based on whether there is enough evidence to show that a crime has been committed. It should be a technical, legal decision, not a decision based on how tough one is on crime. That is not the measurable. It is just not the measurable.

So commanders are going to be held accountable for their command climate, for good order and discipline. Whether they make a legal decision up at the colonel level is not determinative as to whether they have done their job. The commanders who are getting the opportunity to make those legal decisions today, they are not doing a bad job. Of those 3,000 cases reported, 1 in 10 went to trial. That is not a terrible ratio. The ones they do choose to move forward, there is a 95-percent conviction rate.

Yes, I agree in those 100 cases, where the commander said move forward, the conviction rates weren't as high. Some of those cases had convictions and some did not, and those are excellent opportunities for the victims to be heard. But we don't want just 100 more cases going forward; we want tens of thousands of cases to be reported so they have a chance to go forward. It is the difference of thousands, and that is why I feel this reform is so necessary. Still, in light of all of the amazing reforms in the underlying bill, I think it is necessary because that crisis of confidence is so raw, is so real, is so present.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. Mr. President, I rise to speak about the NDAA which is currently on the floor. I wish to address a couple of issues. One I am passionate about is the veterans unemployment rate and how it is dealt with in the NDAA, another is shipbuilding, another is the critical issue of sexual assault and misconduct and, finally, sequester.

Before I begin, let me talk about how important this bill is. This is a bill the Senate has passed every year for over 50 years. We pass it every year, even if we can't pass a budget, even if we can't do other things, because it is so critical to show those who serve in the military that we are behind them. I have heard some indications, even within the last 24 hours, that because of so many amendments that might be possible on this bill, would that call into question whether we would be able to keep our streak going. If we have to be here Christmas Day, we need to be on the floor Christmas Day to make sure we pass this bill before the end of the year. It is that important. It is the most important bill that comes before this body, and we need to do everything we can to guarantee the certainty to those who serve.

In Virginia, we are so connected to Active-Duty service and to our veterans. My wife and I are a Blue Star Family. This is very important and we have to make sure we pass this bill.

Let me start with a personnel issue that matters a lot to me, which is the veterans unemployment rate. Right now it is unacceptable that veterans, especially enlisted, who have served in Iraq and Afghanistan have an unemployment rate that is higher than the national average.

A report that was issued last week by the Bureau of Labor Statistics states that the unemployment rate for veterans who have served since 9/11 remains around 10 percent, which is higher than nonveterans of the same age. Ten percent represents 246,000 individual veterans of that era who want to work but don't have it.

That is why I introduced as my first legislation in April the Troop Talent Act of 2013. A companion bill in the House was introduced by Representative TAMMY DUCKWORTH. The bills have been incorporated into the NDAAs in both Armed Services Committees. They are now on the floor and virtually identical.

The bill represents a strategy to deal with our veterans unemployment rate by making sure Active-Duty military receive civilian credentials for the skills they obtain in the military at the moment they obtain them.

The bill has a number of provisions. My colleagues on the Armed Services Committee were good enough to include them in the underlying bill. This bill will help us deal with the veterans unemployment rate, and that is one of the reasons I so much wanted to get to it and am so strongly supportive.

Second is shipbuilding. The Presiding Officer and I both have a real interest in this topic, as all Americans do. It is an area of great importance to the State. In Virginia we manufacture the largest items on the planet Earth, which is the nuclear aircraft carrier, at the Huntington Ingalls Shipyard in Newport News.

As the Defense Department reorients, resources its strategy toward Asia, we have to find the Navy bearing more and more of the operational burden of our military in that policy shift, and we have to continue to provide the Navy with adequate resources and funding through this provision to support that shift and to support shipbuilding.

Unfortunately, sequestration—and I will finish with sequestration in a minute—poses grave dangers. So we need to do what we can to maintain this priority for shipbuilding. Right now the sequester has reduced our normal level of three carrier strikers and three amphibious ready groups, which weakens our readiness to deal with challenges in a very challenging world. We have to maintain the priorities mandated and the NDAA does that and that is one of the reasons I support it.

Regarding the issue of sexual misconduct, 2014 is going to be remembered as a potentially historic year for

a good reason in the military. I wish to make sure history is good and is not clouded by our continued inability to grab onto and reduce the issue of sexual misconduct.

Earlier this year, I know Members of this body were very happy when Secretary Hagel and the military leadership embraced the proposition that women should be able to serve in the military without being barred by gender from any military specialty, that military specialties could have rigorous physical or training criteria, but that both men and women should be able to compete to serve in any military specialty, even combat-related specialties.

We will be remembered—2014 will be remembered—for that. But that memory will fade by comparison if what we are really remembered for is we missed an opportunity, an important opportunity, to tackle the important issue of sexual assault.

I congratulate Senators GILLIBRAND and MCCASKILL for all the great work they have done to bring this to the attention of the body and to look the military in the eye and say: This has to stop.

They have said it would stop over and over for 20 years, and it has not. This has to be the moment when it stops, and these Senators, working together with us on the Armed Services Committee, have put together a sizeable package of reforms that I am confident will help this time be different.

I also thank the brave victims who testified. I went to every hearing in the Senate on the sexual assault issue. Senator GILLIBRAND had a Personnel Subcommittee hearing. I was there for that entire hearing. Senator LEVIN had a hearing in Armed Services. I was there for nearly that entire full-day hearing. Committee markups in the Subcommittee on Personnel and the full committee—I have been to all the meetings.

I have heard these victims testify. How brave they are as survivors to come forward and testify. I also thank survivors in Virginia who have come and shared their stories with me personally so I could grapple with what is the right mix. These survivors have done a wonderful job in making sure we address this issue.

I tackled the issue of sexual assault in a way when I was Governor. We were treating victims of sexual assault in the civil justice system poorly in Virginia. We were not unique in that, but there was no excuse for it.

So I impaneled a group of advocates and survivors to look at Virginia law and tell us what we needed to change if we were going to try to deal with this scourge. One of the problems with sexual assault is—together with domestic violence—it is often a very underreported crime.

If somebody breaks into my apartment, I do not hesitate to call the police and say: There has been a break-in. If somebody bashes my car windshield in, I do not hesitate to call in and say: Look, a crime has been committed.

But crimes of sexual assault and crimes of domestic violence—and there tends to be on overlap, not completely but there is an overlap—are crimes where there is underreporting, in both civilian and military, and on college campuses. So one of the most important aspects in any reform is to create an environment where people feel they can come forward with a complaint, when they have one.

The statistics are well known. They have just been cited on the floor. By a statistical sampling, it has been estimated there have been 26,000 instances of unwanted sexual conduct, of sexual assaults in the military, and only 3,000 have been reported. We have to make sure these reforms we are about to embrace help us deal with this reporting issue so people feel a sense of comfort.

What we realized in tackling these issues in Virginia is that for people to feel comfortable with reporting sexual assaults, they have to have time. You cannot make them make the decision about reporting in an instant. There is often a psychological component about deciding what to do. There needs to be privacy and discretion and confidence, and there also needs to be advice and resources. People need to know: what are the avenues they have. What are the legal procedures, how do they look, and what are their rights if they decide to pursue a complaint.

I support the ongoing bill that is on the floor, and I will support some other proposals that are out. The McCaskill-Ayotte proposal I will support. I support the reform for a number of reasons. It affects the training and evaluation of military personnel. It affects the way sexual assault allegations are investigated, the way they are prosecuted, and the way they are punished. It protects witnesses.

An amendment Senator WARNER and I got into the bill—and we will be adding to it on the floor—protects whistleblowers who blow the whistle on an unfortunate or sexually harassing climate.

But the most important part of this bill is what the bill does for anyone who has been victimized by a crime of sexual assault—to create a climate where they can come forward and lodge a complaint.

In the military right now there are a number of avenues whereby somebody who has been victimized by a crime of sexual assault can lodge a complaint. Unique in this form of crime, there is a restricted report, where someone can come forward and report confidentially. That is very, very important.

But this bill adds to it what I think is the core of driving up reporting, which is salutary. It adds to it, also, something that would be unique in the military. It would exist for no other crime category, no other offense category. If someone complains of a sexual assault, they will be assigned a special victims' counsel, whose job it is to have their back, to hear the painful story, to share the various reporting mechanisms, counseling resources that are available, how the crime might be prosecuted. At every step along the way, as that victim is becoming a survivor and dealing with the challenge, that special victims' counsel will be there to help them make decisions and give them the backup and support they need.

This is based on a pilot project in the Air Force, a pilot project in the Air Force that is working. What we are finding, based on this pilot project in the Air Force, is even when people file complaints in a restricted, confidential way—they come in and say: I want to file a complaint, but I don't want to go against the perpetrator because I don't want people to know; I just want help—after they get a special victims' advocate and learn about the proceedings and learn about the protections, and they build up a bond with somebody who has their back, they are very likely to say: You know what, now I have the confidence to actually file my complaint publicly and take on the perpetrator—who needs to be taken on, who needs to be drummed out of the military if they committed a sexual assault.

So I believe the core of getting this right is about giving victims an avenue where they can have the time, they can have the advice, they can have the privacy and discretion to understand what their options are and then make a decision and go forward.

I think if we pass this bill with that special victims' counsel this will be the single best thing we will be able to do to tackle the crime of sexual assault.

Let me conclude by saying a word about sequestration.

A word that none of us knew before the beginning of 2013 has been spoken so many times on the floor of this body. No one intended for sequestration to happen when the votes were cast in the summer of 2011. Everyone was told across the board: Nonstrategic cuts to health care, domestic accounts, and to defense would be harmful to us. We have seen the harm that sequestration is doing to our Nation's military at a time when our military is getting more and more dangerous.

Indiscriminate across-the-board cuts are not only hurting all kinds of military priorities, they are also sending the signal to young men and women who are thinking about military careers or who are in the military and deciding how long they want their careers to be—they are sending them a signal that Congress does not value what they do.

We need to show the men and women of the military we value what they do. We need to show them by getting an NDAA bill done this year. We need to show them by ending sequestration. Will there be savings we can find in our defense spending? Of course. We ought to be looking at every item of government to determine whether we can do

better and save money. But this across-the-board sequester that is grounding air combat wings, that is grounding carrier units, that is making us less able to confront a more challenging world, is not behavior befitting of the greatness of this Nation.

I am a budget conferee right now, working on a budget deal. We are under a Senate- and House-imposed deadline to try to find that deal by December 13 so the appropriators can work on a budget. We will work diligently on that. I have an optimistic sense about finding a budget deal that enables us to replace this foolish sequester with a more strategic approach that will not hurt our military.

Mr. President, I thank you for the time and I now yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BLUMENTHAL. 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. BLUMENTHAL. Mr. President, I want to, first of all, thank the chairman of the Armed Services Committee and the ranking member, Senator LEVIN and Senator INHOFE, for the leadership they have provided to this body and to our Nation in fashioning a bill, the National Defense Authorization Act for Fiscal Year 2014, that truly serves our national security and preserves and enhances our national defense.

I want to thank my colleague Senator MCCASKILL for the leadership she has provided, along with others, such as Senator REED and Senator GILLIBRAND, all who have focused on the issues that are raised by the Military Justice Improvement Act—the need to reform and strengthen our system of prosecuting and providing justice to the survivors of sexual assault.

I have joined with Senator GILLIBRAND in supporting the Military Justice Improvement Act because I think it embodies the kind of major reform that is necessary to provide enhanced confidence and trust in this system of military justice—major change that is needed to drive out the scourge of military sexual assault from our Armed Forces and provide the men and women of our military—the strongest and best military in the world now and in the history of the United States—with a system of military justice that matches their excellence.

The legislation before us, the National Defense Authorization Act for Fiscal Year 2014, provides much-needed equipment and training needed by our warfighters. It keeps us dominant across the globe and all of the domains that are necessary for our national defense. It authorizes two new attack submarines for the coming fiscal year, and it keeps us on track for developing the next generation of ballistic missile submarines. These weapon systems, these weapon platforms, and all that is contained in this act, are vitally important for the defense of our Nation. The debate about the Military Justice Improvement Act should in no way distract us from that mission to maintain and enhance the defense of the United States.

This bill enables the Air Force to move forward with a new combat rescue helicopter that will take injured airmen and others to safety. In June I wrote with five of my colleagues to Gen. Mark Welsh, the Air Force Chief of Staff, to support the Air Force in its efforts to replace the current fleet of HH–60G Pave Hawks with helicopters that can carry more and go further, all the while keeping the fuel efficiency and value that the H–60 aircraft provides. This legislation keeps our progress underway in the development and fielding of the Joint Strike Fighter that will assure that our Air Force, Navy, and Marines are ready to respond.

This bill has so many critical and valuable elements that should be at the forefront of this debate and evoke appreciation for Senator LEVIN and Senator INHOFE and the work done by my colleagues on the Armed Services Committee. So I am proud to support this bill. At the same time, Congress has a responsibility to transform the time-worn slogan of ''zero tolerance for military sexual assault'' into a real plan and strategy that will achieve that goal.

For years and years the military has promised zero tolerance toward sexual assault. Yet the actual achievement has fallen short. That is why reporting has been so low and why the crime of military sexual assault is not only underreported but underprosecuted.

The goal of the Military Justice Improvement Act is to improve reporting because without reporting there cannot be investigating and there cannot be prosecution, which means there can be no punishment and no prevention and protection.

Those are the goals of this major reform: better reporting and enhanced prosecution to deter this horrific crime, and to make sure that victims are better protected and the crime itself prevented.

This bill requires the Secretary of Defense to afford rights to victims of crimes prosecuted under the Uniform Code of Military Justice, such as protections from unreasonable delay and the right to be heard. This bill gives those protections even without the Military Justice Improvement Act. It also obligates the Secretary of Defense to ensure these rights are enforceable and affords every victim a special victim's counsel—again, measures on which there is consensus provided in the bill right now.

I am pleased that in response to my request to the defense appropriations committee, when this provision is authorized in this legislation, there will be $25 million appropriated to stand up this program systemwide and defensewide.

So the legislation before us has many good things even without the Military Justice Improvement Act. I am proud of the reforms that are accomplished in this bill on which we agree. Where we disagree is on the proposal to take prosecutorial decisions out of the chain of command. That is a narrower change that many people appreciate because the rest of the system, which is required for the present command and control authority, would be essentially maintained. What is taken out of the chain of command is simply the prosecutorial decision so that an experienced, trained, objective professional can make those decisions.

I really believe this measure, if adopted, as I hope it will be, will lead the military at some point—those commanders who may resist it now—to actually thank the Senate and the Congress for taking these decisions out of their hands so that they can focus on the incredible challenges of military readiness and preparedness, so they can do what they are trained to do, which is to train their men and women and maintain and enhance their readiness so that they can do professionally what is their prime mission, which is to fight wars and defend our Nation.

These decisions about prosecuting sexual assault cases can be better made by trained, experienced prosecutors who have the expertise in their field that our military commanders have in their field. I think it will serve the entire interests of our military to make sure that these decisions are made by those military professionals in JAG offices, just as they are trained in other areas of expertise that require that kind of training.

I am listening to the voices of the victims as to what will enhance their reporting and eliminate their fear of reprisal and retaliation. On Monday I was joined by four survivors of military sexual assault to discuss the need for reforming military justice. I wish to express my appreciation for Army SST Sandra Lee, Army SGT Cheryl E. Berg, Air Force SSgt Pattie Dumin, and Marine Corps Cpl Maureen Friedly. Each demonstrated that day that their shared experiences of military justice warrant the reforms contained in the Military Justice Improvement Act.

I would like to share just one—Marine Corps Cpl Maureen Friedly, who was sexually assaulted by a fellow marine in 2006 while attending the Navy School of Music. She pressed charges against her attacker and requested an unrestricted investigation. I will now read her words into the RECORD:

I went to an NCIS investigator who questioned me about the day I was attacked and, after hearing my testimony, told me that I would have to take a lie detector test to insure I was not filing falsely. I agreed to it but was never asked anything by my investigator again. My chain of command made it very clear that they preferred my attacker,

who was a platoon leader, over me and supported him through everything. When I graduated from the school and went to my duty station in San Diego, CA, my new chain of command tried to help me find out what had happened to my case as I had not heard about it for several months. A few weeks passed before we found that my paperwork had been mishandled, and I was told that nothing could be done and my attacker would go out to the fleet.

Eventually it was found that he had sexually assaulted several other women and he was administratively separated from the Corps, not charged, and not given a dishonorable discharge.

Her remarks say more than I ever could about the need for enacting the Military Justice Improvement Act. The reforms contained in the measure already are a vitally important step in the right direction. Taking these decisions out of the chain of command is important to good order and discipline because eliminating the crime of sexual assault and providing for greater reporting is vital to good order and discipline. Our experience shows that it has worked when our allies implemented it. Whatever the claims about numbers of cases reported in those allies' armies, clearly they are satisfied with the way it has worked there.

Finally, let me just say that I appreciate the bipartisan efforts on this bill on both sides. I think that eventually we will see this kind of reform. Whether or not it is approved today, history is moving in this direction, demanded and driven by the brave men and women who have suffered from this crime, the survivors and victims whose voices we have heard, and the commanders and veterans who have come forward to us, all of the major veterans organizations that have made their voice heard to us and who wholeheartedly have said: This kind of reform is necessary to vindicate and support the brave men and women who put their lives on the line for our Nation day in and day out, whose excellence should be matched by a military justice system that truly and really looks for zero tolerance and achieves zero tolerance in sexual assault.

I yield the floor.

The PRESIDING OFFICER (Ms. BALDWIN.) The Senator from Oregon.

Mr. WYDEN. Madam President, before he yields the floor, I wish to commend my colleague from Connecticut in terms particularly—and I am going to go into some of the history with respect to this so-called zero tolerance policy because I think when we look back over history, there is a very big gap between the past pledges of zero tolerance for sexual assault and the realities of what we have seen. That is one of the key points the Senator from Connecticut has made, among many others. I thank him for it. It was a very valuable presentation.

I also commend the Presiding Officer for her extraordinary work. Again and again, she has outlined what I think is very constructive; that is, the areas where there is common ground here, common ground to try to address an issue that I just went through with Senator BLUMENTHAL. We have heard past pledges about it, and it has not really come to be. The Presiding Officer has done very fine work. Senator GILLIBRAND, Senator MCCASKILL, Senator AYOTTE, I know the best, but a whole host of Senators have been interested in this issue. I also see my friend from Rhode Island Senator REED. He and Senator LEVIN have been very interested in this issue over the years. So there has been plenty of good work. I think the question now really is: How are we going to make a fundamental break from policies that over the last couple of decades simply have not worked?

Go back to the Tailhook scandal. That was in 1991. Over the course of a 4-day conference in Las Vegas, more than 100 Naval and Marine Corps aviation officers sexually assaulted 90 victims. We watched the Secretary of the Navy resign after Tailhook. His replacement said that ''sexual harassment will not be tolerated'' and that ''those who do not get the message will be driven from our ranks.''

Then there was the Aberdeen debacle 5 years later. Five years after we were told this would not be tolerated, 5 years later, we had the Aberdeen debacle. Army Secretary Togo West delivered remarks to the Senate Armed Services Committee titled ''There's a Problem, And We Mean To Fix It.''

Once again, years go by, and we have another such problem. That was the 2003 scandal at the Air Force Academy where 19 percent of women cadets reported having been sexually assaulted and 7 percent reported having been the victim of a rape or attempted rape. The Air Force Secretary told Congress, ''We will not tolerate in our Air Force, nor in our Academy, those who sexually assault others; those who would fail to act to prevent assaults.''

So, again, we heard—and certainly I am not here to doubt the sincerity of those who made those comments, but yet the pattern continues. We have a horrible set of sexual assaults, not just one but multiple ones. We have these pledges for zero tolerance. Yet we have one event after another. After the 2003 scandal, there were again the pledges of zero tolerance. We had the Joint Base San Antonio-Lackland scandal where some 30 training instructors were accused of offenses ranging from improper relationships with trainees to sexual assault and rape. In response, the Secretary of Defense said—as did many of his predecessors in the military—''the command structure from the chairman on down have made very clear to the leadership in this department that this is intolerable and it has to be dealt with. We have absolutely no tolerance for any form of sexual assault.''

So the pattern through all of these instances is ''zero tolerance. We will fix this.'' These comments—as I say, I do not question the sincerity of those who made them. These were officials in the military who served their country with great distinction and great valor. But the bottom line is the bottom line: When they said there would be zero tolerance, somehow those policies did not actually work as it related to real life for those who wear the uniform of the United States.

Today the military officer in charge of sexual abuse education at Fort Hood is under investigation for running a prostitution ring. Two Navy football players await trial in a military court on charges of sexual assault. Today a West Point sergeant stands accused of secretly videotaping female cadets in the shower. So it seems to me that because of the good work of so many here—I cited the Presiding Officer; Senator REED, who is managing the bill at this point; Senator GILLIBRAND; Senator MCCASKILL—I believe we are now in a position to finally make some significant changes and turn these past pledges of zero tolerance into a new reality that really ensures that those who wear the uniform of the United States do have a new measure of protection from sexual assault.

In effect, this is a new zero tolerance policy, a new policy that says: Zero tolerance for promises that go unfulfilled. Zero tolerance for a culture in which these assaults are treated as something less than the violent crimes they are. Zero tolerance for a system that continues to fail so many victims.

The Pentagon estimates that in 2012 some 26,000 servicemembers experienced sexual assault. Some, I know, have looked at this issue as sort of a glorified hazing matter, boys being boys, a discipline issue.

Senator FISCHER, one of our colleagues who has come to the Senate most recently, has been correct to point out this is not a gender issue, this is a violence issue. It is a violence issue because sexual assault is called assault for a reason. It is assault. We are talking about a violent crime that involves control and domination.

I think it is also worth noting that somewhere in the vicinity of close to half of military assault victims are men. In fact, the Department of Defense estimates that 14,000 of those 26,000 victims last year were men.

Colleagues are waiting to speak, and I would simply wrap up by way of saying that I think the bill, the committee bill, takes some constructive steps in the right direction. I wish to see it go further. It is why I joined a bipartisan group of colleagues to support Senator GILLIBRAND's legislation that would remove the decision to prosecute from the chain of command and give it to experienced, impartial military lawyers.

Suffice it to say we are going to have to come to grips, colleagues, with this question of assault—and particularly sexual assault—in a variety of forums.

This is not the place to discuss it, but yesterday Senator CORNYN, I, and Senator KLOBUCHAR introduced a fresh approach to dealing with sex trafficking,

which is also sexual assault. There will be an opportunity to discuss that bipartisan bill in the future.

This is the time. This is the time to close the gap between all of those unfulfilled promises about how there will be zero tolerance for sexual assault and a new reality that affords a new measure of protection from sexual assault for those who wear the uniform of the United States. This is the opportunity we have in the Senate today and the opportunity we have to achieve that goal in a bipartisan manner.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. When sexual abuse occurs in a military unit or when a servicemember is a victim or a perpetrator of sexual abuse, we have failed.

Certainly the military has failed, but Congress with its constitutional mandate to ''make rules for the government and regulation of the land and naval forces'' and to ''provide for . . . disciplining the militia'' shares in that failure.

This is why the efforts of Senator MCCASKILL, Senator GILLIBRAND, and indeed all of my colleagues are so important and so commendable. They have elevated this debate and challenged this Congress and our military to act. They have recognized, through their passionate advocacy, that sexual abuse not only is a violation of an individual, but it is a corrosive force that can undermine the trust that is essential for the functioning of any military unit.

The essence of military service is selfless service in which every soldier, sailor, marine, and airman must be prepared to give his or her life for a comrade. Sexual abuse is the antithesis of that ethic. It represents predatory behavior and exploitation, not selfless sacrifice and protection of those you serve with. It has no place in the military, and if not eliminated, it will insidiously destroy our military. No technology, no amount of military resources can assure military success if courage and character fail. Sexual abuse is a cowardly act that betrays the ethic and character of the military.

I believe we are united on this point. This debate is about preventing sexual abuse, a shared goal of every Member of the Senate, of Congress, of the military, and of this Nation. The question is how best to achieve this essential goal.

I believe it requires leadership at every stage: recruitment, training, evaluation, promotion, retention, and punishment. I believe commanders must be involved in every step. They must be responsible and their subordinates must recognize this responsibility and their authority. To remove the commander from any of these responsibilities will, in my view, weaken his or her effectiveness in every one of these dimensions.

I had the privilege of commanding a company of paratroopers in the 82nd Airborne Division. I was responsible directly for nonjudicial company-grade punishment under the Uniform Code of Military Justice. But it was clear to me and to my troops that the battalion and brigade commanders and the division commander had court-martial authority and would necessarily confer with their subordinate commanders in the execution of this authority. This reality, this authority, permeated everything we did and reinforced the policy orders of every commander, including myself.

I will admit that my experience is decades old, and it preceded the integration of women into combat units such as an airborne infantry battalion, but the central role of the commander has not diminished. Moreover, the experiences of the sixties and the seventies also reveal a military struggling with serious and corrosive problems, principally racial integration and drug use. Congress ultimately dealt with these problems, not by bypassing commanders but by holding them, and through them every member of the Armed Forces, to a higher standard.

Today the American military is the first institution anyone points to when noting the progress we have made in racial equality and opportunity. This was not always the case.

> Incidents with racial overtones plagued the Vietnam period [and the post-Vietnam era.] Among the most widely publicized were a race riot among prisoners in a stockade in Vietnam in 1968 and several incidents aboard naval vessels in the early 1970s.

In one of these incidents in 1972 on the carrier Kitty Hawk, there was a 15-hour melee between Black and White sailors. Effectively, that carrier, that ship—a capital ship of the Navy—was absolutely ineffectual. They weren't prepared to fight the enemy, they were fighting each other.

In May of 1971, there were 4 days of rioting at Travis Air Force Base in California ignited by racial incidents on the base; over 100 individuals were arrested and more than 30 Air Force personnel were treated for riot-related injuries. The Marine Corps saw serious racial clashes at Camp Lejeune, NC, and Kaneohe Naval Air Station in Honolulu. In the Army, especially in Germany, there were frequent racial clashes.

In December of 1970, a special investigating team reported to President Nixon on the situation in Europe and declared that black troops were experiencing ''acute frustration'' and ''volatile anger'' because of their treatment.

Interestingly, this report cited as a major cause of this frustration ''the failure in too many instances of command leadership to exercise the authority and responsibility in monitoring the equal opportunity provisions that were already a part of military regulations. . . . ''

The military has made significant progress on racial opportunity. I am sure more can and should be done, but the progress to date has been driven principally by command leadership at every stage, including the enforcement of the Uniform Code of Military Justice.

The point was made by Charles Moskos and John Sibley Butler, two of the utmost authorities on race relations in the military. In 1996 they wrote:

> Perhaps surprisingly, no Army regulation deals solely with race relations or equal opportunity. Instead, these issues fall under Army Regulation (AR) 600–20, whose broad concern is ''Army Command Policy.'' This title is more than symbolic. The Army treats good race relations as a means to readiness and combat effectiveness—not as an end in itself. This is the foundation for the Army's way of overcoming race. Racial concerns are broadened into a general leadership responsibility, and commanders are held accountable for race relations on their watch.

Once again, the emphasis is on commanders, not specialized legal procedures that bypass commanders. My best judgment is we will make the most progress addressing the issue of sexual abuse by holding commanders accountable, not by excluding them from a critical aspect of military life.

Under the leadership of Senator LEVIN and Senator INHOFE, the Armed Services Committee made significant changes to provisions regarding sexual abuse in the military. Moreover Senators MCCASKILL, AYOTTE, and FISCHER will make additional changes in their proposed amendment that will further strengthen our commitment and ability to respond to the crisis of sexual abuse in the military. But it is also important to describe the ongoing efforts by the Department of Defense to deal with sexual abuse in the military.

I am drawing on testimony of LTG Flora D. Darpino, the Judge Advocate General of the Army, and she described policies effective in the Army, but generally there are equivalent procedures in the other services.

The Army began a major effort to combat sexual abuse beginning in 2004 with the creation of the Sexual Assault Prevention and Response Program, the SAPR Program, and the implementation of restricted reporting. This allows victims of sexual assault to confidentially disclose a crime to specifically identified individuals and receive medical treatment and counseling without triggering the official investigative process.

This program has evolved into a comprehensive effort ''fielding a capability of over 11,000 personnel, deployable and available 24 hours a day,'' to respond to the victims' needs.

Included in the procedures available under the SAPR Program are new reporting options for the victim, expedited transfers, access to victim advocates and, most recently, access to victim counsel.

In addition, this program has a significant educational component that ''saturates Soldier training from the first days of initial entry training to senior leader forums.'' The training focuses on bystander intervention and is

linked to ''Army values that bond Soldiers as a team.'' It reinforces the military ethic of selfless service over predation and self-gratification.

''In 2009, the Army recognized the need for improved training and resources for the prosecution of these crimes.'' Special Victim Prosecutors were created in the Judge Advocate General's Corps and sexual assault investigators were created in the Criminal Investigative Division, CID. Together, these specially trained and experienced professionals work only special victim cases. They are able to apply unprecedented expertise. In addition, all JAG prosecutors and defense counsels have received enhanced training regarding cases of sexual abuse.

With all of these changes, Lieutenant General Darpino still identifies the commander as the ''critical'' element. In her words: ''The most critical element of this institutional effort, however, is the focus of commanders.''

As such, she points out:

The Army, like the other services, has moved aggressively to hold commanders accountable for setting a command climate that encourages reporting, deplores conduct that degrades or harasses individuals, and provides a safe environment, free of retaliation, for victims after they come forward. To support this effort, officers and commanders are receiving enhanced training at every level. Specifically, ''the officers entrusted with the disposition of sexual assaults, withheld to the 0–6 (Colonel) Special Court Martial Convening Authority, are required to attend Senior Legal Orientation Courses at the Judge Advocate General's Legal Center and School with a focus on the proper handling of sexual assault allegations. General officers, who will serve as convening authorities, are offered one-on-one instruction in legal responsibilities, again with a focus on sexual assault.''

Most significantly, in my view, and most recently, the Secretary of the Army, on September 27, 2013, directed that every officer and noncommissioned officer will be rated on how well he or she ''fostered a climate of dignity and respect and adhered to the Sexual Harassment/Assault Response (SHARP) Program.''

Secretary McHugh and General Odierno have made it clear that commanders and senior leaders are responsible. Their advancement, their retention, their standing in the Army will rest with an annual, explicit, written review of their efforts to combat sexual abuse.

I wish to return for a moment to my discussion of the racial challenges facing the Army while I served. Let me also return to the comments of Charlie Moskos, the most respected academic authority and also an Army veteran. In 1986 he wrote:

More important for blacks than the new race relations curriculum was the revision of the efficiency report, a performance evaluation that carries a lot of weight in all promotions. Starting in the early 1970s, a new category appeared in the official report for officers and NCOs: race relation skills. Filling out this section was mandatory and the requirement was rigorously enforced. More blacks received promotions. Some officers with a poor record on race were relieved of command. All of this set a tone. If for only self-interest, Army officers and NCOs became highly sensitive to the issue of race. Today—

He is talking about 1986.

one is more likely to hear racial jokes in a faculty club than in an officers' club. And in an officers' club one will surely see more blacks.

I think we have made great progress, finally, by focusing on the evaluation and efficiency reports that every officer and NCO must receive each year.

Now in the context of what the military is doing to combat sexual assault and in the context of glaring examples of what it is not doing and what it is failing to do, the Armed Services Committee adopted provisions that should rapidly and dramatically combat sexual abuse within the military. The Secretary of Defense has already taken administrative steps to implement some of these provisions. Senator MCCASKILL will offer additional provisions with her amendment that I wholeheartedly support.

It is important to recognize the comprehensive and critical nature of these provisions that are already in the National Defense Authorization Act—from improving measures to prevent sexual assault, to protecting victims when it does happen, and strengthening the judicial process to discipline those who commit such heinous crimes.

The bill makes important changes that will improve the prevention of sexual assaults. First, the bill prohibits the commissioning or enlistment of individuals convicted of rape, sexual assault, forcible sodomy, or incest, or attempting to commit these offenses.

Second, the bill requires the Secretary of Defense to report on whether legislative action is required to modify the UCMJ to prohibit sexual acts and contacts between military instructors and their trainees.

The next step is to ensure that all servicemembers understand how they can and must prevent and respond to incidents of sexual assault. Each of the services is conducting a variety of training programs on sexual assault prevention and response. This bill requires the Secretary of Defense to conduct a comprehensive review of the adequacy of this training and to then prescribe in regulations such modifications to address any inadequacies identified by this review. The bill also requires the Secretary of Defense to review the adequacy of the training, qualifications, and experience of individuals assigned to positions responsible for sexual assault prevention and response, to retrain or reassign any individual who does not have adequate training or qualifications, and to improve the requirements for selection and assignment to sexual assault prevention and response billets.

Servicemembers who have been sexually assaulted or raped should have every resource available to report the incident, to receive care, and to see that justice is done. In crafting this bill, the committee acknowledged that many victims do not report such incidents because of a fear of retaliation from their peers and leaders. So this legislation includes a provision that makes retaliation against servicemembers for reporting criminal offenses a punishable offense under the Uniform Code of Military Justice. This will ensure that both victims and witnesses to such crimes are able to report the occurrence without facing retaliatory action or threat of such action. This bill also requires the DOD inspector general to review and investigate allegations of retaliatory personnel actions for reporting a rape, sexual assault, or sexual misconduct.

Next, the bill expands certain existing protections to victims who are members of the National Guard and Reserves, and members of the Coast Guard. First, it requires the service secretaries to ensure that members of the National Guard and Reserves have access to a sexual assault response coordinator not later than 2 business days following the request for such assistance. These coordinators explain the reporting process, address the victim's safety and security needs, and offer expertise and available services, including medical care, counseling, and legal support.

Second, it clarifies that an existing requirement for the expedited change of station or unit transfer requested by a victim of sexual assault also applies to members of the Coast Guard.

The bill requires the 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. This resource was initially created by the Air Force, in a program that began in January of this year. Since the committee's markup of this bill, Secretary of Defense Hagel has directed each of the services to implement such a program. This provision will codify administrative action that has already been taken.

The bill also authorizes the service secretaries to provide guidelines to commanders regarding their authority to temporarily reassign or remove from an assignment a servicemember on active duty who is accused of committing or attempting to commit a sexual assault offense, not as a punitive measure but solely for the purpose of maintaining good order and discipline within the member's unit. In addition, the bill directs the Secretary of Defense to provide information and discussion of this authority as part of the required training for new and prospective commanders at all levels of command.

The bill also makes several changes to further strengthen the judicial process. First, the bill eliminates the element of the character and military service of the accused—the so-called good soldier defense—from the factors a commander should consider in deciding how to dispose of an offense.

I should add that Senator MCCASKILL's amendment further limits the defendant's use of good military character as evidence.

Second, the bill requires the defense counsel in courts martial to make requests to interview complaining witnesses through the trial counsel, and, if requested by the witness, requires that defense counsel interviews take place in the presence of the trial counsel, counsel for the witness, or outside counsel. This is to protect against the abuse of this process.

Next, the bill changes Article 60 of the UCMJ to limit the ability of a convening authority to modify the findings of a court-martial to specified sexual offenses. In other words, this provision eliminates a commander's ability to overturn a jury's conviction for sexual assault, rape, and other crimes.

Additionally, the bill requires a mandatory minimum sentence of dismissal or dishonorable discharge of a servicemember convicted of a sexual assault offense.

The bill also eliminates the 5-year statute of limitations on trial by court-martial for certain sexually related offenses, and requires that substantiated complaints of a sexually related offense resulting in a court-martial conviction, nonjudicial punishment, or administrative action be noted in the service record of the servicemember, regardless of the member's grade.

Importantly, the bill maintains and strengthens the role of commanders in the judicial process. During the markup of this bill, the committee adopted an amendment on a bipartisan basis that preserves the ability of commanders to initiate court-martial proceedings. Removing this authority, which some of our colleagues advocate, would weaken accountability and undermine efforts to combat sexual assault. Commanders have the responsibility to train their subordinates, they are charged with maintaining good order and discipline within their units, and they are responsible for the safety of the men and women they lead. The commander is essential to instilling among the members of his or her unit that sexual assault and related behaviors will not be tolerated and will be adjudicated.

The bill includes several provisions that address the role of the commanding officer. First, it requires commanding officers to immediately refer to the appropriate military criminal investigation organization reports of sexually related offenses involving servicemembers in the commander's chain of command. Next, the bill requires automatic higher level review of any decision by a commander not to prosecute a sexual assault allegation, with the review going all the way to the service secretary in any case in which the commander disagrees with the military lawyer's recommendation to prosecute.

If a legal counsel advises prosecution, and the commander does not do it, ultimately it will be resolved by the service secretary. Most commanders do not want their decisions reviewed by the service secretary. I think this will add more sense and more purpose to their efforts to combat sexual abuse.

All of these changes take significant steps forward in addressing these horrible crimes. However, we must remain committed to further improving both prevention and response. That is why the bill includes several provisions related to the review that is currently under way by the independent panel created by last year's Defense authorization bill—the Response Systems to Adult Sexual Assault Crimes Panel. This committee is assessing the systems used to investigate, prosecute, and adjudicate crimes involving sexual assault. The bill we are considering today assigns additional issues to be considered by this panel and requires the panel to produce its report no later than 1 year from its first meeting, which occurred in July, rather than 18 months, as originally laid out in last year's law.

As I mentioned before, Senators MCCASKILL, AYOTTE, and FISCHER are proposing an amendment that further strengthens all of these provisions that are already in the committee's bill. First, their amendment requires the special victims' counsels to advise victims of the advantages and disadvantages of their cases being prosecuted in a civilian court with jurisdiction or through the Uniform Code of Military Justice. The victim may express his or her preference, and this preference must be afforded great weight in the determination to prosecute the offense by court-martial or by a civilian court.

The amendment codifies the decision by the Department of the Army to evaluate the performance of soldiers in adhering to the standards regarding sexual assault prevention and response. It extends this provision to every service in the Department of Defense. As previously noted in the context of race relations, this provision is likely to make a profound and lasting contribution to the prevention of sexual abuse. That is what we are about here—preventing sexual abuse. This could be one of the key drivers in that effort.

The amendment also improves accountability of commanders by requiring that a command climate assessment be performed after an incident involving a covered sexual offense, as defined in the legislation, for both the command of the victim and the command of the accused, if they are in separate commands, or a single assessment if they are in the same command. These assessments will be completed promptly and provided to the military criminal investigation organization conducting the investigation of the offense concerned and to the next higher commander in the chain of command of the affected unit.

You will know, if you are a commander, if there is an incident in your unit that all the details will be known by your battalion commander, your brigade commander, your division commander, and all the way up. That will be another strong incentive to make sure that nothing happens in your unit. That is part of the amendment proposed by my colleagues.

This provision, particularly in conjunction with the requirement to evaluate servicemembers' compliance under the official report, will go a long way to provide the accountability and the emphasis on commanders to do their jobs.

GEN Bruce Clarke, a distinguished officer wounded in the Battle of the Bulge and who was awarded the Silver Star—one of the great heroes of the U.S. Army—famously instructed his units that, in his words, ''an organization does well only those things the boss checks.'' Well, we are checking each individual to make sure commander and noncommissioned officer—they are doing their best. We are checking each unit, if there is an incident in that unit, and we are living up to the advice of General Clarke. It will get done because, finally, it will be checked consistently, thoroughly and appropriately.

The amendment also establishes a confidential process that will enable a victim of a sexual assault who is subsequently discharged to challenge the terms or characterization of his or her discharge in order to correct possible instances of retaliation. This provision will help ensure that a discharge accurately reflects the service of the individual, taking into consideration the effects of sexual assault and also helping to remove the concern that reporting sexual abuse could influence the character of a military discharge. Reporting such a crime should never influence the character of a military discharge.

The amendment strengthens the role of the prosecutor in advising commanders on courts martial. The committee language requires the civilian service secretary review all cases where a commander does not choose to prosecute when his or her legal counsel/judge advocate recommends prosecution. The amendment extends that mandatory review if the prosecutor recommends prosecution and the commander demurs. In effect, if either the prosecutor or the legal counsel/judge advocate recommends prosecution and the commander demurs, the case will automatically be referred to the civilian service secretary. You will have the highest ranking civilian in the uniform service making the final call. Every commander will know that.

The amendment modifies the Military Rules of Evidence to prevent defendants from introducing evidence of good military character as a general defense of a charge. Such evidence may only be admitted if that trait is relevant to an element of the offense for which the accused has been charged. Too often, the good soldier defense has been seen as overcoming specific evidence directly related to a crime. This

appearance undermines the essential perception that a verdict is determined by direct evidence supporting the elements of the crime, not the previous reputation of the defendant. This provision builds upon a section of the underlying bill that eliminates the character and the military service of the accused from the factors a commander should consider in deciding how to dispose of an offense.

Finally, the amendment ensures that all of the protections of this legislation are extended to the cadets and midshipmen of our service academies. The McCaskill-Ayotte-Fischer amendment strengthens the committee bill. Through enhanced accountability of commanders and additional changes to the Uniform Code of Military Justice, we will strengthen prevention and prosecution of sexual abuse.

Those who argue for the exclusion of the commander from the judicial process point to the policies of our allies, including Canada, the United Kingdom, Australia, and Israel. These countries have removed commanders as convening authorities and use independent military or civilian prosecutors to make charging decisions. While it can be useful at times to draw comparisons between our Armed Forces and those we serve alongside, there are several points to be made with respect to our military justice system that do not align.

First, none of these countries changed their system in response to a sexual assault crisis among their ranks or to protect rights of victims more generally. In most cases the system was changed to protect the rights of the accused.

Second, none of the allies can draw a correlation between their system and any change in reporting by victims of sexual abuse. Many argue that removing the commander as the decisionmaker will remove a significant hurdle that victims face in deciding whether to report sexual assaults. There is no statistical or anecdotal evidence that removing commanders from the charging decision has had any effect on victims' willingness to report crimes in these judicial systems among our allies.

In materials provided to the Response Systems Panel, the deputy military advocate general for the Israeli Defense Force noted an increase in sexual assault complaints between 2007–2011, attributing no specific reason for the increase but noting that it could represent an increase in the number of offenses or it could be a result of campaigns by service authorities to raise awareness on the issue.

Similarly, the commodore of Naval Legal Services for Britain's Royal Navy has assessed that recent structural changes to their military judicial system had no discernible effect on the reporting of sexual assault offenses.

Third, the scope and scale of our allies' caseloads are vastly different, primarily because of the much greater size of the U.S. Armed Forces. For example, the Canadian military only tried 75 to 80 courts-martial last year, which is roughly comparable to one U.S. Army division's annual caseload. But several of our allies who have changed their military justice system have indicated that the changes have resulted in the process slowing down and taking longer. Frankly, that is one of the issues victims have raised in terms of why they aren't reporting and why they are so terribly frustrated—because of the length and duration of the process.

Furthermore, most allies cannot conduct courts-martial in a deployed environment. BG Richard Gross, the legal counsel to the Chairman of the Joint Chiefs of Staffs, stated in a letter:

> One critical feature of our justice system is its expeditionary nature—the ability to administer justice anywhere in the world our forces deploy.

Notably, the Army alone tried over 950 cases in deployed areas over the past 10 years. In one case in Iraq, four soldiers committed multiple crimes in a single night. The commander referred all four soldiers to court-martial, and they were charged with consuming alcohol, breaking into local Iraqi homes, and stealing property and money from the locals. Because the commander in Iraq had authority to refer these cases to trial, the first trial was underway within 2 months of the incident. All of the co-accused and many defense witnesses were in the same unit, and local Iraqis were available as fact witnesses. Because the commander had a fully deployable military justice system at his disposal, he was able to send a strong message to the unit that such conduct would be dealt with swiftly and decisively. Simultaneously, he was able to restore positive relations with the local community.

The Army has also cited instances of allied soldiers committing sexual assault crimes against U.S. soldiers, and because of the allied nation's system removing the authority of the chain of command and removing the process from the battlefield, our commanders would demand but not receive timely information on the status of any prosecution. We had a soldier victim, and they could not find anything about the process that was going on.

Tragically, sexual assault is a crime that historically is underreported, and this is not only with respect to the military. The Rape, Abuse, and Incest National Network cites Department of Justice crime surveys that show that an average of 60 percent of assaults in the last 5 years were not reported to police. However, in numbers released earlier this month, DOD showed that more servicemembers are coming forward to report sexual assaults. From October 2012 to June 2013, 3,553 sexual assault complaints were reported to DOD. That is a 46-percent increase over the same period a year ago. These cases include sexual assaults by civilians on servicemembers and by servicemembers on civilians. A significant number of the reported incidents occurred before the victim had even entered military service.

Another argument for removing the commander's authority is that independent JAGs or even civilian authorities will prosecute more cases. However, statistics show that commanders from all services have exercised jurisdiction and pursued courts-martial for sexual assault cases over the determination of civilian authorities. Over the last 2 years, Army commanders have exercised jurisdiction in 49 sexual assault cases the local civilian authorities declined to pursue, and 32 of those cases were tried by court-martial, resulting in 26 convictions. The U.S. Marine Corps exercised jurisdiction in 28 sexual assault cases, all of which were tried by court-martial, and 16 cases resulted in conviction. This goes on throughout every service.

Commanders also have an interest in pursuing a court-martial as a way to demonstrate the seriousness of the crime and its impact on unit discipline, not merely because of the quantity or quality of evidence that a crime occurred.

On June 4 the Armed Services Committee held a hearing on the legislative proposals to address sexual assault in the military. We heard from four colonels from the Army, Navy, Marine Corps, and Air Force. They all spoke about the importance of seeking legal advice from their command judge advocate and having the responsibility to adjudicate crimes within their command.

COL Donna Martin, commander of the Army's 202nd Military Police Group Criminal Investigation Division, stated:

> It is of paramount importance that commanders are allowed to continue to be the center of every formation, setting and enforcing standards, and disciplining those who do not. The commander is responsible for all that happens or fails to happen in his or her unit.

She went on to say:

> The Uniform Code of Military Justice provides me with all the tools I need to deal with misconduct in my unit from low-level offenses to the most serious, including murder and rape. I cannot and should not relegate my responsibility to maintain discipline to a staff officer or someone else outside the chain of command.

When asked about whether a commander might be more likely to pursue a court-martial than even an outside independent officer because of the desire to send a message to his or her unit, Marine Colonel King replied that he considers ''achieving justice for whatever crime was committed and also the message that I send to the thousands of Marines that are actively watching what's going on. So I can, even if I fail to achieve a conviction at whatever level, still send a powerful message to them that this kind of conduct, even alleged, even not proven, is completely unacceptable.''

Col. Jeannie Leavitt, commander of the 4th Fighter Wing, stated:

I could absolutely see the scenario where a prosecutor may not choose to prosecute a case or recommend prosecuting a case because of the likelihood of conviction. However, as the commander, I absolutely want to prosecute the case because of the message it sends so that my airmen understand that they will be held accountable. And then we'll let the jury decide what happened in the case and whether or not it will be convicted. But that message is so important, whereas an independent prosecutor may not see the need to take it to trial if the proof is not necessarily going to lead to conviction.''

Additionally, our service JAGs have expressed several concerns about the proposed amendment my colleague from New York is introducing. I will take a moment and talk about the amendment.

I thank and commend Senator GILLIBRAND because without her persistence and passion, we would not be here today. She perhaps has done more than anyone else to focus our attention on this incredibly heinous crime done to individuals and the threat to good order, discipline, and efficiency of the military.

Her objective—the elimination of sexual abuse in the ranks of our military—must be our objective, and it must be realized. She and her cosponsors have determined, in their view, that the removal of the commander from the application of the Uniform Code of Military Justice for a wide variety of offenses is the best approach to achieve the goal of ending sexual abuse in the military, but, as my previous comments clearly indicate, I disagree. Indeed, given the nature of military service, which is significantly different from civilian life, I believe that without the active involvement of commanders in every phase of military life, this goal cannot be effectively and rapidly achieved.

The approach in the amendment proposed by my colleague from New York poses significant problems in practice that could unwittingly complicate rather than accelerate efforts to end sexual abuse.

The amendment attempts to divide crimes designated by specific articles of the UCMJ into two broad categories: traditional military offenses subject to command adjudication, such as AWOL and insubordination, and a broad category of serious offenses that would typically constitute civilian criminal offenses, such as murder, robbery, and rape and sexual crimes. In fact, here is a chart depicting the division of the articles of the Uniform Code of Military Justice.

This second category of offenses would be removed from command adjudication and would be referred to an independent prosecutor. This independent prosecutor must be at least a full colonel with ''significant experience in trials by general or specific court martial'' and be ''outside the chain of command of the member subject to such charges.''

This bifurcated system—especially considering the scope of crimes excluded from the chain of command—will have profound effects on the ability of commanders and units to function effectively.

Let's take the case, which is not uncommon, of a soldier who writes five checks on five separate occasions for $30 each to the PX knowing he doesn't have the funds to cover his purchases. The Criminal Investigations Division investigates and informs the commander. Under the Gillibrand amendment, the CID must refer this case to the independent prosecutor because it falls under article 123a. These are referred to special prosecutors if they fall under the category. The five separate incidents, although they individually have a maximum punishment of 6 months, would be charged together, leading to 30 months, which exceeds the 1-year threshold for the Gillibrand amendment. As a result, this would be sent forward to the special prosecutor.

I hardly think that charging this soldier for writing bad checks is the intent of the Gillibrand amendment, but it will be the effect. It also raises the very practical questions of how the independent prosecutor will deal with an onslaught of cases like this when the expectation is that he or she will be focused on sexual abuse and other serious crimes, such as murder. There is a practical issue: Are you going to take a bad check case when you have 15 pending attempted murders, assaults, rapes, et cetera? That is a practical issue, and I think the answer is probably no.

Under the amendment, the independent prosecutor has the choice of convening a special court-martial or a general court-martial. A special court-martial consists of a panel of at least three members or, at the servicemember's election, a military judge sitting alone. There is a prosecutor, referred to as the trial counsel, and a defense counsel. In comparison, a general court-martial is the military's highest level court where servicemembers are tried for the most serious crimes—roughly analogous to a civilian felony court—and the maximum punishments are increased.

Before any charge can be sent to a general court-martial, an Article 32 investigation must be conducted, which is a hybrid of a civilian grand jury proceeding and a preliminary comprehensive discovery proceeding. The Article 32 investigation is intended to be more than a mere formality; it is a valuable right for the accused and a source of information for the commander. The general court-martial may consist of a military judge and not fewer than five members or a military judge alone if the defendant chooses. Capital cases require 12 members.

As we can see, these proceedings are intensive in terms of time, in terms of commitment of military personnel, and in terms of investigatory efforts. In fact, the average length of special court-martial proceedings ranges from 3 to 5 months. General courts-martial can take anywhere from 5 to 8 months. In cases involving sexual assault, both special and general courts-martial take longer—an average of 9 months. Again, this is probably going to delay the process, not accelerate the process.

Given the time and resources involved in a general or special court-martial, in the case of a young soldier writing bad checks and the long-standing practice of reserving general and special courts-martial for the most serious offenses, I seriously doubt that an independent prosecutor would take this case. At some point, the independent prosecutor will inform the commander, which raises another issue. If this notification is delayed extensively, there is a related problem of what to do with the soldier under suspicion. Do you deploy him or her subject to recall? Do you leave him behind? So all of these issues are important.

The independent prosecutor's decision is binding on any applicable convening authority for a trial by court-martial on such charges. It is binding on every commander. The amendment, however, does attempt to preserve authority to punish these types of offenses by declaring that the independent prosecutor's decision ''shall not operate to terminate or otherwise alter the authority of commanding officers'' to employ a summary court-martial or to impose nonjudicial punishment under Article 15 of the UCMJ. But this authority is absolutely an illusion.

Under the UCMJ, every soldier has the right to turn down a summary court-martial or an Article 15. Once he is informed by counsel that he will not be subject to a general court-martial or a special court-martial, and he can turn down a summary court-martial and article 15, the soldier will invariably refuse the summary court-martial or article 15. Ironically, in doing so he will demand a court-martial. But the commander cannot comply, as he can now, because he has already been preempted by the independent prosecutor.

This scenario will play out over and over again. A unit is plagued by a series of barracks thefts which, if unchecked, erodes good order and discipline. The commander has information that one soldier is boasting about ripping off people but he has no other evidence. During a routine health and welfare inspection, an iPhone valued at over $500 and reported missing is found in the boasting soldier's room. Under the Gillibrand amendment, the commander must refer the case to the independent prosecutor and again you will have the issues of whether the independent prosecutor takes such a case, and if not, the likelihood that the accused will refuse a summary court-martial or an Article 15 and walk free.

Incidents like this—and this is not the intent of the legislation, but this is what will happen—will erode unit cohesion and raise questions at least implicitly: Who is really running the

unit? The commander? An unseen and unknown JAG, hundreds of miles away? Or individual soldiers who may appear to be violating the rules with impunity?

This question is important here, but it is critical when a commander has to order soldiers to do dangerous things, and ultimately, that is what commanders have to do and soldiers have to have no doubt that the commander, he or she, is fully in charge.

As I referenced earlier, the bifurcation of the articles of the UCMJ poses significant challenges. The problem with the drafting of this amendment complicates not just cases of common theft, not just issues that you say we could throw out, but the very issue of sexual assault we are trying to address.

Let's take another example of a married couple, both of whom are Active Duty servicemembers, who get into a shouting match in their quarters on post. The husband stabs the wife with a kitchen knife and knocks her unconscious. She provides a statement to CID but later retracts it. They have another argument which results in his assaulting her with an attempt to commit rape. Under the Gillibrand amendment, the first offense of aggravated assault, Article 128, would have to be referred to the independent prosecutor to decide whether to send the case to a court-martial, while the offense of assault with intent to commit rape, which is specified under Article 134, is exempt from the Gillibrand proposal and would be referred to the chain of command. Assuming both the independent prosecutor and the independent commander seek a general court-martial, this particular victim will now have to have two separate Article 32 hearings, two subsequent courts-martial, at least doubling the number of times she must recount her nightmare and prolonging the administration of justice.

The accused will demand and likely get two separate panels for each set of offenses, thus doubling the number of officers unavailable for their duties in the command and more than doubling the administrative, personnel, and witness costs associated with the general court-martial.

This is a situation where, rather than streamlining, reinforcing, and clarifying the military's efforts to deal with sexual assault, we have confused them, we have delayed them, and we have put commanders in the position of competing with independent prosecutors. This is not going to add to the solution on a practical basis of how we deal with sexual assault.

We know so many of the men and women in our Armed Forces serve our nation selflessly. Every day they are prepared to give their lives. Sexual assault is the antithesis of this ethic. It has no place in the Armed Forces, and if not eliminated, it will insidiously destroy our military. I believe preventing sexual abuse requires leadership at every stage and that commanders must be involved in every step. I believe that we will make the most progress in addressing this issue by involving and holding commanders accountable, not by excluding them from a critical area of militarily life.

We have worked extensively to include provisions in this bill that will improve the prevention of sexual assault, the protection of victims, and the prosecution of perpetrators. We must pledge to do more, to continue our oversight of these programs and make further changes if needed. We owe it to all those who bravely and honorably wear the uniform of our Nation.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, first, let me thank Senator GILLIBRAND for her leadership on this issue of sexual assault in our military. I support her amendment. I believe we need to look at a new way to deal with this issue so there is not only confidence within the military but within our country that sexual assault will not be tolerated in our military and that we have an effective way to deal with it. I thank Senator GILLIBRAND. It is quite clear, as Senator REED said, without her leadership we would not be having these discussions on the floor of the Senate today. I applaud her for that.

TRIBUTE TO MAJOR NATE SOMERS

Mr. CARDIN. Madam President, we are now dealing with the NDAA bill, the National Defense Authorization Act, and it is our opportunity as a Senate to weigh in on one of the primary roles of government and that is the security of our country, how we can support our men and women in our military service to make sure they have the best equipment and the best support and live up to our commitments to our veterans when they return to civilian life. It is an awesome responsibility. I know each of us in our own capacities need to rely on outside help in order to be able to carry out this responsibility.

We have staff. In my case I have been blessed to have a detailee from the Department of Defense from the Air Force. That person is Maj. Nate Somers. I mention that because he will be leaving my assignment very shortly, within the next week or so. I wanted to take this time to let my colleagues know, but also to let all the people know, that these detailees who are assigned to our office play a critical role. He has helped me in developing provisions that are in the National Defense Authorization Act and amendments that we are offering that deal with military health issues, that deal with regional security concerns, that deal with the impact of sequestration and how we can deal with the impact of sequestration and that deal with human rights issues with U.S. leadership globally as well as within the military.

To say the least, I could not have done this as effectively as I needed to on behalf of the people of Maryland if it were not for Maj. Nate Somers. He comes to this assignment with an incredible background. His military record is unbelievable. Major Nate Somers has dedicated his life to serving our Nation. Nate started his career with the U.S. Air Force in 2001 when he graduated and received his commission through the Officer Training Program at Mississippi State University. He also, I might add, has two master's degrees. Nate then went on to serve in Arkansas, Florida, and Virginia, and was deployed in support of both Operation Iraqi Freedom and Operation Enduring Freedom. Prior to joining my office, Major Somers served as liaison between the Air Combat Command and the Air Force Legislative Liaison Director on issues ranging from constituent inquiries to weapons systems.

Over the course of his incredible career, Major Somers has earned 17 different major awards and decorations, including the Meritorious Service Medal and the Air Force Commendation Medal. His receiving these awards comes as no surprise to those who know him. Nate demonstrates his extraordinary service to our Nation and to our Armed Forces each and every day.

There is hardly a day that goes by that I am not better informed because of his assignment to my Senate office. To say that Major Somers will be missed is an understatement. Nate has truly been a integral part of my staff. Whether ensuring our Maryland veterans get the services they need or advising me on complex defense issues, there was no task Nate would not do or could not do in order to help our office. The Air Force should be proud of the extraordinary talent they have in Maj. Nate Somers. I thank him for his service to this Nation.

I also want to take this opportunity to thank Nate's wife and sons for sharing Nate with the Senate and for his service to the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska

Ms. MURKOWSKI. Madam President, yesterday morning I was pleased to be able to come to the floor of the Senate and join with a good, strong, group of women from both sides of the aisle to express our joint commitment—really the commitment of every Member of this body—to address the scourge of sexual assault, sexual misconduct within the military.

I thought it was a good way to start off the debate yesterday on the issue of sexual assault within the military, recognizing that some are in different places in terms of how we deal with these very important issues. But ultimately the goal of each of us is the same. The goal is that we make things right for those who are serving our Nation, and that when it comes to instances of sexual assault, military sexual trauma, sexual harassment, that really there is no place in our military for this.

We use different terminology when we are discussing the issue of sexual misconduct in the military. How we define what we are seeking to eradicate is important. We have used the more generic term sexual assault probably more often to describe the problem that we need to address, but I suggest that definition is probably a bit too narrow. I prefer to use the term military sexual trauma, which is the term that the VA, the Veterans Administration, uses to describe a spectrum of harms. Their term, the VA's term, military sexual trauma, means ''the trauma resulting from a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment which occurred while the veteran was serving.''

I prefer this term because it emphasizes the various traumas that can occur, both with and without physical assaults and batteries. This definition also calls to our attention the fact that whatever the instrument of trauma there are psychological scars that need to be addressed. These are psychological scars that can last a lifetime. I think it is fair to say that this spectrum of scars is broad and it is deep.

I have looked very carefully at the work that came out of the Senate Armed Services Committee. I have looked at Senator GILLIBRAND's amendment very carefully. I have considered all that is being incorporated in the Defense Authorization Act. Again, as I mentioned yesterday, I am pleased with how in so many different areas we have been working together to address these issues of military sexual trauma.

I am a supporter of Senator GILLIBRAND's approach to ensure justice for victims of military sexual trauma. Today, I would like to explain some of the reasons why I have chosen to support that approach.

The current system of military justice relies upon the individual decisions of commanders for a decision on whether or not an offense is to be punished, and which charges are to be brought. In our complex military there are many commanders. We all know that. While our code of military justice may be uniform, I think we are seeing strong evidence that its implementation is anything but uniform.

Senator GILLIBRAND's approach ensures that charges will be investigated and that the charging decision will be made by disinterested military prosecutors. Decisions will be made by disinterested prosecutors whose only interest is that the perpetrators account for their actions, that victims' interests are protected, and that the integrity of the process is paramount. I think that this is very important. I think this is a breath of fresh air.

The recent experiences I have had, as a Senator from Alaska, with the transparency of decisions made within the chain of command leaves much to be desired. Unfortunately, we have learned about these situations from what we read in the headlines, and it makes you say: Oh my gosh. I cannot believe this is happening in our military.

It makes your stomach turn. We are not hearing this from the chain of command. We are reading this in our newspapers. We are seeing this reported in the media, and that is the first time we hear of them.

Case in point: The 49th Missile Defense Battalion, which operates our Nation's missile defense at Fort Greely. The missile defense establishment at Fort Greely is a very important facility for us in Alaska—as well as for the Nation. Last spring it was widely reported that unlawful fraternization among certain members of the battalion—rising up into the chain of command—was creating an uncomfortable situation for those who were not part of what I would describe as the incrowd at Fort Greely.

Just when I thought I understood what was going on at Fort Greely—after I was told not to worry and that everything was all fixed—there was a bizarre series of events which showed up on my doorstep. The complainant, who was a member of the Alaska National Guard, was involved in a child custody dispute with another member of the Alaska National Guard. For reasons I don't understand, the complainant's chain of command decided to inject himself into this custody dispute by causing the complainant to be detained in an electrical closet on a secure U.S. military base for a period of days in order to deny him lawful visitation with his children. It is also alleged that DOD civilian police and Fort Greely military police were complicit in these actions.

All of this is detailed in a sworn affidavit, which the complainant submitted to my office.

You just have to shake your head. Are we supposed to call this military justice? Maybe it is frontier justice. Maybe it is military justice in the last frontier. I don't like it, and I don't think we should ever accept it.

I asked the Army CID to look into this incident because it was my impression then that an unlawful denial of one's freedom is a criminal offense. I understand that the complaint my office forwarded was not pursued by the Army CID, but was referred to the Space and Missile Defense Command.

I am most appreciative that an investigation was pursued, but one might legitimately ask the question: How did it end? What was the outcome of this story? I don't know. Alaskans don't know. We don't know. Neither I nor the individual who sought the investigation has been informed of the outcome, just that the chain of command had looked into it. Where is the transparency?

The complainant has been told he needs to file a Freedom of Information Act request in order to get an answer. None of this sits right with me as an example of how the chain of command is an impartial, unbiased, and vigorous protector of victims. I am not able to see that in this instance. In this case it is alleged that the chain of command were either the perpetrators or complicit with the perpetrators.

Think of the message that sends. Fort Greely is a very small installation. Folks pretty much know what is going on at smaller installations. We know of this incident. It has been reported in the papers. We were told the chain of command has looked into it, but then nothing happened after that.

I would like to suggest that this is the only incident that has come to my attention, but that is not the case. Literally, less than a month ago, on October 27, the Anchorage Daily News reported on allegations that were made by senior Alaska National Guard chaplains of pervasive and longstanding sexual assault and sexual misconduct within Guard ranks.

There were allegations of some 26 different sexual assault and sexual misconduct incidents that were reported in the news. The chaplains become aware of these incidents through their own observations and through complaints that were brought to them by Guard members.

I had an opportunity to ask senior leaders of the National Guard Bureau what they knew about this situation. I asked them when they found out about this situation. You know what the answer was? They read about it in the news clippings. Really? I mean, it just stuns me to hear this after we heard about how we have this system—throughout the chain of command—that has been addressing this issue. Somewhere there is a broken link in this chain.

When the media finds out first and reports about it, and the senior leaders here are unaware of 26 different allegations, it just causes one to wonder.

It is a truism of management that if you want a problem managed, you have to know about it. You have to measure it and let your subordinates know that their performance is being evaluated on that measure.

So answer this question: How can the Secretary of Defense and our senior military leaders ever hope to manage the critical problem before us when the deplorable facts—and I am not talking about the number of complaints—are buried within a decentralized and far flung chain of command? How can I develop any sense of comfort that those who were responsible for these hideous activities have been brought to justice and not just simply moved around the military? It does cause one to wonder.

It is a horrible truth that we are still dealing with in Alaska, but we have all heard—and are very aware—of the widespread allegations of child sexual abuse within the Catholic Church. We have come to learn that the Church, in fact, was aware of many of these allegations. Unfortunately, for a period of time, the way they handled the problem was to move the offending clergy to other places. Some of them were

moved to the State of Alaska. If they acted inappropriately in an urban community, they were shipped out to a bush community—a very remote place.

Out of sight, out of mind, and free to offend again. That is not responsibility. That is not accountability. That is not how it should be done within the church, and it certainly should not happen within our military.

We have all shared many different victim stories here on the Senate floor. I want to add that the more this issue of military sexual trauma and sexual assault has been discussed on the Senate floor, more victims have come to speak to me.

I was in my home State 2 weeks ago for a big outdoor community event. It was a pretty cold Saturday afternoon. I was approached by a woman who had seen me from across the street. She was attending a conference at the time. She came across the street and into the town square. She was not wearing a coat. She wanted to make sure that I knew she too had been a victim but had not had the strength to report the crime. She just left the service.

She said to me: Don't give up on this because I had to step down from my military career and the perpetrator stayed on, and as he stayed on, he continued to be promoted. Her plea to me was: Please don't let that continue.

I want to share another story that is very personal to me. I think all of us as Members of the Senate know what a privilege and honor it is to nominate qualified constituents to attend our Nation's service academies. The military stands very tall in the eyes of Alaskans, so in my State these nominations are highly competitive.

Last spring I became aware that one of my nominees who was accepted into one of the service academies and did phenomenally well was sexually assaulted at the academy. I was following this young woman because I knew her family.

She graduated and was commissioned, but now the burden of dealing with the fact that she was not protected from the crime has caused her to resign her commission. She put 4 years of very hard work toward a military career, and now that career is in the garbage.

I contacted her recently. She is a strong woman, but her dreams have been completely dashed by what she experienced.

Many of my colleagues know I have taken a keen interest in the work of our service academies. I served for a short time on the Board of Visitors of one of the academies, but I was not aware of the trauma my constituent had suffered until she contacted me long after graduation. I don't recall any substantial discussions about issues like this during my tenure on the Board of Visitors. It needs to be discussed. It not only needs to be discussed but action needs be taken to eliminate instances like that from ever happening.

These issues are all current issues, but not all of these issues are new. Earlier this year I came to know a woman by the name of Trina McDonald. At one point in time she had the opportunity to live in the State of Alaska as a servicemember. So many of our servicemembers who have been stationed in Alaska want to stay for life. They want to retire there because they love it. Unlike many of her colleagues, Trina chose to try to forget everything that had been attached to her service in Alaska. She prefers to forget that experience. That is because she was sexually assaulted while serving in my home state.

Many of you may have seen ''The Invisible War.'' Ms. McDonald speaks of the experiences she had when she was assigned to the Navy and stationed at Adak, which is now a closed naval base on the Aleutian Chain. This happened about 20 years ago. Trina asserts she was repeatedly drugged, raped, and ultimately dumped in the Bering Sea by superior officers.

What did the chain of command do? Trina states that she had no place to turn because both the police and her superiors were the perpetrators. What do you do? Where do you go? Where is the redress? It pains me to think that the issues, which today are very high in the attention of this body, have been out here for 20-plus years. I have listened to my colleagues on the floor talk about the Tailhook scandal, and we have talked about so many of the other high profile instances where we have heard our military leaders say, Never again; never again; zero tolerance. They are using all the right words.

It really does cause us to ask the question: Are we to attribute this cycle of violence we are seeing to attention deficit on the part of us here in Congress or attention deficit on the part of our military leaders? This is not what zero tolerance looks like. Whatever the case, I think it is going to take some very strong medicine to break through this powerful attention deficit we have seen historically.

Incremental steps, in my view, don't cut it anymore. For the young woman, again, whose military career is no longer; the woman I met out in the cold 2 weeks ago who gave up her dream and has just had to stand by and watch her perpetrator ascend his career ladder, incremental measures don't cut it.

I think it is time for profound change. I think the amendment offered by the Senator from New York, while it is strong medicine, and I acknowledge that, I think it is the right tool for what we are dealing with at this time.

With that, I thank the Presiding Officer and I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I wish to reiterate my strong support for Senator GILLIBRAND's reforms to the military justice system. I am proud to be an original cosponsor of this act, and I should add it has been a pleasure working with Senator GILLIBRAND on the issue. Her passion and commitment to rooting out sexual assault in the military ought to be inspiring to all of us, and watching how she negotiates and how she lobbies for her ideas can teach all of us a good lesson.

I should also add that I appreciate the work of the Armed Services Committee, which added a large number of commonsense reforms to the underlying bill. In fact, some of them are so commonsense that one has to wonder why the military hasn't adopted them already or, if need be, asked for legislation to do so before now.

For instance, the bill before us provides that people convicted of certain sexual assault offenses may not join the Armed Forces—common sense. It requires mandatory discharge from the Armed Forces of any member convicted of certain sexual assault offenses—common sense. It directs a comprehensive review of the adequacy of training pertaining to sexual assault prevention and response—common sense.

The underlying bill also has a number of provisions to address certain concerns about commanding officers not handling sexual assault charges properly but still keeps this judicial process in the chain of command. That is inappropriate; hence, this amendment.

We have tried working within the current system. This isn't a new issue. Military leaders have been making emphatic promises about tackling the problem of sexual assault for years and years, but the problem only seems to be getting worse. What is more, the current system appears to be part of the problem. There is a culture that has to change, and it won't change by itself.

According to a recent Defense Department report, 50 percent of female victims stated they did not report the crime. Why? Because they believed that nothing would be done with their report.

Seventy-four percent of females and 60 percent of males perceive one or more barriers to reporting sexual assault. Sixty-two percent of the victims who reported a sexual assault indicated they received some form of professional, social, or administrative retaliation. This should not happen in a military where everybody ought to be looking out for everybody else.

A very cohesive unit is essential for everybody's protection but also for the success of the mission. So it is a terrible deterrent when sexual assaults ought to be reported 100 percent but aren't. If sexual assault cases are not reported, it is quite obvious, common sense tells us they can't be prosecuted. If sexual assault isn't prosecuted, common sense ought to tell us it leads to predators remaining in the military and a perception that that sort of activity will be tolerated or a person can get away with it. Common sense tells us that people get away with it.

By allowing this situation to continue, we are putting at risk the men and women who have volunteered to place their lives on the line. We are also seriously damaging military morale and military readiness. Taking prosecutions out of the hands of commanders and giving them to professional prosecutors who are independent of the chain of command will help ensure impartial justice for the men and women in uniform.

I know some Senators will be nervous about the fact that the military is lobbying against this legislation. There is a certain awe that permeates among Senators when people with stars on their shoulders appear among us. We are being asked, once again—that environment is here—to wait and see if the latest attempt to reform the current system will do the trick. I respond that the time for trying tweaks to the current system and waiting for another report or study has long since passed.

We also hear that this measure will affect the ability of commanders to retain good order and discipline. I would like to be clear that we in no way take away the ability of commanders to punish troops under their command for their military infractions. Commanders also can and should be held accountable for the climate under their command. But the point here is sexual assault is a law enforcement matter, not a military one.

If anyone wants official assurances that we are on the right track, we can take confidence in the fact that an advisory committee appointed by the Secretary of Defense himself supports our reforms. On September 27 of this year, the Defense Advisory Committee on Women in the Services—and I believe that acronym is DACOWITS—voted overwhelmingly in support of each of the components of the Military Justice Improvement Act amendment.

This advisory committee isn't something new. These various advisory committees under different Secretaries of Defense have been around since 1951 when they were created by then-Secretary of Defense George C. Marshall. The committee is composed of civilian and retired military men and women who are appointed by the Secretary of Defense to provide advice and recommendations on matters and policies relating to the recruitment and retention, treatment, employment, integration, and well-being of highly qualified professional women in the Armed Forces. Historically, this advisory committee's recommendations have been very instrumental in affecting changes to laws and policies pertaining to military women.

The bottom line is—and, again, this is common sense—this isn't some advocacy group or fly-by-night panel. It is a longstanding advisory committee handpicked by the Secretary of Defense, and it supports the substance of our amendment to a tee.

I know it is easier to support incremental reforms. That is even prudent in some cases. However, when we are talking about something as serious and life-altering as sexual assault, we cannot afford to wait any longer than we already have. Our men and women serving in this military deserve bold action to solve this problem—not in a few years or a little bit at a time but right now. So I urge my colleagues to be bold and join us in this effort. It is the right thing to do.

It seems to me as though a lot of debates in this body get complicated, and this one seems to be complicated too by some people. But it is really a very simple issue. It doesn't need to be this complicated, because it talks about changing the culture. I know there are cultures in every bureaucracy that need to be changed that affect their operations, but none of them are as damaging as the No. 1 responsibility of the Federal Government. So a culture in the Defense Department has to be taken seriously. We have to change the culture.

When one joins the military—and I haven't been in the military so I don't speak with authority, but it seems to me as I understand the military—I have a grandson in the Marines and I had sons in the military. But when a person joins, they join because they feel that everybody in that unit will have each other's back. There should be no fear of anyone—anyone—in the unit. There should be nothing but respect for each other. Members of the military should have confidence in each other and loyalty toward each other. They are all on the same mission. None of them should be considered an enemy. None of them should have any particular power over another. That is what this sexual assault thing is all about—power over weak individuals—not weak because of who they are, but weak because of the power of the people above.

This is badly needed legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Ms. HEITKAMP. Madam President, this is a tough issue. It is a tough issue because good people don't agree. Good people don't see the issue the same way. But we cannot lose sight of the fact that so many of the reforms we will be voting on to guarantee a safe haven, to guarantee a safe experience, a common camaraderie, are all parts of a big plan for change. What we are debating today is one small portion of that—not small in the sense of impact. We need to make sure we reward all of the great work the committee has done, the great work that has been done with the leadership of Senator MCCASKILL from the great State of Missouri, and the commitment that this body is making today, in a very unified way, to change the outcome.

I will spend a moment with that in mind to talk about how I came to my decision to support the Gillibrand amendment. I wish to first talk about my experience. I am probably one of the few people in this body who has actually sat across a table as somebody who had the power to make the decision on whether we were going to, in fact, pursue a prosecution and have that discussion. I know that is a shared experience I have with Senator MCCASKILL, and those are experiences we will never forget—the damage that is done so often when people are victims of sexual assault, beyond other kinds and other forms of physical assault, the power and the responsibility. So I recognize the great need we have to deal with this issue. I recognize the great need we have to have professionals make the decision.

The bottom line for me is, if someone came forward and appendicitis was suspected, he or she wouldn't ask the commanding officer to make the decision for the doctor. What I am suggesting today is that these are very difficult decisions on whether one is going to pursue or decline a prosecution and they should be made by people who are trained. There should be a whole system—as we have seen in the civil side—a whole system of support.

Frequently we talked about, back in the 1980s and the 1990s—as we were moving through these same questions in the civil courts—not revictimizing the victim. I think what you are hearing today is story upon story where victims of sexual assault in the military feel not only let down but they feel revictimized.

So I want to very quickly go through a couple of the points we have heard over and over, which is that this change in the Gillibrand amendment would affect good order and discipline in the military. I have heard this from many of the military, the good military leaders who have come to my office to talk about this problem: that they need this authority, this specific convening authority, because their orders will fall on deaf ears or their leadership will be questioned.

I am not an expert in leadership, but I have to ask you: Do we really believe that sort of authority is truly essential to being someone whom the troops will follow, someone who demands respect, who inspires devotion or truly will stand and fight side by side no matter what the cost?

The conclusion I make is that I do not think so. Because when I talk to our brave veterans in North Dakota or our noncommissioned officers who lead our servicemembers every single day, that is not what I hear. I hear: I knew he would do the same for me. Not: Well, he has convening authority.

That is what I believe inspires and maintains good order and discipline: the shared values of a mission, of trust, of concern, and respect.

I also have heard great reforms, especially in the Air Force—and we have a special relationship in North Dakota to the Air Force, having two air bases. The Air Force JAG came in and told me about the new process and the new procedures and impressed upon me this

great opportunity they had taken now for change. I said one thing. I said: It is too late. It is too late to expect that we are going to believe it this time. It's the old adage: ''Fool me once, shame on you; fool me twice, shame on me.'' We are at that point now where something very dramatic needs to happen in order to send the very important message that you matter and this behavior does not reflect behavior that is becoming of our troops, of our country, and the people who step up to serve our country.

Progress that has been made does not go far enough. I think it is time to boldly act and step up for people who serve, who have stepped up bravely and said: What can I do, no matter the cost or the sacrifice—knowing the hardship they will endure and the distance from home and family who love and care for them; that when they go, our military personnel say: I am yours. I will go and do whatever I need to do, whatever you tell me, to protect our values and to protect our way of life.

It seems a small thing to do everything we can to protect those who protect us. The time has come to address this, to send a strong and important message to our volunteer service that we will not tolerate this and that we will put this decision in the hands of the people who are best equipped to make this important decision. And that is the prosecutors.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ALEXANDER. Madam President, I ask unanimous consent that I be allowed to speak as in morning business for 10 minutes, without taking the time from either side.

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

Mr. ALEXANDER. Madam President, I thank the Senator from Texas and the Senator from Missouri for their courtesy, and I will endeavor to do it a little quicker than in 10 minutes.

CHANGING SENATE RULES

Madam President, this weekend, Vanderbilt plays Tennessee in a football game in Knoxville. Let's say Vanderbilt gets on the 1-yard line of Tennessee and Tennessee then says: Well, we are the home team. Let's add 20 yards or whatever it takes to win the game. Or let's say in the World Series recently the Red Sox were behind St. Louis in the ninth inning and the Red Sox said: Well, we are the home team. Let's add a couple of innings or whatever it takes to win the game. Everyone, I think, would say that is cheating. Everyone would say: You are destroying the game of football or baseball.

If a home team could change the rules at any time during the game or whatever it takes to win the game, what kind of game is it? That is what Senator Vandenberg said after World War II and Senator LEVIN repeated to all of us—that a Senate in which a majority can change the rules any time the majority wants to change the rules is a Senate without any rules.

Yet we hear that is what the Democratic majority may be seeking to do this week. They are unhappy, they say, that Republicans have said it is premature to vote up or down on three circuit judges nominated by President Obama—even though that was exactly the position of the Democratic Senators in 2006 and 2007 when they argued that the DC Circuit Court is underworked and that we should transfer judges from where they are needed the least to where they are needed the most. So they are going to change the rules of the game during the game or whatever it takes to get the results they want.

We have a lot of new Senators on both sides of the aisle. Nearly half the Senate, 44 members, are in their first term. It is important for them to remember that in Senator REID's book he said that to do this would be the end of the U.S. Senate, that Senator Robert Byrd—probably the most distinguished Senate historian in its history—said in his last speech to us that the filibuster is the necessary fence against the excesses of the majority and of the Executive. It is the fence against what de Tocqueville called in the early 1830s the greatest danger to our country that he saw, which was the tyranny of the majority.

You may ask, how could this possibly happen? Here is how I am afraid it is happening. Sometimes we get off in our rooms by ourselves—and Republicans do it as well as Democrats—and we give ourselves our own version of the facts. The last time this came up, we tried to address this in the Old Senate Chamber. I think all of us thought it was a pretty good session. But this is my third opportunity to respond to these nuclear threats, and I am not going to do it again.

The President said during the government shutdown that he was not going to negotiate with a gun to his head. Neither am I. Democrats have had their finger on the nuclear button for 2 years. I hope they will reconsider.

No. 1, I hope they will read Senator LEAHY's letter, which I ask unanimous consent to have printed in the RECORD.

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

U.S. SENATE,
Washington, DC, July 27, 2006.

Hon. ARLEN SPECTER,
Chairman, Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN SPECTER: We write to request that you postpone next week's proposed confirmation hearing for Peter Keisler, only recently nominated to the DC Circuit Court of Appeals. For the reasons set forth below, we believe that Mr. Keisler should under no circumstances be considered—much less confirmed—by this Committee before we first address the very need for that judgeship, receive and review necessary information about the nominee, and deal with the genuine judicial emergencies identified by the Judicial Conference.

First, the Committee should, before turning to the nomination itself, hold a hearing on the necessity of filling the 11th seat on the DC Circuit, to which Mr. Keisler has been nominated. There has long been concern—much of it expressed by Republican Members—that the DC Circuit's workload does not warrant more than 10 active judges. As you may recall, in years past, a number of Senators, including several who still sit on this Committee, have vehemently opposed the filling of the 11th and 12th seats on that court:

Senator Sessions: ''[The eleventh] judgeship, more than any other judgeship in America, is not needed.'' (1997)

Senator Grassley: ''I can confidently conclude that the DC Circuit does not need 12 judges or even 11 judges.'' (1997)

Senator Kyl: ''If . . . another vacancy occurs, thereby opening up the 11th seat again, I plan to vote against filling the seat—and, of course, the 12th seat—unless there is a significant increase in the caseload or some other extraordinary circumstance.'' (1997)

More recently, at a hearing on the DC Circuit, Senator Sessions, citing the Chief Judge of the DC Circuit, reaffirmed his view that there was no need to fill the 11th seat: ''I thought ten was too many . . . I will oppose going above ten unless the caseload is up.'' (2002)

In addition, these and other Senators expressed great reluctance to spend the estimated $1 million per year in taxpayer funds to finance a judgeship that could not be justified based on the workload. Indeed, Senator Sessions even suggested that filling the 11th seat would be ''an unjust burden on the taxpayers of America.''

Since these emphatic objections were raised in 1997, by every relevant benchmark, the caseload for that circuit has only dropped further. According to the Administrative Office of the United States Courts, the Circuit's caseload, as measured by written decisions per active judge, has declined 17 percent since 1997; as measured by number of appeals resolved on the merits per active judge, it declined by 21 percent; and as measured by total number of appeals filed, it declined by 10 percent. Accordingly, before we rush to consider Mr. Keisler's nomination, we should look closely—as we did in 2002—at whether there is even a need for this seat to be filled and at what expense to the taxpayer.

Second, given how quickly the Keisler hearing was scheduled (he was nominated only 28 days ago), the American Bar Association has not yet even completed its evaluation of this nominee. We should not be scheduling hearings for nominees before the Committee has received their ABA ratings. Moreover, in connection with the most recent judicial nominees who, like Mr. Keisler, served in past administrations, Senators appropriately sought and received publicly available documents relevant to their government service. Everyone, we believe, benefited from the review of that material, which assisted Senators in fulfilling their responsibilities of advice and consent. Similarly, the Committee should have the benefit of publicly available information relevant to Mr. Keisler's tenure in the Reagan Administration, some of which may take some time to procure from, among other places, the Reagan Library. As Senator Frist said in an interview on Tuesday, ''[T]the DC Circuit

. . . after the Supreme Court is the next court in terms of hierarchy, in terms of responsibility, interpretation, and in terms of prioritization.'' We should therefore perform our due diligence before awarding a lifetime appointment to this uniquely important court.

Finally, given the questionable need to fill the 11th seat, we believe that Mr. Keisler should not jump ahead of those who have been nominated for vacant seats identified as judicial emergencies by the non-partisan Judicial Conference. Indeed, every other Circuit Court nominee awaiting a hearing in the Committee, save one, has been selected for a vacancy that has been deemed a ''judicial emergency.'' We should turn to those nominees first; emergency vacancies should clearly take priority over a possibly superfluous one.

Given the singular importance of the DC Circuit, we should not proceed hastily and without full information. Only after we reassess the need to fill this seat, perform reasonable due diligence on the nominee, and tend to actual judicial emergencies, should we hold a hearing on Mr. Keisler's nomination.

We thank you for your consideration of this unanimous request of Democratic Senators.

Sincerely,

PATRICK LEAHY.
CHUCK SCHUMER.
RUSS FEINGOLD.
TED KENNEDY.
DIANNE FEINSTEIN.
DICK DURBIN.
HERB KOHL.
JOE BIDEN.

Mr. ALEXANDER. It was signed in 2006 by all the Democratic members of the Judiciary Committee: Senator LEAHY, Senator FEINSTEIN, Senator Kennedy, Senator BIDEN, Senator SCHUMER, Senator DURBIN, Senator Feingold, and Senator Kohl. These Senate Democrats said under no circumstances should we consider confirming a judge to the DC Circuit when it is so underworked. So the Republican President and the Democratic Senate agreed with that and reduced the Court's size by one judge—just the same argument being made today.

No. 2, any suggestion that the President's nominations are being held up is completely wrong. I invited the Congressional Research Service into my office. I asked that question. They have said: No. President Obama's cabinet nominations in his second term are being considered at about the rate as those of President Clinton and President George W. Bush.

On every Senator's desk is an Executive Calendar. Every person who could be confirmed by the Senate is on this calendar. There are about 11 pages. The one who has been on there the longest goes back to February and six were reported in the Summer. But all the rest of them go back just to September 12—just a few weeks. Most of them have been there just 3 or 4 weeks.

So people are not being held up. The only way a nominee can be reported to the Senate floor is by a Democratic committee. The only person who can bring them from the calendar to be confirmed is the Democratic leader. Why doesn't he bring them to the floor and let them be confirmed?

In the history of the Senate—and this is from the Congressional Research Service—there have only been 17 executive nominees in its history who have failed to be seated because of a filibuster vote, a failed cloture vote. There have been two under the Clinton administration, three in the Bush administration, two in the Obama administration. There have been five Bush circuit judges and five Obama circuit judges. Never a Supreme Court Justice—there was a little exception with Abe Fortas, which was different—never a district court judge, and never a Cabinet member denied a seat by a filibuster—a failed cloture vote. So where is the crisis?

In conclusion, I would make this suggestion: I think what makes Americans angry about ObamaCare is it is taking us in the wrong direction, it is the 3,000-page bill, but as much as anything else it is the raw exercise of political power in the middle of the night during a snowstorm to pass a bill by a partisan vote, without any bipartisan support.

If the Democrats proceed to use the nuclear option in this way, it will be ObamaCare II, it will be the raw exercise of political power to say: We can do whatever we want to do.

Grantland Rice, a famous sportswriter, once said: ''It's not whether you win or lose, it's how you play the game.'' In this case, it is not so much what the rule is, it is how you change the rule. There have always been a few Senators on either side of the aisle who care enough about our institution and enough about our Constitution of checks and balances to stop a stampede that we will later regret. I hope that will be true again. I hope we will resist turning the Senate into an institution where the home team can cheat to win the game, to get whatever result it wants at any time it wants. Because as Senator Vandenberg said, and Senator LEVIN has repeated: A Senate where a majority can change the rules any time it wants is a Senate without any rules at all.

I ask unanimous consent to have printed in the RECORD a 1-page summary of the 17 nominations that have not been confirmed after a failed cloture vote, which, according to the Congressional Research Service, is the entire number in the history of the U.S. Senate that have ever been denied their seat by a filibuster.

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

NOMINATIONS NOT CONFIRMED AFTER A FAILED CLOTURE VOTE

EXECUTIVE BRANCH

CLINTON NOMINEES

Sam Brown—to be Ambassador to the Conference on Security and Cooperation in Europe

Henry Foster—to be U.S. Surgeon General

G. W. BUSH NOMINEES

Thomas Dorr—to be Undersecretary of Agriculture for Rural Development and Board Member, Commodity Credit Corporation

John R. Bolton—to be U.S. Representative to the United Nations

Peter Flory—to be Assistant Secretary of Defense

OBAMA NOMINEES

Craig Becker—to be member of the National Labor Relations Board

Mel Watt—to be director of the Federal Housing Finance Agency

CIRCUIT COURT JUDGES

BUSH NOMINEES

Miguel Estrada
Charles Pickering
William Myers
Carolyn Kuhl
Henry Saad

OBAMA NOMINEES

Goodwin Liu
Caitlin Halligan
Patricia Millet
Cornelia Pillard
Robert Wilkins

Source: Congressional Research Service.

The PRESIDING OFFICER (Mr. HEINRICH). The assistant majority leader.

Mr. DURBIN. Mr. President, I will take a few minutes to respond to the statement just made by my colleague from Tennessee, my friend, LAMAR ALEXANDER.

We have a circumstance here in the U.S. Senate which is——

The PRESIDING OFFICER. On whose time does the Senator speak?

Mr. DURBIN. Mr. President, I am sorry. I did not know we were in controlled time, so I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Mr. President, I rise in support of the Gillibrand amendment. I am proud to support Senator GILLIBRAND's concerted effort to deal with the problem of sexual assault in our military.

I want to begin by commending her persistent leadership in forging a bipartisan coalition to tackle this serious problem. I supported the Gillibrand amendment in committee, and I am proud to be a cosponsor of the amendment here on the floor of the Senate. I rise today to share my reasons for supporting it and to encourage my colleagues to continue to come together in support of this amendment.

Everyone in this body wants to support the men and women of our military. In the course of the Senate Armed Services Committee hearings on sexual assault, we heard testimony after testimony after testimony about the persistent problem of sexual assault in the military. I found myself persuaded by the arguments that Senator GILLIBRAND raised in defense of her amendments.

Indeed, when I said at the hearing that I had been persuaded by the arguments, I have to tell you, afterwards a reporter from a newspaper came up to me astonished, and asked, in wonderment: Were you really persuaded by arguments at a hearing? I thought everyone came in with their views already set in stone, and nothing that was said here made a difference.

I chuckled and said: Well, the arguments Senator GILLIBRAND put forth I

found powerful in terms of how do we deal with a serious problem.

There were two arguments in particular that I found persuasive. The first is that sexual assault has proven to be a persistent problem in the military. According to the Defense Department, 3,374 cases of unwanted sexual contact were reported last year.

More than 23,000 additional cases of unwanted sexual contact went unreported. This has been a problem that has been present in the military for decades. Our commanders, our generals, our admirals, have worked in good faith, have worked diligently to correct this problem. It has proven a persistent problem. Yet, unfortunately, their efforts to correct the problem have not proven successful.

In the civilian side, one of the great challenges when it comes to sexual assault is the relatively low rate of reporting. Sadly, on the military side, that problem is even greater. The most significant barrier we see to deterring and preventing sexual assault is that many of the victims are unwilling, are not comfortable coming forward and reporting the assaults they are experiencing. Despite the repeated good-faith efforts of our military commanders, we have been unable to fix that problem.

The second argument Senator GILLIBRAND raised that I find quite persuasive is that a number of our allies, including Great Britain, including Israel, including Canada, including Germany, have implemented reforms quite similar to the reforms she is proposing, which is namely that the decision whether to bring a prosecution for a crime like sexual assault should be made by an impartial military prosecutor and not by the commanding officer who may well be the commanding officer both of the victim of the crime and the perpetrator of the crime. Those reforms have been implemented by our allies. Our allies have not seen good order and discipline undermined. Indeed, the data suggests they have seen an increase in reporting rates. Those are the arguments that persuaded me that we need to solve this problem, we need to stop this problem.

Let me point out that the coalition supporting the Gillibrand amendment is a bipartisan coalition. This cuts across party lines.

In my view, there are two strong conservative principles, both of which the Gillibrand amendment furthers. No. 1, all of us want to strengthen our military, ensure that good order and discipline are protected; that our commanders are effective; that we maintain the strongest fighting force on the face of the planet. But, No. 2, all of us want to prevent and deter violent crime and to ensure that anyone who commits violent crime, and in particular a crime of a sexual nature, meets swift and sure punishment.

Prior to being elected in the Senate I spent many years in law enforcement working to ensure that those guilty of violent crimes, and in particular crimes of sexual violence against children, against women, received the swiftest and surest punishment.

In my view, the Gillibrand amendment furthers both of these conservative objectives. I have tried to think about this issue not just from the perspective of a Senator but also from the perspective of a father. My wife and I have two little girls, Caroline and Catherine, who are 5 and 3. I have tried to think if some years hence Caroline or Catherine made a decision to step forward and volunteer to serve in our Armed Forces, what are the rules I would want to be in place to ensure that my daughters were protected against any risk of sexual assault.

Given the two-decade-plus history that we have seen in the military of not being able to effectively prevent these crimes and not having victims willing to come forward and report, in my view, shifting not to a civilian authority but to an impartial military prosecutor is going to significantly increase the reporting rates, which, in turn, is going to deter these crimes from being committed.

All of us owe a duty to our soldiers, our sailors, airmen, and marines, the young men and women who voluntarily step forward to risk everything to defend our Nation. For one of those young soldiers to find himself or herself the victim of sexual assault is an absolute violation of that trust.

The Supreme Court has referred to rape as ''short of murder, the ultimate violation of self.'' All of us have an obligation to make sure we are protecting our soldiers. An environment where young men and women in the military fear the risk of sexual assault or are not able to come forward and report those crimes is not an environment that furthers good order and discipline. So I would encourage all of my friends in this body, both Democrats and Republicans, to come together in support of this commonsense proposal to strengthen our military, and at the same time to deter and punish the unacceptable, unspeakable crimes of sexual assault so we can together honor the commitment we owe to all men and women in the military.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Ms. AYOTTE. Mr. President, I rise today to talk about a very important issue I spoke about on the floor yesterday; that is, eliminating sexual assaults in our military, making sure victims are supported, that they get the support they need.

Yesterday on the floor I talked about important reforms we are doing together on a bipartisan basis to make sure victims receive special victims' counsel, so each victim is now going to receive an attorney who represents him or her in the system, and stands up for their rights.

We make retaliation a crime under the Uniform Code of Military Justice so that victims of sexual assault understand if they are retaliated against, there will be a crime for that. In fact, those who retaliate will be brought to justice.

There are many other dozens of reforms that are in the Defense authorization, but today I want to talk about a very important issue. I see on the floor Senator MCCASKILL. I want to commend her for her leadership on this issue. She has been a tremendous leader. Senator MCCASKILL, Senator FISCHER from Nebraska, and I have offered an amendment that will further strengthen historic reforms that we discussed yesterday on the Defense authorization, including allowing a victim to formally express their wish about how their case will be handled, in addition to their being, of course, provided special victims' counsel, to provide the prosecuting attorney the ability to disagree with a commander's decision, which I will talk about more, and to have a review of that decision by the civilian head of each force.

Then we eliminate things such as the good soldier defense. Then those who feel like they have been discharged from the military or how their discharge has been described will now get an opportunity to have their case reviewed. So we are not only looking forward, but we are going to look backward to make sure that victims of crimes know they will be treated with dignity and respect.

I have come to this issue as someone who was a prosecutor. Most of the cases I prosecuted were murder cases, but I also had the chance to serve as attorney general of our State, where I worked with not only murder victims but also victims of sexual and domestic violence. This is a set of crimes that is unacceptable in society, but particularly unacceptable in our military, where we expect the very best from our military.

I looked at this issue very carefully, the issue that has been discussed so much on the floor today, that is, in handling sexual assault cases and other types of cases, should the military justice system be changed fundamentally to take the commander out of the decision on whether a charge will be brought after an independent investigation. I came down on the side of we need to hold commanders more accountable, not less accountable, because everything within our military, of course, is deployable. We have the finest men and women who serve our country in the world. We have to have a military justice system structured in a way that it can bring justice in Afghanistan as easily as it can bring justice in the United States of America, wherever our men and women are situated. If we take commanders out of the

decisionmaking process, then fundamentally we are holding them less accountable for the results of how these cases are handled. So I would like to talk about the proposal Senators MCCASKILL, FISCHER, and I have that I think will hold commanders much more accountable.

Right now, as we look at cases of sexual assault in our military, we want victims to understand they can come forward. When they come forward, and we want them to come forward, they will get the support they need and deserve; that their perpetrators will be held accountable for the crimes they have committed.

We want commanders to establish a climate within their unit to say no tolerance when it comes to sexual assault. If you do not handle a sexual assault case properly, you will be relieved of your command. That is what this is about.

So in our proposal, rather than remove commanders from the decisionmaking—let me say how this works so people understand. Right now, a victim of a sexual assault or another serious crime comes forward. They do not have to come forward through their chain of command. They can come forward through a health care professional, they can come forward through a 911 call, they can come forward through their pastor to report a sexual assault. Then it is independently investigated.

From there, that investigation is presented to a JAG lawyer in the chain of command who then makes a recommendation to the commander of whether a charge should be brought and whether they should be going to a military trial at that point. So to take out of that the decision of the commander is now to leave the victim in a situation where—let's put this victim in Afghanistan. They are in a situation where the case has been investigated. It comes back. The commander now does not take responsibility for whether a charge is brought. The commander is now put in a situation where: I am sorry, that decision is being made by another set of JAG lawyers who are outside of the chain of command, so go talk to the lawyers over here, not me. It puts the commander in a bystander responsibility rather than taking responsibility for these decisions.

So what we have done is made commanders more accountable. When the JAG lawyer comes to the commander for a recommendation, saying this case should be brought on a sexual assault case, if the commander says: No, it should not, that will go all the way up to the civilian secretary of whatever force is involved, whether it is the Secretary of the Army, the Secretary of the Air Force, each branch, and will be reviewed separately. That will hold commanders more accountable than turfing it over to a lawyer over here where the victim has to hear that: I am sorry, I cannot tell you what the decision is on your case because there is a lawyer over here making this decision.

Even in a case where the commander and the JAG lawyer both agree that a charge should not be brought, under our proposal there will be another review of those cases up the chain of command to say someone else should look at it. There should be accountability. There should be accountability at every level of our military to ensure that victims of sexual assault will be supported and that these cases will be handled and the perpetrators will be brought to justice.

There has been a lot of discussion on the floor today. All of us want more victims to come forward and feel that they can report their case, because not enough of them have come forward.

Yet the evidence shows that if we take commanders out of it, we are not necessarily going to get any more reporting. In fact, we have cases that may not be brought to justice. The evidence shows that commanders are being more aggressive than the actual JAG lawyers in terms of cases that are being brought. If we look over the last 2 years, there are 26 Army victims where the JAG lawyer said: Don't bring the case.

The commander overruled the JAG, went to trial, and the perpetrator was convicted. There was justice for this victim.

Under this proposal those cases would not have gone forward because the JAG lawyer said: No, don't bring it. There were 16 cases in our Marine Corps over the last 2 years where that would have happened as well, where 16 victims wouldn't have received justice.

There was one Navy victim, and nine Air Force victims would not have seen a conviction for their perpetrators—the rapists, who deserve to go to trial, to be convicted, and to be judged. Those cases would not have gone forward.

When I hear Senator GILLIBRAND's proposal—and I respect her so much, and there is so much we agree on, and I respect the work that she has done and the work that we have done together on many of the provisions that I have talked about—the discussion that taking it out of the chain of command will cause more reports to come forward, then if less cases will go to conviction, if I am the victim, how does that make me feel more as if I want to come forward and report my case? Maybe my case won't be brought or there is a set of cases that would not ever be brought if a commander—who has responsibility within his or her unit for this—hadn't recommended this case go forward.

The other argument we have heard a lot about is many of our allies have taken it out of the chain of command, including Canada, Great Britain, Israel, Germany, and Australia. There has been a misunderstanding, because as we researched this issue as to why our allies took it out of the chain of command, we discovered the truth is they took the decision out—of whether a commander would make the decision to go to a trial on a sexual assault case or other serious felony—to protect defendants, not victims.

I can assure people—with all due respect to defendants, and I have defended cases as well because they certainly have rights under our laws and I respect that—this is about protecting victims. Our allies changed their system to protect defendants. What we are trying to do is to have a victim-friendly environment where people will come forward and where perpetrators will be held accountable.

If we look at those countries such as Canada, Great Britain, Israel, and Australia, that have changed their system, they have not seen any greater reporting. In other words, it is one thing if we looked at it and said when they changed their systems the victims came forward. That is not the case. That is not what the evidence shows. Facts are stubborn things.

As a former prosecutor, I want to make decisions on how to address this very real and important problem based on facts. The facts are that there are cases that wouldn't have been prosecuted if we took it out of the chain of command—perpetrators that should have been held accountable. Our allies did it, but they haven't seen any greater reporting, and they did it to protect defendants.

What do we want to do? Let's hold our commanders more accountable. This is what some former peers of our military have said, such as COL Lisa Schenck, U.S. Army retired former Judge Advocate General, who spent 25 years in the military. We asked her about these two proposals. She said: If you take out the convening authority—meaning the decisionmaking process from the commander—you are essentially gutting the military justice process. If you take the court-martial process away from the convening authorities for sexual assaults or for major offenses, that allows them to say: Hey, the JAGs are dealing with it. They need to be held accountable, and they need to be part of a process.

We don't want to create a situation where we say: I have turfed it to my lawyer over here, and the lawyers over here are going to make the decision.

Commanders should be held accountable for those decisions.

In fact, we had a woman who is currently in the Marine Corps come to the Republican Conference, a woman commander. She is very impressive to have reached the level she has in the Marine Corps. She works training our marines. I was very impressed with her experience. She has commanded at every level. She said: If you want to get this done for victims, don't make the commanders bystanders.

This is what makes me very worried. If I thought that taking the commanders out of the decisionmaking process would help victims further, I would do it. As she describes: If you make a commander a bystander—which is what the proposal on the table of Senator GILLIBRAND is, who I very

much respect, and I know her passion is very real for this and I share it. I don't want commanders to be bystanders. If they are bystanders, then how do we relieve them from command when they don't do their job on this because we have taken the decisionmaker standard from it.

This is another issue that concerns me. We have spent a great deal of time, rightly so, trying to address the issue of sexual assault in the military. The Gillibrand amendment that is on the floor doesn't only take sexual assault out of the chain of command, it takes out murder, manslaughter, death or injury of an unborn child, stalking, rape—we talked about rape—larceny and wrongful appropriation, robbery, forgery; making, drawing, or uttering a check, draft or order without sufficient funds; maiming, arson, extortion, assault, burglary, housebreaking, perjury, and frauds against the United States.

We need to understand that the reason we have the military justice system structured this way is because we deploy to places such as Afghanistan. Not only in sexual assault cases will the decision of the commander—whether or not to refer the charge for a trial—be changed under the Gillibrand proposal, but in all of these crimes in which we have not received any testimony about. We have not received evidence that the commanders are mishandling murder cases, manslaughter cases, arson cases, extortion, assault, burglaries, fraud.

This is very much a fundamental change, not only in an area we all care passionately about getting right, to make sure that victims of sexual assault are supported, but all of these crimes will now be removed from the chain of command.

How will that work in Afghanistan and Iraq? I am trying to figure this out. There have been over 900 cases in Iraq and Afghanistan, as I understand it, where some type of trial has had to be held because of offenses that were committed in Afghanistan, all different types. I am not only talking about sexual assault, I am talking about all different types of crime.

How is that going to work? Are we going to say we will wait to see whether we should bring this to trial? The lawyers are located somewhere else. We don't know where; it could be in the Pentagon. So we will wait for the lawyers from the Pentagon, or wherever this separate set of lawyers are located, until we have justice in places such as Afghanistan.

This is for all of these cases on all of these crimes about which we haven't even had any testimony before the Armed Services Committee to address an issue that we all care very much about.

There were 900 cases from Iraq and Afghanistan. As we know, Iraq could have been as much of an issue in terms of having a deployable, military justice system to ensure that victims of all types of violent crimes, no matter where they are, will get justice and that perpetrators, no matter where they are, will be held accountable for their actions. This is what this is about.

I thank the Chamber for all of the work that is being done, for all of this work done on this important issue. I know that after we vote on all of these proposals—Senator GILLIBRAND's proposal, as well as the proposal that Senator MCCASKILL, Senator FISCHER and I have—that we will be working together to make sure that there is accountability on this issue. Reforms have already been passed that are in the Defense authorization. They are very important items such as the special victims' counsel that I mentioned earlier.

I see Senator MCCASKILL, and I know that she and I, as members of the Armed Services Committee, are not going to let this issue go. There will be follow-up to make sure that the military is held accountable. We have the best military in the world.

This does go to the core of our readiness of good order and discipline. We can't have good order and discipline if we put commanders on the sidelines. We will hold them more accountable under our amendment, amendment No. 2170.

I thank the Chair for the opportunity to speak on this important issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I understand Senator LEE is on his way to the floor. I will yield to him when he arrives.

I came to the floor today to say what a good debate we are having. Let us be clear, there is only one amendment that puts in place a fundamental change; that is the Gillibrand amendment.

We have had 20 years of promises that this problem would be fixed. I have a chart I will bring out later to show that every Secretary of Defense for 20 years, Republican and Democratic, has said exactly what Senator AYOTTE has said: Oh, we are going to fix this, and it is going to be fine.

We are picking up steam in our support. I wish to state the reason we are picking up steam. It is because, with all due respect, every single victims' organization that I know of supports the Gillibrand amendment. When victims say to me the reason I don't report is because I don't want to take it to my commander, I think we ought to listen.

With all due respect, I love the Senators on the other side and I have great respect for the people in the military, but they are not the victims. The victims are standing behind the Gillibrand amendment.

The committee that advises the Pentagon on the treatment of women in the military is called DACOWITS. This committee came out overwhelmingly in favor of the Gillibrand amendment.

My colleagues are saying don't make this fundamental change. But the one committee that advises the military—made up of retired military members and civilians—had a chance to say go with the status quo or go with the Gillibrand amendment. They voted without a single dissent in favor of the Gillibrand amendment.

When one stands here and defends the status quo in terms of the way this is decided, we have to understand they are in essence saying a 10-percent reporting of these incidents is OK with them. Otherwise they would vote to change it.

They can think they know why more people aren't reporting and fix it around the edges. I am so pleased we have some reforms in the bill. But the main, major reform and the reason the victims' rights groups are so behind the Gillibrand amendment is because it is the only fundamental change that is in the bill.

I compliment my colleagues for what they have done. It is wonderful, but they don't get to the heart of it, which is why we have a 90-percent problem. Of 26,000 cases, only 10 percent are reported. I thought it was bad in the civilian world where 50 percent are reported.

I say to my colleagues, we all have staffs and we run a workplace. I don't know how many people each of us has in their offices. I say to my colleagues, suppose there was a horrible sexual assault that took place in our workplace. We knew the alleged perpetrator, and we knew the alleged victim. We would call the police. We wouldn't become the decider. We wouldn't become the jury, the judge, as these commanders do.

What is really interesting is Senator GILLIBRAND called a press conference, and we had a commander who commanded troops in Iraq, and he said: Honestly, the last thing I wanted as I was getting my troops ready to fight and win battles was to deal with some horrible incident that occurred among those I was commanding. I wanted to get a professional in there.

The Gillibrand amendment is important not only for the victims but, yes, for good order and discipline. How can people stand here and say there is good order and discipline when there are 26,000 incidents of sexual assault and only 10 percent are reported? There are thousands of people walking around the military not being charged, and sometimes the deal they get is to get kicked out.

I will tell a story of one of my constituents because I think it is instructive. She joined the Marines. She was out with friends, and she was drugged. She was brutally raped. She was tossed on the street in the early morning hours. She woke up dazed. She reported it to her commander. Let me tell you what happened. The perpetrator got

out of the military—probably to continue his rampage on the streets of some city we represent—and my constituent was investigated by the military for drug use because she was drugged that night and abandoned on the street.

So I hope the people who support the status quo will hear that story and hear the other stories. We have a 90-percent problem; 90 percent do not report. We have DACOWITS advising the military it is made up of former military members and civilians saying support Gillibrand. We have every victims' rights group I know supporting Gillibrand. I will just say that if a minority of this Senate stops us today, we are going nowhere. We had a press conference yesterday where we revealed the new Republican on our team; today, a new Democrat. We want to have the best servicemembers in the world. We want our commanders concentrating on what they have to concentrate on. We have men and women being assaulted, and we have a plan in front of the Senate, and that plan is the Gillibrand amendment. It is smart, and it has strong bipartisan support.

Believe me, I was at a press conference with Senator GRASSLEY, Senator CRUZ, Senator PAUL, Senator SHAHEEN, of course, Senator GILLIBRAND, Senator HIRONO, and our group is growing. So if a minority of the Senate stops this, I will hearken back to the many reforms that have been made—whether it is don't ask, don't tell, gays in the military—you can just name them. Yes, it may take us a time or two. I remember having an amendment that lost that said you can't take convicted felons into the military if they have been convicted of a sex crime. I lost. I lost. But years later I won, and now you cannot take these felons into the military. So these reforms are hard. This one is 20 years in the making. History will record who stood on the side of positive change, who stood with the victims, and who obstructed.

I know everybody is doing it for reasons, and I respect that, OK. Let's be clear. But I am passionate about this because I have been here before. I was in the Congress during the Tailhook scandal, and I said to myself after that was publicized: This will never happen again. We won't see harassment. We will see a reduction in rapes.

Remember, half of the victims are men. This is a crime of violence. This is a crime of terror. We have to make sure there is justice, and that means trained people making the decision of whether to go forward, trained people running the trial and not putting this on the commanders. At the end of the day, when you talk to them—and I haven't talked to all of them, but I have talked to many of them—they say the last thing they want is this power.

No one can tell me there is good discipline when we have a 10-percent reporting record here—10 percent of the crimes are reported. It just can't be. That isn't good discipline. That isn't good order when you have rapists walking around because people are too scared to go to their commander.

I know my colleagues are trying to do the best for this country, but listen to the victims. We don't know better than the victims. We don't know better. We should be humble. We should listen to the victims.

Our allies have gone this way, and they have been pummeled here today, saying they have bad records and the rest of it. I think the reputation of the Israeli military is second to none. They have taken this outside the chain of command. Many of our other allies and friends—Australia. I visited there and talked about this. Frankly, this is the way to go.

Sixty percent of the American people support the Gillibrand amendment—60 percent in a poll that just came out. So the people are for the Gillibrand amendment, the victims are for the Gillibrand amendment, and the one committee that advises the Pentagon on women's rights in the military is for the Gillibrand amendment.

I praise everyone who has worked on so many other reforms in this bill. I am so proud. This is a reform bill. But I beg my colleagues to make that fundamental change we need to make and have the professionals decide whether there is a case from beginning to end. That is what justice really is.

I will close with this. There is a woman who has been put up for Under Secretary of the Navy. I have a hold on her nomination. I don't believe in secret holds. This is from the Obama administration. She was asked about the Gillibrand proposal, and do you know what she said, Mr. President? Here is what she said: If you take this outside the chain of command, decisions on this crime will be made based on the evidence, not on good order and discipline.

Can you believe that? This is the truth. We don't have decisions being made based on the evidence. This woman was honest, I give her that. She said that if we took this outside the chain of command, decisions on these crimes would be made based on the evidence. Well, she made our case, and I am proud to stand with a very strong bipartisan coalition in favor of the Gillibrand amendment.

I yield the floor.

The PRESIDING OFFICER. The Republican whip.

Mr. CORNYN. Mr. President, I ask unanimous consent to engage in a colloquy with my colleagues for 30 minutes and that those 30 minutes not count against the current 6-hour commitment to debate the amendments on military sexual assault.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I have been a member of this Chamber for a while now, and during my time here few of our colleagues have done more to expose waste and duplication and overspending than our colleague from Oklahoma Senator COBURN. I am, of course, cognizant of the fact that Senator MCCAIN, the senior Senator from Arizona, has quite a reputation himself in this area. I am pleased to join both of my colleagues, along with, I anticipate, the junior Senator from Arizona, to talk about some very important work Senator COBURN and his staff have done to help highlight the savings we can find within the Defense Department budget due to duplication and waste and failure to exercise reasonable management practices, such as audits. We can save money and reallocate that money to help our fighting men and women in uniform, help keep them safe and help maintain America's role as a preeminent military leader in the world.

Senator COBURN has pointed out in a new report I am sure he will talk about that we can save more than $60 billion by consolidating half the Federal Government's duplicative programs. Each of these programs has its own overhead, and through consolidation we can eliminate that overhead and still make sure the same amount of money is used to deliver the particular service. For that matter, if we were to consolidate just a third of the renewable energy programs, we could save $5 billion alone. If we stop sending unemployment checks to millionaires, we could save another $30 billion.

I am a proud defense hawk. We call it the Yellow Pages test in Texas. If you can look in the yellow pages and see a service being provided by the private sector, you have to ask, why is the government providing that service? But there is no ability of anyone to provide national security except for the Federal Government. It is the No. 1 reason for the Federal Government's existence, and it is a tragedy to see so much money wasted when it is needed so desperately by our military during these very dangerous times. It is, indeed, embarrassing that the Pentagon cannot even conduct an audit. They do not know where the money is. They do not know how it is being spent, how it is being misspent. So I am a proud cosponsor of my colleague's Audit the Pentagon Act. The Pentagon isn't scheduled to actually perform an audit until 2017, and I doubt they will be able to meet that deadline. I am sure we will hear more about that from the Senator from Oklahoma.

There is no good reason why the Pentagon shouldn't be able to tell the American people exactly how it is spending hundreds of billions of dollars in taxpayer money. Don't get me wrong. If our military needed the money in order to protect the American people and to keep us safe, I would vote for that expenditure 10 times out of 10. But when I am told there is money that should be spent helping keep us safe and protecting our national security that is wasted through duplicative programs, through inefficiencies, through the inability to simply manage the hundreds of billions of

dollars the Pentagon manages, it makes me livid, as I think it should all of the American people.

We know DOD continues to experience serious cost overruns with major acquisition programs. I know Senator MCCAIN, in his capacity on the Armed Services Committee, has been an eloquent critic of these cost overruns of various acquisition systems. A 10-percent reduction in DOD waste could yield an annual savings of $60 billion—$60 billion. That is real money, and that is money that could either be reallocated to pay down the debt or could be reallocated to help fund very important overseas operations by our military in dangerous parts of the world or here at home.

The bottom line is that even those of us who are proud national security hawks should be pushing first and foremost to eliminate wasteful defense spending and to audit the Pentagon. In my view, those are no-brainers. We should not continue down the path of wasteful Washington spending and say: Well, we don't have enough money, so we are just going to bust the budget caps in the Budget Control Act. We shouldn't say: Well, we are not going to address the hard issues of wasteful spending at the Pentagon; we are just going to raise taxes. Those are cop-outs, and we shouldn't go there.

With that, I yield the floor for my good friend from Oklahoma.

Mr. COBURN. I thank the Senator from Texas. I have worked on these areas for a long time. I too am a defense hawk. I am not often accused of that because I am critical of wasteful spending in the Pentagon.

Let me outline for my colleagues that the Pentagon's budget is near $600 billion, counting the extra money for overseas efforts today. Just by auditing the Pentagon, the GAO estimates the Pentagon itself would save $25 billion. The only branch of the Pentagon that has come close to an audit so far is the Marine Corps. For every dollar they are spending now on managing, they are saving $3 in the Marine Corps.

So we have repeated attempts through the year to address the symptoms of the problems rather than the real problem. Let me outline that.

The Pentagon has a broken procurement system. If we think about the programs which have been canceled and the penalties paid because of the programs which have been canceled—and Senator MCCAIN can talk about those better than I ever could—we have never fixed the real problem, and the real problem is what Eisenhower warned against. It is the defense industrial complex. The only way we will ever solve the procurement problem of major weapons systems is to force the defense industry to have capital at risk on new weapons systems. In other words, they have to have money in the game.

What routinely happens are two things: One is they don't have money in the game and we start out at cost-plus programming. Then the second problem—which Senator MCCAIN identified with me today and I have long known—is there is never a grownup in the room when it comes to adding on the bells and whistles in terms of the costs. As a matter of fact, half of the major weapons systems the Pentagon is buying today are on the high-risk list by GAO. So what we have to do is fix the real problems, not continue to treat the symptoms.

Let me run through a list in terms of savings in the Pentagon. These are not 1-year but 10-year numbers. So if we instituted this, we would save one-tenth of what I mention.

Just consolidation of the defense IT structure could save $160 billion over the next 10 years. There are 80,000 employees working in IT for the Pentagon. That is twice the population of my hometown. They have more data centers in the Pentagon than we have in all the rest of the government combined. As a matter of fact, Senator BENNET and I have coauthored a bill to reduce those data centers. They are not highly utilized. They are very expensive to run. They also put us at risk for cyber security.

The other thing not mentioned about IT is in weapons system procurement we have other ITs that aren't even counted in this, managing those procurement programs.

If we took the V–22 Osprey we have on order and replaced it with MH–60 helicopters—which can accomplish almost exactly the same thing—we can save $600 million a year, every year, over the next 10 years. Boeing doesn't like that—Boeing and their partner in contracting don't like that. But there hasn't been a weapons systems we have deployed that has had as many problems as the V–22 Osprey. Yet we are going to buy more, rather than a proven vehicle transport system which can accomplish almost everything the Osprey can. It is not the latest, it is not the newest, but it actually accomplishes the goal.

If we reduce the spending for other procurement programs—and let me say why this is important. The Defense Logistics Agency has no idea what they have in inventory. There is a public law which says they will have an inventory. They have ignored it for years. So they have never taken an inventory. It is ''too big'' to take an inventory. There are hundreds of billions of dollars of equipment and parts and supplies at the DLAs, at the depots around the country, that are in excess and we continue to buy new parts for because we don't know we have them. Fix the real problem. That is $52 billion over the next 10 years.

If, in fact, we took nonmilitary jobs at the Pentagon being filled by uniformed personnel today and replace them with civilian Federal employees, we would save $53 billion over the next 10 years. These do not require a trained soldier to do these jobs. That is $5 billion a year. That is 10 percent of the sequester on the Pentagon. All we have to do is to decide to do it. Do it. But we will not do it.

If we reduced contractor support and did more stuff internally by the military—and I will give a great story. Offutt Air Force Base in southwest Oklahoma, C–17 training. The most recent commander down there saved $136 million the first year he tried in running that base. He got the heck kicked out of him for doing it by the higher-ups because they wanted him spending all the money. But what he did is demonstrate there was $136 million we could save on that one base. The question is, Where is the leadership to do that? So we could save that $53 billion—$37 billion in terms of decreasing contract support.

If we just consolidated the three military health care services, we would save $380 million a year. At the same facilities, at the same locations we have duplicative military health care services. So we can consolidate that, give more consistent care, give better care, and yet save a significant amount of money.

The Department of Defense has over 104 science, technology, engineering, and math programs. Governmentwide we have 207. Over half of them are at the Department of Defense. Why 104 from the Department of Defense? Why not one that incentivizes science, technology, engineering, and math? If we consolidated them, we could save $1.7 billion over the next 10 years. That is $170 million a year.

What will that do for the operations and maintenance budget? What will that do for flying time for our pilots? What will it do for training that is not happening now for people deploying to Afghanistan? Those should all happen.

Domestic schools. We have 16 bases that still have domestic schools on them, where we run schools by the Pentagon. The cost per student in the United States is $50,000 per student, five times what we spend everywhere else in this country on elementary and high school education. If we just ran those in the local school district and paid them $1,000 or $2,000 more than their average cost, we would save over the next 10 years $9.8 billion. We would save $1 billion a year.

If we consolidated the DOD-administered grocery and retail stores—and, by the way, Walmart has offered to do that, to offer the same prices—we lose money every year on those, and that doesn't include the cost of running them. When we have gone out to price things against the grocery store or Costco or Walmart or everywhere else, we can actually buy it as cheaply in the private sector as we can at a base PX. The point is here is a perceived benefit which is costing us a lot of money but isn't truly there.

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

Mr. COBURN. I would be happy to yield.

Mr. MCCAIN. As my friend from Oklahoma knows well—and, by the

way, I wish every American could have a chance to read this list of waste, fraud, and incredible misuse of Americans' tax dollars. But one of the areas not in this document that the Senator from Oklahoma and I have talked about is the issue of cost overruns in our weapons systems.

For example, the latest aircraft carrier which was just christened with great fanfare, the Gerald R. Ford, is now at a $2 billion cost overrun of what the original cost estimate was. That is for one ship. When I think about what the $2 billion cost overrun could do in my home State of Arizona, it is even more staggering. Yet somehow we let this cost overrun accumulate over a long period of time, and the ship still, by the way, was recently christened, which does not mean finished, commissioned.

At a hearing we had in the Armed Services Committee the other day where the effects of sequestration—which I think are devastating—were described by each of the service chiefs, the Chief of Naval Operations, my old service, said: We need $500 million more for the Gerald R. Ford. I was stunned. I said to him: Admiral, there is a $2 billion cost overrun on that ship. I asked him if anyone had been fired. His answer, I tell my friend from Oklahoma, was he didn't know if anyone had been fired over the cost overrun of over $2 billion, with a request for $500 million more.

The Senator from Oklahoma mentioned the military industrial complex that President Eisenhower so wisely spoke about. I would disagree. I think it is a military industrial congressional complex because never has Congress canceled a program once it has been in full production.

I ask my friend from Oklahoma, what do we do about what I think is the No. 1 cost right now in the Pentagon; that is, cost overruns. I could mention the $1 trillion F–35 and many other programs. What is to be done about that?

Mr. COBURN. There are a lot of ideas. No. 1, our biggest problem is when we buy, we don't know what we want. So don't even start a proposal until we truly know what we want. That is No. 1.

No. 2 is there has to be capital at risk by the person building the ship or building the airplane. The only way to incentivize the private industry to control cost is to make sure half the cost is coming out of their hide. If we do that, what will happen is we will see real cost control because they don't do it on the commercial side. They only do it on the military side.

The third thing is having a grownup in the room when we decide to make modifications. The fact is, when we think we have an unlimited budget, nobody is there to say: You don't have an unlimited budget. You can't add this. It may be nice.

There is a great story on that. It was an Army backpack helicopter developed by Honeywell—on time, on price. Here is Honeywell delivering what the Army wanted on time and on price, and the military buyers added bells and whistles. It ended up weighing 12 pounds more, tripling the cost, and delaying the onset, to where they finally cancelled it—not because the supplier didn't supply it on time and on price, but the military was out of control in terms of what they were asking for. So they didn't get it. So we didn't have the availability to our troops in Iraq and Afghanistan to look behind walls, which was available and on time. But it was our purchasing system.

So we can't worry about the symptoms. We have to change the structure. We have to change the leadership.

I will make one final point. Right now we have more admirals than we have ships. At the end of World War II, we had 10,500,000 people under arms, we had over 2,200 general staff officers. Today, we have half that many and 1,500,000 in arms. There is one of the big problems. One of the biggest problems is that we have way too many staff officers—general staff officers who each have a cadre of people and then protect their turf. They don't protect the country, they protect their turf, and that is not to take anything away from their service. It is human nature. What we need is a marked reduction in general officers.

Mr. FLAKE. Would the Senator yield?

Mr. COBURN. I would be happy to yield.

Mr. FLAKE. The Senator mentioned the problem we have of the Defense Department running schools which ought to be run by local school districts. It goes even beyond that.

Just in the past couple of years we have absorbed into the defense budget a capital maintenance—new capital building and replacement of schools that are managed by the local district. Several hundred million dollars just in the past couple of years, and obligated for the next several years, will be used to rebuild or refurbish or to maintain schools which are the responsibility of local districts.

What has happened is people say the local districts may not be able to afford it or the Department of Education doesn't have jurisdiction. There is a defense budget we can put it in. We have seen that in other areas as well. So the Department of Defense is assuming responsibilities it just shouldn't have. When it does, typically the costs are much greater as well.

So I take the Senator's point and just say it is worse than we know because we have added new responsibilities and new budget items just in the past couple of years.

Mr. COBURN. I would add one thing and then yield back to my colleagues.

Inside the Defense Department, over the next 10 years, we are going to spend approximately $60 billion on things that have nothing to do with defense. Ten percent of that is health care research conducted by the military which doesn't have anything to do with the military. We have the NIH, the world's premier leading research organization, and we ought to transfer that out of the military.

As a matter of fact, the guy who started that was a friend of mine, Ted Stevens. One of the last things he told me is one of the biggest mistakes he ever made is putting medical research into the Pentagon, because now it gets funded, and we are duplicating things at the Pentagon which we are doing at NIH on diseases such as breast cancer, prostate cancer. I happen to have a little experience with that one. The fact is we are not spending the money wisely. We are spending money we do not have duplicating what we are already spending money on.

I yield to my senior colleague.

Mr. CORNYN. I ask the Senator from Oklahoma, isn't it true he has the materials Senator MCCAIN referred to posted on his Web site?

Mr. COBURN. If people are interested, coburn.senate.gov, and they can get that information. Everything we have, every study we have published, all the waste, all the duplication.

I have one other item.

There is at least $200 billion a year that the GAO—not TOM COBURN—has identified in waste and duplication in the Federal Government. We have not acted. Only one committee of Congress, Education and The Workforce, in the House, has acted on one of the recommendations as far as duplication. So the problem is us.

Mr. CORNYN. I ask the senior Senator from Arizona, as we discussed, he has been a critic and pointed out waste in the procurement process. I know the military, in designing state-of-the-art weapons systems, the F–35, for example, built in the notion of concurrency, where they are actually designing it while they are building it which creates cost overrun challenges. But I know the Senator was also instrumental in finally getting the Pentagon to negotiate a fixed-price contract. Could the Senator talk a little bit about some of the challenges?

Mr. MCCAIN. For years, I say to my colleague from Texas, the cost overruns went unchecked. When someone has a roof that leaks and they hire someone to fix the roof on a cost-plus contract, I guarantee that the cost to have your roof fixed will probably exceed the initial estimate the roof fixer provides you. When we go into cost-plus contracting, which is justified by many of the contractors saying, well, we are not sure what the additional costs will be, they do not seem to have difficulty once those contracts are fixed cost.

The best example—best or worst example—I can tell my friend from Texas is the original effort to replace Marine One, the Presidential helicopter. This helicopter, over a period of a couple of years, went from requirement to requirement to requirement, to the point where it was even a requirement that

the helicopter could withstand a nuclear blast. It ended up, before it was even off the drawing board, at a greater cost than Air Force One. At a greater cost than Air Force One. So finally they had the good sense to scrap it and we are still using the old reliable helicopter which seems to fairly suit the purpose of transporting the President.

Another interesting story was the Air Force now believes that one of their primary acquisitions has to be a long-range bomber. We are starting in this process again. At one point there was a proposal to put a kitchenette—I am not making this up—a kitchenette into the long-range advanced Air Force bomber. Finally someone decided maybe that doesn't look too good, to have a kitchenette on this airplane. But that is the case of what happens in the system we have today.

God knows the chairman Senator LEVIN and I and other members of the Armed Services Committee have gone time after time to try to bring these costs under control. I guess one of the favorite stories is of the famous Kelly Johnson of ''Skunk Works'' of the old Lockheed team. They went out in the desert of Nevada and came back 7 weeks later with the SR–71. Now it takes literally decades to come forward with a weapons system, and never once in recent years that I can recall has there been a weapons system on time and on cost.

Then you understand, I say to my friend from Texas, where the defense industry is so important and vital to the economy of his State, as it is with mine. The Apache helicopter, which I am very proud of, is built out in the east valley of Phoenix, AZ. But the American people then become cynical about defense spending. That really does erode our ability to sponsor and support those requirements that are so badly needed.

I thank the Senator from Oklahoma for all he has done to continue to bring this to the attention of the American people.

I want to make one additional comment about this medical research. There is not a person I know in America who does not support medical research. Particularly cancer is one of the big projects we appropriate money for. But it is the classic Willie Sutton syndrome. What in the world does the Defense Department have to do with cancer research? It is the Willie Sutton syndrome. They asked Willie why he robbed banks and he said: That is where the money is. So we are robbing Defense appropriations for programs and projects that have nothing to do with defense, but because the money is there we are spending it.

Meanwhile, we do not have, particularly as a result of sequestration, adequate funding, in my opinion, that will enable us to continue to defend this Nation.

All of us are for medical research. I do not know anybody in the world who is not. But for us to take money out of Defense appropriations and put it into medical research is something that is not any way justified except for the fact that the money is there.

Mr. CORNYN. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 1 minute 40 seconds remaining.

Mr. CORNYN. I yield the remaining time to the junior Senator from Arizona.

Mr. FLAKE. Mr. President, it is interesting in terms of the money being used where it should not be. I gave the example last week, and I am coming down every week and speaking at least 5 minutes on waste and duplication in government. I talked a couple of weeks ago about the Department of Agriculture. The Department of Agriculture—this is the Department of Agriculture, but you would not know it when you look at some of the programs run by the Department of Agriculture. No. 1, they have a Single-Family Housing Direct and Guaranteed Loan Program in the Department of Agriculture. It provides zero downpayment mortgage loans. It has cost the taxpayer about $10 billion since 2006. That is the Department of Agriculture, running a housing program.

We see this all over government. It is wrong. Eliminating the duplication that Senator COBURN, the Senator from Oklahoma, has spoken of many times can save our government and the taxpayers billions of dollars a year.

I appreciate, my colleagues, this colloquy we have had, and I look forward to more.

Mr. CORNYN. Mr. President, we yield the remainder of our time.

The PRESIDING OFFICER. The Senator from Maine.

Mr. KING. Mr. President, I rise to address one of the most difficult issues we have faced in this bill, an issue on which the Armed Services Committee spent a great deal of time, in fact more time than on any other issue this year. It is the issue of sexual assault in the military.

At our very first hearing where we were discussing this with a group of people, I made the observation that the only sure, long-term way to confront and defeat this tragic problem is through a change in the culture. It has to become unacceptable in the culture of our armed services that sexual assault is in any way tolerated or ignored. We have to solve this. It is a problem that has been festering for years. I understand the impatience of those who say we have been waiting for too long, we have to take strong steps. I think it is very important to realize that in the bill that is already before us are strong steps, the most comprehensive package of sexual assault provisions that has ever been in any Defense bill, to my knowledge, in the history of this institution. It has been taken seriously. It has been dealt with in a comprehensive way, some of the strongest changes ever.

I think one of the most important I want to highlight is the criminalization of retaliation. A great deal of the discussion has been about reporting and the reluctance of victims to report, in part because of retaliation. One of the provisions in this bill is to make it a crime to retaliate against a victim for reporting one of these horrendous crimes. The debate today is about one particular provision, one particular provision dealing with sexual assault that is not in the bill, and the question boils down to who makes the decision to refer a sexual assault case to prosecution.

I have heard the debate. I should have said at the outset, I so admire Senator GILLIBRAND for her intellect, for her passion, for her dedication, for her perseverance on this issue. Everybody involved in this debate has exactly the same goal, which is to get rid of this problem, to diminish it, to reduce it to zero, to not tolerate it. That is the goal of everyone involved. The question is whether removing the decision to refer to court-martial from the commander will further that goal or in fact will undermine it.

After listening to the arguments, discussing it at length with Senator GILLIBRAND and others, I have concluded that to take this decision out of the chain of command would in fact do harm to the cause of victims' rights.

The reason is simple. I want the commander to be fully responsible for this problem. I don't want a commander saying: It is not my problem anymore; the Congress of the United States has said I don't have to worry about this; I will check that box.

I believe, going back to my original point, that the way you change the culture is in a multifaceted approach, but certainly one of the ways you do it is through the decisions that come from the commander. That is what sets the tone in the unit. Leadership always infects an entire unit in good or bad ways, and I believe it would be a mistake on the side of the victims if we change the system and allow the commanders to say this is not my problem, this is not my responsibility.

As Senator REED mentioned on the floor earlier today, the Senator from Rhode Island, one of the most important changes is a change the Pentagon has itself made which is to hold commanders responsible for the sexual assault record in their unit as part of their evaluation for promotion. That is part of the way you change the culture.

This is a very difficult decision, but I think it is important to realize that the decision on this amendment is not: Are you in favor of victims' rights or are you in favor of the brass? I reject that dichotomy because already within the bill are these very strong provisions which are directed at this serious problem. What we are talking about is a fairly narrow discussion of who makes that decision. As a former practicing attorney who has had experience in criminal cases, prosecutors I think may be more conservative and less likely, in some cases, to bring cases to

trial than the commanding officer who wants to ensure that justice is done for that victim. What we want is no victims. We want this problem to end. We want this era to change because the culture changes within the military, and that which was acceptable at one time is no longer acceptable.

The best example I can cite for that in my life is drunken driving—OUI. When I was a young man, there was an epidemic of drunken driving in this country, and it was considered as kind of a joke. It was considered as a sort of a rite of passage. Suddenly, through law changes and societal changes over a generation, it is no longer acceptable or funny, and it is no longer tolerated, and as a result we have seen a decline because the culture has changed. That is what has to happen in the military, and I think it begins with the commanding officer.

In my opinion, to take this responsibility away from the commanding officer is not siding with the brass, it is siding with the victims, because I want those commanding officers fully engaged in this decision. I want them fully responsible for their decision. I want them to be what, in fact, they are, leaders—leaders who can make change, and leaders who can make change in this critical area. If it doesn't work, as my father used to say, Congress is always in session. We can come back and correct it.

I believe we are at a moment where the military is being given a last chance to deal with this within the chain of command. I think we have given them the tools to do so in this bill, and I urge my colleagues to support Senator MCCASKILL's amendment and to move forward with this bill which we can be very proud of in terms of its recognition of this horrendous issue, but also in terms of the solutions and tools it provides to our military to solve this problem once and for all.

I yield the floor.

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

Mr. MCCAIN. Mr. President, I thank my friend and colleague from Maine for his very thoughtful statement. After having several conversations with him, I know he did not come to this decision easily, but I certainly think he made a very strong argument for the decision he arrived at.

He and I—and all of us—share a deep and abiding concern about the issue that is before the Senate in the form of the amendment to the National Defense Authorization Act that is being debated on the floor. This is a very difficult situation. It is an unacceptable situation where men and women in the military may be exposed to sexual assault but, more importantly than that, the individuals who are responsible for those assaults need to be held accountable.

What we are asking today is: Are we going to hold the people who are in charge accountable for bringing offenders to justice or are we going to farm that responsibility out to some other entity, individual, or some other part of the bureaucracy? That is the question before us.

I trust these commanders. I have known thousands of them. I trust them, and I believe in them. Has there been an insufficient effort devoted to preventing these horrible crimes from taking place? Yes. I trust these commanders—these men and women in command—to take the proper action necessary because it is their responsibility.

The changes that are in this legislation include removing the ability of commanders to overturn jury convictions, require review of decisions not to reverse charges, criminalize retaliation against victims, provide a special victims' counsel to victims of sexual assault, and support and assist them through all their proceedings. That is why I supported Senator BOXER's amendment which reforms article 32 of the Uniform Code of Military Justice. Her amendment will help prevent the abuse of victims of military sexual assault in a pretrial setting.

We are taking action in this legislation. Maybe we can be found guilty of not acting soon enough. Basically this deals with a fundamental question: Do we not trust the commanders—whose responsibility is the very lives of the men and women under their command—to do the right thing? That is the difference between the Gillibrand amendment and what has already been done in this legislation.

We have had extensive hearings, debate, and discussions on this piece of legislation. The question is: Do we trust the commanders to do the right thing within the proper parameters, such as removing the ability of commanders to overturn jury convictions, require review of decisions not to prefer charges, and criminalizing retaliation against victims?

As far as I can tell, we have taken significant and important steps that will protect our men and women not only from assault but the abuses and recriminations that may be visited upon them in cases where they are victims.

I am not saying the legislation before us will eliminate sexual assault, but I am saying that what we are doing is exactly what we did at other times when there were crises in our Armed Forces. I am referring back to the post-Vietnam war era. I was a commanding officer in 1975, 1976, and 1977, and we had racial, drug, and discipline problems. We had the post-Vietnam war syndrome where our military was in total disarray. We were dealing with drug abuse and racial discrimination. There were race riots on aircraft carriers.

What did we do? We placed the responsibility directly on the commanding officer, and if they didn't take action and failed, they were relieved. That is the way the military should function, and that is the way the military has functioned successfully. We had programs, advisers, indoctrination, and punishment—punishment for those who refused to adhere to the standards of conduct we expect every man and woman in the military to adhere to.

What does the Gillibrand amendment do? It removes the commander. It removes the person—the man or woman in command—who has the ultimate responsibility, unfortunately, from time to time of taking these young people into battle and risking their very lives. That is what makes them different from any other part of America and any other part of our society.

The Gillibrand amendment says we don't trust these commanders. Well, we trust those commanders with the lives of these young people. We ask them to have the ultimate responsibility, which is that of defending this Nation, but we don't trust them to prosecute and do their job and their duties? Well, that flies in the face of every encounter I have ever had with the men and women who were in command, and the senior petty officers, master chief petty officers, and master sergeants who are responsible for the good order and discipline of the men and women in our Armed Forces.

I won't go into the fact that this Gillibrand amendment includes matters such as burglary, perjury, robbery, and forgery. It has been expanded beyond belief in its areas that have to be referred out of the chain of command. I will not even bother with that.

I say to my colleagues as passionately as I can that if we do not trust the commanding officers who take our most precious assets—the young men and women of the military—into battle, then we obviously need to reevaluate our entire structure of the military. But I do trust them. The finest people I have ever known in my life are those who have worked their way up to positions of authority in command through a very severe screening process. Have they made mistakes? Can we find an example or a case where the right thing was not done? Of course we can. There is nowhere in our society where we can't find examples of people who have not done the right thing.

Today I am embarrassed that it seems naval officers were involved in some kind of bribery scheme about overseas ships. Sometimes we are embarrassed by leaders of our military, but they are the exception and not the rule.

If the Gillibrand amendment is passed, the message we will send to the men and women in command in the military is that we don't trust you and we don't believe in you. That is what this is all about. If we follow through with the 26 changes that have been made in the Defense authorization bill and ensure that if there is a wrong decision made in some cases, that decision will be sent all the way up the chain of command to the service secretary.

This is a terrific and horrific problem in our Armed Forces today. We have

done what we believe and what our military and military leaders believe is right—leaving the commanding officer in the decisionmaking process concerning the lives and welfare of men and women under their command. I hope we will realize that if we pass the Gillibrand amendment, our signal to the men and women in leadership—whether they are our senior enlisted personnel or our officers—is we don't have any confidence in you, and we don't trust you. That is the message we will send if we pass this amendment today.

Are they perfect? No. Have they made mistakes? Yes. That is why we put provisions in this bill which would circumscribe much of the decisionmaking process but still leaves final decisions in the chain of command.

I urge my colleagues to reject the Gillibrand amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mrs. FISCHER. Mr. President, I rise today to speak on the series of historic reforms adopted by the Armed Services Committee to combat sexual assault in the military. The women have taken the lead on this matter. Sexual assault is not a gender issue, it is a violence issue.

I rise to voice support for a bipartisan amendment that I have offered with Senator MCCASKILL and Senator AYOTTE to directly confront this violence, and I urge my colleagues to oppose any radical changes that would undermine justice for the victims and take away responsibility from commanders.

I am proud to have supported several measures to strengthen the rights of victims, hold perpetrators accountable, and strengthen oversight of military commanders to ensure that justice is delivered.

As a result of a truly bipartisan effort, the committee has put forth a bill that takes an unprecedented step of providing victims with a special victims' counsel to make certain they are receiving unbiased, independent legal advice. It strips commanders of the ability to overturn jury convictions, makes retaliation against victims a crime, requires dishonorable discharge or dismissal for those convicted of sexual assault, and provides critical civilian oversight.

Despite achieving these unprecedented reforms in committee, my colleagues and I continue to explore ways to enhance the current bill after the committee's work had concluded.

Senators MCCASKILL, AYOTTE, and I introduced an amendment last week to expand upon the committee's progress. Our proposal extends current protections to service academies, boosts evaluation standards for commanders, and allows victims increased input. It also eliminates the good soldier defense in most cases.

These changes, both in our amendment and in the whole NDAA, are significant but, importantly, they are also serious and thoughtful. They are based on sound policy, not on political sound bites.

Rather than radically remaking the entire military justice system, which would carry significant risks, our proposals improve and update the current system. To do so, we applied lessons from history.

In 2006, Congress hastily changed portions of the Uniform Code of Military Justice to address instances of rape. These changes disrupted victims' paths to justice, and Congress was forced to rewrite its own changes a few years later.

Congress can't afford to get something this important wrong. We cannot let our deep desire to solve this problem lead to imprecise solutions because victims suffer when we do. Any changes to the UCMJ should come after a deliberate and transparent process, with feedback from all sides. The McCaskill-Ayotte-Fischer amendment is the result of such a process, and I encourage my colleagues to support it.

Finally, I urge my colleagues to oppose any amendment that undermines a commander's responsibility for his or her troops. Senator MCCASKILL put it so well when she spoke on the floor earlier today: The amendment offered by my friend and colleague, the junior Senator from New York, offers a solution that is ''seductively simple,'' but its simplicity creates a host of complex policy problems.

In addition to technical concerns, I do not agree with the underlying goal of removing commanders from the military justice system. As Senator MCCASKILL noted, we know commanders pursue courts-martial when their legal advisers recommend against doing so. We know, based on the experiences of our allies, that removing commanders from that judicial process does not achieve the desired results. And we know that commanders have risen to the challenge in the past to confront contentious issues within their units, including integration. These facts lead me to conclude that the changes in this bill, combined with the reforms included within our amendment, will best serve the interests of victims and punish those responsible.

I commend the Senator from Missouri for her leadership on this issue, and I am grateful for the opportunity to work closely with her, Senator AYOTTE, and many other colleagues to help our men and women in uniform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, I agree with the comments of the Senator from Nebraska.

I have to say I was a little disturbed because I have heard a couple of reports—one was in a news conference on November 6 and one on November 19—yesterday, I guess—that Senator GILLIBRAND was saying that I was objecting to her amendment. Yes, I oppose her amendment but not to the extent that I would hold back the bill. My gosh, there is no one on the floor of this Senate who has been working harder to get this bill through—no two people more than the chairman and me. So I want to make sure people understand that.

In terms of the alternative, I have been watching it very closely, and my strongest possible support is for that amendment, No. 2170, offered by Senators Ayotte and McCaskill, which provides additional enhancements to the historic enhancements for sexual assault prevention and response activities in our military. I commend my two colleagues on the Armed Services Committee for their tireless efforts and their leadership, and I urge all Senators to join me in supporting this amendment.

It doesn't mean that if someone is opposed to the Gillibrand amendment, that someone is not wanting change. Yes, we do. This is major change.

It adds the senior trial counsel to the officers who make recommendations on whether to proceed to trial and, if the convening authority decides not to proceed, results in the case being referred to the service Secretary.

It adds duties for the special victims' counsel to inform victims of options for military and civilian prosecution of sexual offenses. It gives them a voice. They can express a preference. It requires commanders to give weight to that preference and to notify the victims if the civilians decline prosecution.

These are changes. These are changes in the current system that are coming with the amendment offered by Senators AYOTTE and MCCASKILL, amendment No. 2170.

It requires including written performance appraisals of every member of the Armed Forces—officers and enlisted people—an assessment of that member's support for sexual assault prevention and response programs.

It requires every commander to be evaluated in their performance appraisals on whether they have or have not established a command climate where allegations of sexual assault are properly managed and fairly evaluated and ensures that a victim can report sexual assaults without fear of retaliation, ostracism, or any kind of group pressure from members of the command.

It also requires command climate assessments to be performed after a sexual assault incident, with copies of that assessment to be provided to superiors in the chain of command and the military criminal investigation organization.

It creates, finally, a process through the boards for correction of military records for confidential review of discharges of individuals who were victims of sexual offenses, to require consideration of psychological and physical aspects of the victim's experience that may have had a bearing on the separation.

So this is a major change. It is one I strongly support. I give the Senator from New York the benefit of the doubt that she did not mean what some people would interpret it to mean—that I would hold up a bill in opposing her amendment. I certainly would not do that. I am for reform, and we have an opportunity to do that which is bipartisan and accomplishes the very thing we should have accomplished many years ago.

I thought there were others waiting here, but let me make one comment. I agree with my colleague, the junior Senator from Oklahoma. I know he has worked tirelessly in trying to do something to stop waste in the Pentagon, and, quite frankly, I think there is some there.

This chart shows the devastation of sequestration. What it shows is the bottom line—these are deficiencies. This is what he is talking about. I want my colleagues to see this because this goes from fiscal year 2014 all the way to 2023. If we take the sequestration as it is right now, without any adjustments—now, Senator SESSIONS, Senator MCCAIN, and I have tried to make adjustments so that there are greater cutbacks here and not so many in the first 2 years.

The orange—and that is where almost everything comes out—represents readiness. That is readiness. Readiness is what we need to support our fighters in the field to save lives.

The green is modernization. That is not affected by these inefficiencies we are talking about.

The force structure is a major cost item, and it is demonstrated by the yellow on the chart.

So what I am saying is I know there is room for improvement, and I want Senator COBURN and others to work on areas within the Pentagon where money can be saved. But if that happens, it is still going to all be found down here—everything. TRICARE and all of it is down in this blue line. So we can see that the devastation that comes from sequestration to our military is still going to take place.

I think if we look at the level there of the sequestration cuts that take place, it is almost entirely in the readiness. ''Readiness'' is a term we have used for a long time. That is our ability to save lives. That is our ability to train and equip our men and women in harm's way.

We have testimony right now that I wish to share with my good friend and the Chair, who was there and heard it, from all four services talking about how much more risk is involved if we have to go through sequestration. Risk equals lives. I agree with those who want to do all they can through efficiencies. I am for them. I will do all I can to help them. That doesn't solve the problem. The problem is immediate. It is today. I still believe there should be something we can do to stop draconian cuts in our readiness and our force structure accounts that would come with sequestration.

It wouldn't do me any good to read all of the quotes we have from various individuals, but I can assure my colleagues that the Chair and anyone who sat through the Armed Services Committee hearings has heard all four of the chiefs talk about how devastating this will be if we are not able to correct this.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Hawaii.

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

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

Ms. HIRONO. Mr. President, there is not a single Senator here who does not acknowledge the seriousness of sexual assault in the military and that we must do something to prevent and prosecute these crimes. Yes, there are differences of opinion as to what we need to do, but make no mistake, we share the common goal of preventing and prosecuting these crimes.

I thank two strong women on the Armed Services Committee, Senator MCCASKILL and Senator GILLIBRAND, for their leadership in pushing for solutions that will make a difference. I also thank Chairman LEVIN for his commitment and leadership in bringing forth a bill that includes a number of important improvements to the current system. We all support these changes. However, I believe there is a fundamental structural problem with how sexual assault cases are prosecuted in the military. We need to make the changes proposed by the Gillibrand amendment.

I am a cosponsor of the Gillibrand amendment. I spoke on the floor last week and explained why I think we need to remove disposition authority from the chain of command. I don't want to repeat everything I said last week, so let me make a few points.

First, for two decades or longer the Department of Defense has had a zero tolerance policy for sexual assault and sexual harassment. Yet the problem persists. Servicemembers continue to be assaulted and raped, and in too many cases the perpetrators continue to go unpunished. Year after year, Secretary after Secretary and commander after commander has told us about all the efforts to correct this problem, but those efforts have not worked. There are probably many reasons why these incremental changes have not worked, but every year that these changes do not work, many more of our brave men and women in the military endure the trauma of sexual assault. It is time to make a major change to the military justice system.

Second, too often these attacks are not reported, which allows the attacker to prey on more victims. The survivors tell us the biggest reason they do not report these crimes is because they do not believe their chain of command will ensure that justice is done. Even the Commandant of the Marine Corps, General Amos, has acknowledged that many victims do not come forward because ''they do not trust the command.''

The concerns of survivors in coming forward makes sense because there are inherent biases and conflicts of interest in the chain of command. These concerns are echoed in a letter from GEN Claudia Kennedy that was signed by more than two dozen former officers from all branches of the military. The letter states:

> We know that, in too many cases, servicemembers have not reported incidents of sexual assault because they lack confidence in the current system. The inherent conflicts that exist in the military justice system have led servicemembers to believe that their allegations of sexual assault will not receive a fair and impartial hearing and that perpetrators will not be held accountable.

We should give weight to these concerns and act today to remove the chain of command from prosecutorial decisions in sexual assault cases and instead put these decisions in the hands of an impartial, experienced military lawyer.

Third, removing prosecutorial decisions from the chain of command will not harm good order and discipline. I have heard this concern from many military leaders, as well as from others who oppose this amendment. They say eliminating a commander's ability to decide whether a case should go to trial would undermine the commander's ability to maintain good order and discipline within the unit, and yet—and yet—we have heard from many others who have command experience who support the Gillibrand amendment.

Good order and discipline should not depend upon a commander's ability to decide whether to prosecute a sexual crime. A commander's authority and leadership must certainly be based on more than that.

Furthermore, the Gillibrand amendment preserves a commander's disposition authority over crimes that are uniquely military—crimes such as desertion, AWOL, contempt, and noncompliance with procedural rules. This ensures that commanders will have the authority they need to maintain good order.

In closing, it is undeniable that the current system does not work. We know it does not work because, according to the Department of Defense, in 2012 there were an estimated 26,000 cases—26,000 cases—of unwanted sexual contact.

We know that not all survivors report these crimes because, in the words of General Amos, ''They do not trust the command.'' We know we can eliminate bias and conflicts of interest by entrusting prosecutorial decisions to

an impartial, experienced military lawyer. We know that removing disposition authority from the chain of command will not undermine good order and discipline.

We know what needs to be done. We ought to do it and do it today. We owe it to the men and women who serve our country in uniform. We owe it to the families and loved ones of those who serve because the trauma of sexual assault often extends beyond the trauma experienced by the survivor. I urge my colleagues to support the Gillibrand amendment.

I yield the floor.

Mr. LEAHY. Mr. President, earlier this year, as many others were, I was shocked when the Department of Defense released a stunning report about the increase in sexual assault among the branches of the Armed Forces. Sexual assault in the military is neither a new issue, nor an uncommon one. It has been a problem for decades. Its occurrence is a stain on the honor of our military and Nation that we must all work to eliminate. Military bases are where our troops are supposed to be safe, and to know that they risk being in harm's way not only when deployed but among their fellow servicemembers as well is horrible.

I have worked hard to bring greater attention to the ongoing problem of sexual violence in our communities and am proud of the significant improvements we made in the recent reauthorization of the Violence Against Women Act earlier this year. It is time we bring the same level of attention to the crisis on our military bases.

While this epidemic is not representative of the vast majority of our service men and women, who serve honorably and conduct themselves commensurate with our expectations of those in uniform, it is also not isolated to just a handful of bad actors. We can no longer ignore that the time is long overdue for meaningful changes to help end sexual assault and harassment in the ranks of our Armed Forces. We must work together to protect victims and provide appropriate help and support and to ensure that those responsible for such crimes are held accountable.

Just as our civilian justice system is the envy of the world, our military justice system must also meet that standard. That is why I am a cosponsor of Senator GILLIBRAND's Military Justice Improvement Act, and why I support her amendment to the National Defense Authorization Act, NDAA.

In last year's Defense authorization bill, Congress included provisions meant to address sexual assault in the military. That legislation required the Secretary of Defense to prescribe standards for victim support and mandated an independent review and assessment of the systems used to adjudicate crimes involving sexual assault and related offenses.

When the Department of Defense released its fiscal year 2012 report on sexual assault in the military earlier this year, its findings were jarring, and for many myself included they were infuriating. To make matters worse, the problem seems only to be growing.

The status quo for how we deal with sexual assault and unwanted sexual contact in the military is untenable. If we are serious about curing this problem, we need to get serious about making fundamental changes to how it is addressed. We cannot expect that by doing the same thing over and over again we will achieve different results.

I supported Secretary of Defense Chuck Hagel's proposals this summer to limit a commander's authority to overturn major court martial verdicts, among other reforms to the system. I am pleased that the members of the Senate Armed Services Committee included this key provision, as well as other measures to address the so-called ''good soldier'' defense and to require commanders to immediately report alleged sexual assaults to the investigative office, in this year's Defense authorization bill.

Senator GILLIBRAND's proposal is another move in the right direction, taking these reforms a step further by removing the determination to bring sexual assault cases from the chain of command and giving that discretion to an experienced military prosecutor. This is a commonsense solution, and I commend her for her clear-eyed and energetic leadership on this issue.

Senator MCCASKILL's proposal also includes strong protections for victims so that the process of getting justice for these crimes does not revictimize those who come forward to report them. I believe Senator MCCASKILL's proposal also is a step in the right direction to encourage victims to come forward and report these crimes. Our Nation's troops should not have to fear sexual assault, and if they are victims, they certainly should not fear any stigma after bringing to light unwanted sexual contact.

Surely we can all agree that we have an obligation to ensure that our men and women in uniform are protected from the threats we can control. Holding perpetrators of sexual assault and unwanted sexual contact accountable and caring for, supporting, and protecting those victims is within our control. I hope Senators on both sides of the aisle will join me in supporting reforms that will fundamentally change the way we approach this issue in order to achieve better results.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield myself 6 of my 10 minutes.

One of the issues we address in this bill is the problem of sexual assault in the military. Too many of the men and women who volunteer for our military to serve and protect us are victims of sexual assault and other misconduct. That is deeply offensive to our conscience and a stain on an honorable institution.

The bill that was reported by the committee includes groundbreaking new measures to reduce sexual assault and misconduct. On a bipartisan basis, members debated and approved more than two dozen measures related to preventing sexual assault and to delivering justice for the victims of these crimes.

The bill that we approved, and which is now before us, would provide sexual assault victims a counsel, a lawyer, who works not for commanders, prosecutors, defense attorneys or a court but for the victim. It includes strong new protections for victims that are designed to combat the No. 1 problem we have in preventing assaults and dealing with perpetrators: the fact that many assaults remain unreported to authorities. Of great importance, the committee-reported bill for the first time makes it a crime under the Uniform Code of Military Justice to retaliate against a servicemember who reports a sexual assault.

It also requires that the Department of Defense inspector general review and investigate any allegation of retaliation against those who make communications regarding sexual assault or sexual misconduct.

Our bill includes important criminal justice system reforms, including reforms on how commanders respond to sexual assaults. Our bill includes a requirement that commanders who become aware of a reported sexual assault immediately forward that information to criminal investigators. It eliminates the consideration of the accused's character from the factors a commander should weigh in deciding whether to prosecute a sexual assault allegation. It restricts the authority of commanders under Article 60 of the UCMJ to set aside court-martial verdicts in cases involving sexual assault and other crimes. It requires that a decision by a commander not to prosecute a sexual assault complaint undergoes an automatic review by a higher command authority, in nearly all cases a general or flag officer. In the case where a commander's decision not to prosecute contradicts the recommendation of his or her legal advisor, that automatic review is conducted by the service Secretary. The committee-reported bill also makes clear that we expect and demand that commanders will use their authority to rein in this problem by fostering a climate of zero tolerance toward sexual misconduct and one in which servicemembers believe they can come forward to report cases of sexual assault.

These important reforms were the product of the work of almost every member of the Armed Services Committee. The desire to remove this stain from our military is bipartisan and it is strong.

Despite widespread bipartisan agreement on significant reforms, one significant issue of dispute remains. This is the question of whether military commanders should retain their authority to prosecute sexual assaults.

Senator GILLIBRAND proposed in committee, and proposes again here on the floor, to remove our commanders' authority to prosecute. Along with a strong majority of the Armed Services Committee, I opposed Senator GILLIBRAND's proposal, which was defeated on a bipartisan 17–9 vote. I oppose it for a simple reason: I do not believe its passage would strengthen efforts to end military sexual assault and other misconduct, and in fact I believe it could weaken those efforts.

The Gillibrand amendment would uproot major portions of the military justice system and require the establishment of a parallel justice system within the military. Our top military lawyers have told us that the amendment leaves large gaps and unexplained issues that could make the new system unadministrable and bog it down in litigation.

Despite those problems, if I believed that the proposed amendment would remove more sexual predators from the ranks and put more of them behind bars, or lead more victims to report sexual assaults, I could support it. But the evidence we received in our committee shows the opposite.

First, we learned that military commanders are more likely, not less likely, more likely, to prosecute sexual assaults than military or civilian lawyers. The committee heard from many commanders, at all levels, that they see important value in sending cases to court-martial even if a conviction is not a slam-dunk. But we have more than the assurances of commanders. We have hard data. Over the last two years, in nearly 100 sexual assault cases which civilian prosecutors declined to prosecute, military commanders stepped in and took the case to court. Trials are complete in 63 of those cases, resulting in 52 convictions an 83 percent conviction rate. Those victims would not have seen justice if a military commander had not stepped in where professional prosecutors declined to act. The evidence before us indicates that commanders are ready to prosecute these cases, and that removing their judgment and replacing it with career attorneys will result in fewer prosecutions of these cases.

The evidence is that when victims do come forward, their reports are properly investigated, and when commanders are presented with the facts, our commanders do their job. They often send cases to trial even when professional prosecutors hesitate to do so. So why would we want to take that authority away?

Second, the supporters of this proposal have argued that it will increase victims' willingness to come forward. They do not provide any data to support the assertion that victims will be more willing to come forward in a system that is less likely to bring them justice. Why would victims feel more confident in a system that is less likely to aggressively prosecute these crimes?

The Response Systems to Adult Sexual Assault Crimes Panel, which was established in the National Defense Authorization Act for Fiscal Year 2013 and has looked in depth at the experience of our allies on this issue, reported last week: ''We have seen no indication that the removal of the commander from the decision making process has resulted in an increase in reporting and there is nothing in the experiences of our foreign Allies that suggests adopting their systems as a model will have any impact on the reporting of sexual assaults.''

I believe the contention that this amendment would increase reporting stems in many cases from a fundamental misunderstanding of how sexual assaults are reported. One member of the Senate, in announcing his support for taking away commanders' authority to prosecute, said: ''To me, it's as simple as this: Should you have to report to your boss when you've been abused or when you've been a victim of a crime?''

Well, of course you shouldn't have to. And in the military, you don't. There are many different avenues by which a member of the military may report a sexual assault. Reporting it to your commanding officer is only one. Victims can report an assault to civilian police, to military criminal investigators, to a health care professional or to a sexual assault response coordinator. The Gillibrand amendment does not affect any of those reporting channels. Its only effect is to change what happens once an assault is reported and investigated.

Supporters of this proposal have argued that our allies have adopted changes to their military justice systems along the lines they propose, and that these changes have better served sexual assault victims. What this argument ignores is the fact that our allies' decisions have not been aimed at protecting sexual assault victims. In fact, with allies such as Canada and Great Britain, commanders' authority to prosecute was removed not out of concern for crime victims, but out of concern for the rights of the accused. I have yet to hear anyone argue that the problem with our handling of military sexual assault is that it is too tough on perpetrators. Yet that has been why allied militaries removed the decision to prosecute from their commanders.

Perhaps the most basic reason to oppose the amendment of the Senator from New York is that it removes a powerful tool from those who are indispensable to turning around the problem we have. Our military commanders are the indispensable tool to turn around this problem. I have met at length with several groups of retired military women.

I specifically chose to meet with retired military personnel to ensure that they would be free to speak their minds. These women—all of whom have seen cases of sexual assault and sexual harassment in the course of their military careers—told me the problem is not commanders. The problem is a military culture, they told us, that tolerates excessive drinking and barracks banter that borders on sexual harassment or crosses that line. The problem is there is a failure to recognize the existence of servicemembers who appear to be good soldiers but in fact are sexual predators, and a culture that values unit cohesion to such an extent that those who report misconduct are more likely to be ostracized than respected. None of these problems are unique to the military, but they are exacerbated in the military by the frequent rotation of military assignments, which can make it easier for predators to hide.

The military has a unique tool for addressing this problem: commanders who can bring about changes in command climate through mandatory training and by issuing and enforcing orders that are not possible in a civilian environment. That is what they did in addressing racial discrimination and in ending don't ask, don't tell. That is what they can and should do here. Weeding out sexual predators and the climate that makes it possible for them to hide is an essential ingredient in any solution to the sexual assault problem. The military women whom I met with over the summer told me that our commanders are in the best position to make that change.

Weakening the authority of commanders will do serious damage to their ability to accomplish this change. All of us seek the strongest, most effective response to the plague of military sexual assault. The amendment Senator GILLIBRAND proposes will not strengthen our response. The evidence before us shows it will, in fact, weaken our response by removing the decision from the hands of commanders.

We have two dozen historic reforms in our bill, but a number of Senators, led by Senators MCCASKILL and AYOTTE and FISCHER, have continued to work on policies to strengthen our response to the military assault problem. This has resulted in the amendment they have proposed.

Their amendment would ensure that the duties of special victims' counsels include advising victims on the advantages and disadvantages of prosecuting a case in the civilian or military justice systems, giving victims a greater voice in where a case is heard. It would require that performance evaluations of commanding officers consider their success or failure in creating a command climate in which victims can report sexual assaults without fear. It would require command climate assessments of any unit in which a servicemember is the victim of a sexual assault or is accused of committing one. It would give the victims of sexual assault who leave the military the ability to challenge the terms or characterization of their separation or discharge. It would prohibit introduction as evidence during judicial proceedings a sexual assault defendant's general military character—the so-called

''good soldier defense.'' In other words, the fact that a defendant happens to be a good troop would no longer be allowed as evidence that he or she did not commit a sexual assault. These reforms are aimed at the problems we do have that is, at rooting out retaliation against victims, and providing victims better support—and not at a problem we don't have—that is, the decisions our commanders make relative to prosecution of these crimes.

I will conclude by saying that these additional reforms in the McCaskill-Ayotte-Fischer amendment are significant additions to what is in the committee bill, and I support them. What I cannot support—and what I hope the Senate will not support—is legislation that will remove from our commanders the authority to combat this problem. The real, strongest tool to combat this problem is the ability to send a matter to a court-martial.

We cannot strengthen our efforts to prevent sexual assault by reducing the likelihood of prosecutions. We know from history and from the facts that is the result of taking this decision away from the hands of the commanders. We know of the 100 cases where other authorities, civilian authorities, have decided not to prosecute but where the commanders then decided to pursue it anyway. That is just within the last 2 years, and we do not know of any cases that go in the other direction.

We cannot strengthen our efforts to prevent sexual assaults by reducing the likelihood of prosecutions. We cannot strengthen our efforts by weakening the authority of our commanders to act against sexual assault. Commanders were tasked, again, with making those monumental changes in military culture, from combating racial discrimination in the 1950s to ending don't ask, don't tell in 2011. If we are to accomplish the change in military culture that we all agree is central to combating sexual misconduct and sexual assault, commanders are essential. We cannot fight sexual predators if we make it more difficult to try and convict them. We cannot hold our commanders accountable for accomplishing that needed change in culture if we remove their most powerful weapon in the fight.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I wish to thank Chairman LEVIN for his extraordinary leadership on combating sexual assault in the military. He has led a process over the last year to ensure that our base bill has a set of historic reforms that make a huge difference in how cases that are actually reported are handled. In fact, the reforms that Chairman LEVIN has put forward and that our colleagues are continuing to perfect do make the handling of the cases that are reported better.

They make sure every victim who reports has a victim's advocate to help him or her steer through the process. They also make sure that if that victim is so lucky enough to get that conviction, that it cannot be overturned by a commander on a second-level review.

They also make sure we have better recordkeeping. They make sure the rules of evidence are better. They make sure victims are protected throughout the process. Most important, we as a committee have put forward in the bill a law that makes sure retaliation is now a crime.

Those reforms help the victims who are strong enough and able enough and have a command climate that is strong enough to report their cases. But one thing the chairman said that is not true: Commanders do not need this legal right to be able to set the command climate. In fact, most commanders will never have this legal right. Just look at the Army rankings. Second lieutenants, they will command 16 to 44 soldiers. They do not have convening authority. First lieutenant commanders—110 to 140 personnel—do not have this authority. Captains—62 to 190 soldiers—do not have this authority. Majors, lieutenant colonels, lieutenant colonels, who typically command battalion-sized units—300 to 1,000 soldiers—do not have this legal right.

Most commanders will never get to look at a case file and say: Are we going to trial? So I disagree that the ability to decide if something goes to court-martial is necessary to set good order and discipline because almost every commander—all of them here—these commanders, they all have to set good order and discipline as part of their job. They have to set a command climate where the rape does not happen. They have to set a command climate where that victim feels comfortable enough to come forward. They must, by law, now ensure that victim is not retaliated against. It is their job—whether they ever have this right. Commanders can do this and must do this without this legal right. It does not weaken their ability.

To have one guy way up here in the Army who wears the bird—the man who is the colonel, O6 level and above—he will make a legal decision, and he is not a lawyer. He is not trained. He does not know the ins and outs of prosecutorial discretion.

He may be biased. He may value the perpetrator more than the victim. He does not need to make this legal decision. He should not be judged on how tough he is on crime. He should not even be judged after he weighs the evidence if he does his job properly. He should weigh the evidence fairly. You can only do that if you are objective. That is why we want it to go to trained military prosecutors outside the chain of command.

Those commanders, every single one of them, should be judged on what the command climate is. Most of them will never get to weigh legal evidence as part of that. Chairman LEVIN, my colleague, has said: They have never heard of examples where commanders did not go forward but a lawyer did.

I talked about one this morning. We heard from many victims. In fact, one victim said she was on her way to trial, and the commander was changed. The new commander had been in command for 4 days. He decides that the trial is not going forward. He actually discontinued the trial.

You know what he said to her? Your rape was not a crime. He may not have been a gentleman. So I do not believe this legal right undermines our military system. I believe it strengthens our military system. I believe it gives commanders the chance to do their jobs, fighting and winning wars, training men and women. Commanders are entirely on the hook by our base legislation. They will be judged on the command climate. They will be judged on whether there is retaliation. They will be able to prosecute retaliation as a crime.

I believe that if you create transparency and accountability in the system, we will be able to have many more cases be reported, first of all. More of those 23,000 cases will be reported. When you have more of the 23,000 cases being reported, you will have more investigations. You will, therefore, have more trials. You will, therefore, have more convictions.

If you are ever going to change the culture, you need to do it by showing there is accountability. You need to do it by showing there is justice. You need to show it by showing that justice can be done. We need the active involvement of commanders. This is never going to happen if we do not. So they need to start focusing on retaliation. They need to start focusing on command climate. They need to make sure these rapes are not happening.

They will do that whether or not they ever have this legal right. When our allies changed their laws to elevate all serious crimes out of the chain of command, they did not see a falling apart of their military. They did not see good order and discipline going out the window. They did not see any change at all, in fact. So I know our military can do the same. I know our military can build a transparent, accountable system that responds to what victims have asked. They want to be able to have the decisionmaker be outside of their chain of command.

If we do that, we have a chance of building a criminal justice system within our military that is good, and it is just, as our men and women deserve.

I am heartened by the conversation we are having on the floor today and I am grateful to all of my colleagues for their engagement and involvement on this critical issue. I have heard some questions about the technical implementation of the Military Justice Improvement Act mentioned on the floor today and during the past few months and I would like to address those concerns.

First of all, thanks to feedback that we received about the MJIA, we made some technical changes to the amendment that I would like to note.

One such concern was the omission of the Coast Guard, we have now included the Coast Guard in the amendment.

Another concern we heard about was how to handle attempts of crimes, both in the new system and those that are excluded. In the amendment, conspiracies, solicitations and attempts have all been included.

We were also asked about crimes that happen simultaneously. For example, what if during a sexual assault, crimes are also committed that fall under the old system? In order to clarify any confusion about this question, the amendment says that all known crimes will be charged under the new system.

There were also questions about whether the convening authority will be able to pick the judge, prosecutor and defense counsel. The newly filed amendment has been clarified to ensure that it is clear that the new, independent, convening authority has the same power as the previous convening authority—the commander—in overseeing the process of convening a trial. The processes for detailing judges, prosecutors and defense counsels remains as they are today.

Other concerns we have heard seem to take as a negative the fact that the MJIA leaves some issues up to the military to implement.

We see this as one of the strengths of the MJIA.

We wanted to ensure that the military had the ability to best interpret and implement the legislation in a way that was effective for the whole military, and for each service, each of which have slightly different systems.

Let me give you an example. Some have argued that that plea bargaining will not work under our system. That is not true. The amendment transfers the commander's responsibilities for convening authority to the office of the Chiefs of Staff of each service; therefore, the offices of Chiefs of Staff will now have the authority to oversee pretrial agreements.

We specifically leave interpretation and implementation of the plea bargain up to the military to ensure that it is most expeditious—therefore the military can choose to include the commander's perspective in the pretrial agreement conversation and send the case back to him or her for non-judicial punishment or summary court martial.

Let me give you another example. Article 32 is not explicitly mentioned in the amendment. This is intentional. Most if not all of the members of this body agree that the article 32 hearing needs to be fixed, but equally that it must be maintained. Because under the MJIA a trained, independent prosecutor will now be making the decision about whether to go to court martial, this may change the way that article 32 may best be implemented. We want to leave the military, and these trained prosecutors, with the ability to best implement the UCMJ.

I have also heard a lot of questions about non-judicial punishment. As I have said all along, the amendment leaves all crimes with punishment under 1 year of confinement, and 37 military-specific crimes with the commander, thereby leaving the vast majority of crimes punishable by courts martial in the hands of commanders.

However, to suggest that crimes as serious as rape and murder be handled with anything but a clear look at the evidence is at the heart of the importance of this amendment. If evidence exists to send a case to court martial, there is absolutely no reason anyone should consider non-judicial punishment as an option. This is exactly why this decision should be in the hands of an impartial attorney.

Further, the amendment even allows for a failsafe if the independent JAG decides that there is not enough evidence to proceed to trial that the charges would not be appropriately addressed at a court-martial, then the commander would still be able to exercise non-judicial punishment. In the event that the military member demanded a trial by court martial, the decision authority would at that point still be able to send the charge to the convening authority for referral to trial. There is nothing unique about this situation.

I want to assure all of my colleagues that I have spoken to military justice experts and to retired JAGs about how to ensure that the Military Justice Improvement Act addresses potential issues and to ensure that the military has the ability to implement it in the best manner possible.

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

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

The bill clerk proceeded to call the roll.

Mr. COONS. 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. COONS. Mr. President, I come to the floor today to speak on the tragedy, on the ongoing crisis of sexual assault in our Armed Forces and what I believe we must do. There are several options before us, each of which has been the subject of lengthy and passionate debate, a debate that I think is healthy, and needed, and welcome here in this Chamber.

I commend my many colleagues—Chairman LEVIN and Senator INHOFE, Senator MCCASKILL and Senator AYOTTE—for the very real progress, the very significant steps taken both in the base bill, the NDAA, and in the amendments to be offered by Senators MCCASKILL and AYOTTE, serious and important steps forward to protect victims, to ensure that commanders are held accountable and to criminalize retaliation. A wide range of important and significant reforms that will make real progress towards addressing the ongoing decades-old scourge of sexual assault in the United States military.

As was said recently on the floor by another of my colleagues, this disagreement today is over one of more than a dozen important and needed reforms. But in the end, we have to decide. I believe the measure offered by Senator GILLIBRAND of New York, of which I am a cosponsor, is the right additional path forward. Because at the end, here is the bottom line: Sexual assault has been a disease, a corrosive and widespread and horribly negative influence on our military that has simply not been effectively treated.

I think this significant, dramatic step is the needed driver for extensive reform. I understand that the chain of command is essential, that it is central to the proper functioning and order of the military, especially during war time. In fact, the chain of command is nearly sacred.

But ensuring that our spouses and our siblings and our children can serve with honor and not have to face another enemy within our ranks is sacred. This is, in the end, a debate about justice—justice within our own Armed Forces, justice so we can fulfill that sacred duty of protecting men and women in uniform as well as they protect us.

Despite many years of good-faith efforts by leaders in our Armed Forces to work within the parameters of our current system, literally tens of thousands of sexual assaults are still occurring annually within our Armed Forces.

That is, frankly, unacceptable and it reflects a fundamental breakdown in order and discipline that in my view we cannot tolerate anymore. The current system, in this important and vital way, is failing. I understand the intense desire our leaders feel to fix what was broken and for our military leaders to atone for taking their eyes off the ball, to paraphrase the testimony of the Chairman of the Joint Chiefs.

But, once again, this debate is not about them, about their commitment or about their strategy or about their determination. It is about justice. In America, justice must be blind. Whether someone receives it or not should not depend on the fact of whether or not he or she serves in the military rather than in other workplaces. We know the chilling facts, that according to the Department of Defense's own Sexual Assault Prevention and Response Office, 50 percent of female victims state they did not report the crime in the first place because they believed nothing would be done, and one-quarter or 25 percent who received unwanted sexual contact indicated the offender was in their chain of command.

In my view, we strengthen our military when victims of sexual assault have the confidence to come forward and to report crimes and when we remove fear and stigma from the process.

We strengthen our military when we are able to deliver fair and impartial justice on behalf of victims.

When we know the military chain of command in this one area is failing, we should not continue to tolerate an exception we would not make in other settings. I came to this decision with great reluctance, recognizing as many in my family have, that the importance of the chain of command, the importance of respecting the unique and different traditions and structures of the military is something that we should only come to with great hesitation.

One of the responsibilities of serving in the Senate that I take seriously is my annual responsibility to review and approve candidates for the military academies who are selected by my independent military academy advisory board, and personally calling the top candidates to inform them that they will be the ones—of the dozens and dozens of highly qualified competitors, they will be the ones selected to go to the Merchant Marine Academy, the Air Force Academy; to Annapolis, the United States Naval Academy, or to the U.S. Military Academy, to West Point.

This is a moving experience each of the 3 years I have had the chance to do this. But this past year, the three top candidates for West Point, for Annapolis or for the Air Force Academy were all women—impressive, compelling, determined to serve our Nation.

Meeting with them and their families, the nervous and proud parents of these confident cadet candidates is also a great annual experience. It reminds me always of my responsibility to them. I promised their parents that we will support and respect them and their service. When we speak to the cadets and thank them for their willingness to serve, I am reminded we have a responsibility to not send them into an institution where they will face threats that we can and should address.

I believe I have a responsibility to send them into an institution I know is well equipped to respond strongly and swiftly to threats to their safety. Yet, today, I am not able to uphold that responsibility because we have not protected our men and women in uniform from sexual assault.

I thought of my picks for the service academies when I heard another Senator say to General Dempsey that the Senator would not advise a parent to encourage his or her daughter to join the military. What made this decision difficult for me to join Senator GILLIBRAND on this particular amendment was an unfortunate, tragic case.

Last spring while I was trying to decide which path to follow on this bill, my office received a gut-wrenching call from the father of a young woman serving honorably in our military. He was calling against his daughter's wishes, and only as a desperate last resort.

She had been the victim of sexual assault and, as so many others, reported it to her commanding officer up the chain of command. As so many others, her case went nowhere. Her by-the-book reporting and patient waiting for results was met with delays, excuses, and nonresponse. Ultimately, during these repeated delays, she was physically assaulted after she had warned leadership she feared for her safety.

We took action and, ultimately in this instance, justice was done. A chain of command such as that isn't strengthening unit cohesion and morale, it is harming it.

After this particularly troubling case, I made a decision to join Senator GILLIBRAND as a cosponsor, to say to all of us, how can we accept this? How can this situation that has gone on for years be tolerated? How can we justify the status quo?

I am grateful for the leadership of the many Senators on the Armed Services Committee and throughout this body who have taken real steps to add significant improvements to the UCMJ and to the code that underlies our military and the requirements for leadership in the service to take on and tackle these very real problems of sexual assault in the military.

In my view, taking decisions out of the chain of command should only be done under the most serious of circumstances, but that is exactly what we have. We wouldn't find justice if this was the way that any other workplace in America operated. How can we argue that we have justice today for these thousands of victims in our military? The men and women who dedicate themselves to keeping us safe and protecting our rights deserve equal dedication on our part to their safety and to those same rights.

I wish to speak about three bills I am offering as amendments to the NDAA that all relate to a topic I have spoken to many times on the floor, to manufacturing and manufacturing jobs.

The first is the American Manufacturing Competitiveness Act, a bill I introduced last week with Illinois Senator MARK KIRK. It enjoys the support of the Presiding Officer, as well as Senator BLUNT and Senator STABENOW. It is a simple but important objective, to require the creation of a national manufacturing strategy.

We need to know our country's direction as we try to support the growth in manufacturing. We have grown more than half a million manufacturing jobs in the last 3 years, an encouraging sign, but one we need to strengthen and support with a coordinated strategy between the Federal Government, State governments, and private sector to align all our investments in research and development, new skills, and new infrastructure, to make sure they are all heading in the right direction. Our leading competitors all have successful and well-deployed national manufacturing strategies. Whether Germany, China, India, South Africa, or Russia, they have all thoroughly developed, deeply researched, and prominently successful strategies, which we lack.

Our amendment would require that every 4 years the Secretary of Commerce, advised by a board of 15 different folks, pull together and think through, research, and then deliver a national manufacturing strategy.

This amendment is bipartisan, simple, does not cost the Federal Government a dime and doesn't create a new program, Like the next two amendments I will speak about, it is a commonsense measure that I hope we will adopt.

Secondly, I wish to speak to an amendment I am cosponsoring with Congressman BLUNT to ensure small businesses are not subject to conflicting guidance from Federal agencies.

In the 1970s Congress passed a measure for the Small Business Administration to ensure that small businesses that get contracts from the government aren't actually fronts for much larger companies.

Last year we passed similar but distinctly different rules for the Department of Defense. Most of the time these two sets of rules can peaceably coexist, but in a few cases they come into conflict, creating significant compliance difficulties for very small business. This amendment would say that when both sets of rules apply to a small business contract, the SBA rules would apply, while DOD rules would not.

This amendment is bipartisan, has no cost, and will help small businesses focus on effectively delivering products and services without worrying about compliance.

Last, I wish to speak about an amendment I am cosponsoring with Senator BOOKER of New Jersey to ensure that our defense and intelligence communities maintain their vital technological edge. This is an important measure that would create more opportunities to train America's best talent and pave the way to new innovations.

Recently, the commission on R&D in the U.S. Intelligence Committee reviewed our current and future R&D capacity to support our intelligence community's vital work. Their unclassified report shows, in fact, that we have insufficient funding and a critical deficiency of human capital, of skilled workers, and the cutting-edge thinkers we need in this area. Specifically, for one example it said we may not have the kind and number of people we need to build the next generation of satellites to gather and process the intelligence upon which our national security relies.

There is currently a program run by the Department of Defense designed to address one element of this problem. It is called the Science, Mathematics & Research for Transformation Scholarship Program, or the SMART Scholarship Program. This amendment calls on the Secretary of Defense to report back to Congress on two things: Whether the SMART Scholarship Program, or similar fellowship and scholarship programs, are, in fact, providing

the necessary number of undergraduate and graduate students in the fields of science, technology, engineering, and math to meet the recommendations of the commission's report, and to recommend how those programs can be concretely improved. Those amendments have already passed the House of Representatives by a voice vote and would be an important if small step toward paving the way toward job creation and ensuring our national security now and into the future.

I urge my colleagues to support these amendments.

I am grateful for the opportunity to contribute to the debate on these important issues.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from South Carolina is recognized.

Mr. GRAHAM. I wish to speak in support of the McCaskill, Ayotte, Fischer, and Levin amendment.

Before we begin, I wish to thank Senators LEVIN, REED, MCCASKILL, AYOTTE, FISCHER, and others who have been trying to carry the burden here to make sure that we reform the military justice system and the way the military operates vis-a-vis sexual assault and misconduct but at the same time make sure we still have a military that can continue to be the most effective fighting force on the planet at a time when we absolutely need it.

If one believes, as I do, that our military is the best in the world, we have to ask ourselves why. Is it because of the equipment? We have great equipment. I would argue that the reason our military has become the most effective fighting force in the world is the way we are structured.

If one is looking for a democracy, don't look to the military. The military is a hierarchical and paternalistic organization that is focused on meeting the challenges of the Nation, being able to project force at a moment's notice to deter war and, if war ever comes, to decisively end it on our terms.

I have been a military lawyer for over 30 years. I have been assigned as a military defense counsel for 2½ years and a senior military prosecutor in the Air Force for 4½ years. I have been a military judge, and I have served in the Guard and Reserve, and on Active Duty for 6½ years. I have learned a lot, as a military lawyer, about the military.

To my colleagues who are trying to decide what to do and what is appropriate, the goal should be to make sure that America remains the most effective fighting force on the planet. This is the proposition: They can't be an effective fighting force if they have rampant sexual assault or misconduct within the ranks. This idea that sexual assaults in the military are unacceptable, too large in number and scope—sign me up for that proposition. However, the problems of society don't stop at the gate; they continue inside the fence. I would daresay that if we did surveys in South Carolina, Missouri, New Hampshire, and New York about sexual assault and their frequency, we would all be disturbed.

The goal of our time in the Senate is to make sure that when it comes to our military, we turn a corner and create a legal system where people feel that if they file a complaint, they are going to be fairly treated and also a legal system where if one is accused of something, they will be fairly treated.

I say to my colleagues, there is a reason that every judge advocate general of all the services has urged us not to adopt Senator GILLIBRAND's solution to this problem.

In the military, it is possible, in my view, to correct a problem without commander buy-in and holding commanders responsible. Military commanders have awesome responsibility and almost absolute liability for the job we give them. It is their job to make sure that all under their command are ready to go into combat, perform their assignment in the most difficult task, make sure that medical records are up to date, and to make sure they are squared away when our Nation needs them.

This concept of the authority of the commander goes back to the very beginning of this Nation. Military justice is an essential part of good order and discipline.

After 30 years of experience in this area, the number of cases where a judge advocate recommends to a commander to proceed to trial in a sexual assault or, for that matter, almost any other alleged crime is a rounding error. Please don't suggest that under our current system someone can't get a case to trial because our commanders routinely blow off legal advice. That is not the case. Commanders decide as to whether to proceed to a court-martial, and what level of court-martial, based upon advice of the judge advocate community, whose job it is to provide professional advice. The commander's job is to make sure that unit is ready to go to war. The lawyer's job is not to pick and choose who goes into the battle. The lawyer's job is to give that commander the best legal advice possible, including who to court-martial and who not.

One thing I hope people understand in this debate is that no lawyer, no judge advocate, is ever going to have to deal with the situation of picking and choosing in that unit who takes the most risk. We have for 200 years allowed commanders the authority, under the Uniform Code of Military Justice since 1952 and before, and the ability to maintain good order and discipline, the absolute responsibility to make sure force is effective when it comes to the fight, and giving them the tools to make sure that happens.

What would bother me greatly is if this conversation occurred: Sir or ma'am—depending on who the commander is, as there are more and more female commanders in the military—there was an alleged rape last night, a sexual assault in the barracks last night, and the commander would say: That is no longer my problem. Send that to Washington.

Ladies and gentlemen of the Senate, that is the commander's problem.

To those commanders who have failed to make sure we have the right climate in the military when it comes to sexual assault, your job is at stake.

The military justice system, when it comes to rendering justice, I will put up against any system in your State. The reforms in this bill are going to become the gold standard, I hope, over time, and very few jurisdictions will be able to do what we have been able to do. With thanks to Senators MCCASKILL, AYOTTE, LEVIN, and others, we have taken a problem in the military and brought a good solution. Every victim will now be assigned a judge advocate to help them through the legal process. I wish that were true in South Carolina, but it is not. Every commander who is advised to go to trial in a sexual assault case and who declines to accept the JAG's, the judge advocate, recommendation, that case is automatically sent up to the Secretary of the service in question.

In the future, as commanders have to decide how to deal with sexual assault allegations, when the lawyer tells them: Sir, ma'am, this is a good case, and if for some reason the commander decided: I disagree, that case goes up to the highest member of that civilian service, the Secretary of the Air Force, in the case of my service. This, to me, is a reform that will emphasize from the chain of command how important it is that we take these cases seriously.

If we take the chain of command out, this is what we are saying to every commander in the military: You are fired. We, the Senate, have come to conclude that you, the commander—all commanders of the group—are either intellectually insufficient to do this job or you don't have the temperament or are morally bankrupt. We are going to take away from you this part of being a commander. You are fired.

I will never, ever say that unless and until I am convinced that there is no hope for our commanders, that our commanders are hopelessly lost when it comes to these types of issues. I don't believe we are remotely there.

In the 1970s we had upheaval throughout the country, particularly in the military. We had race riots on aircraft carriers and tension ran high. How did we fix it? We made sure every commander was held responsible for the atmosphere in their unit when it came to race relations. And now I would daresay the most equal opportunity employer in the whole country is the U.S. military because commanders changed the climate.

Under the approach of Senator GILLIBRAND, we take out a group of military offenses. To the commander: You are fired; you can't do this anymore. And we send these decisions to an 06 judge

advocate—which I happen to be one of, by the way—in Washington. I cannot stress to my colleagues enough how ill-conceived that system would be from a military justice point of view and the damage that will be done to the command and to the fighting force if we go down this road. Let me tell you why.

A troop is in Afghanistan. There is a larceny. Senator COONS mentioned the workplace. A barracks thief is one of the worst things you can be in the military. A soldier doesn't pick and choose whom they room with; we pick whom they room with. No one gets to decide where they are going to stay; we pick for them. We throw them into the most incredible of conditions, we don't give them the comforts of home, and they have to trust their fellow soldiers in the barracks and in deployment. Soldiers, like everybody else, most are great, some are bad. In the military the bad apples, thank God, are few.

Under this construct we are coming up with, if there was a barracks theft case—a tent theft case—in a deployed environment, that really does hurt morale because if you have to worry about somebody stealing your stuff, that is really tough given the conditions under which you are living. So if the commander could not deal with this, it would go all the way to Washington, DC, to be disposed of rather than being disposed of onsite. And why does it need to be disposed of onsite? You need to render justice quickly and effectively so the troops can see what you are doing. If you are the commander, they have to respect you and they have to understand your role.

So I cannot understand why the Senate, when we have been at war for 11 or 12 years, would come up with a solution to a problem that is real that does harm to the very concept of what makes our military special—the ability to go to war, the ability to be effective and to have the commander make decisions that only a commander should be making.

I am a military lawyer. I am telling you right now, don't give me this decision, because I am not required to decide who goes to battle. Don't take away from our commanders in a theater of operation the ability to render justice in a way the troops can see.

Mrs. MCCASKILL. Would the Senator yield for a question?

Mr. GRAHAM. Yes.

Mrs. MCCASKILL. I want to make sure I understand something about nontraditional punishment. Since the Senator is discussing the barracks thief in Afghanistan and the notion that everything is going to stop and this case is going to be sent off to a lawyer half a continent away to make a decision, let's assume the lawyer—the colonel in Washington—decides there is insufficient evidence for that barracks thief. That might be 4 months later. Meanwhile, the barracks thief is still there. And let's assume it then comes back. It is my understanding—and I think there is some confusion about this by the people who are advocating this amendment—that you cannot exercise nonjudicial punishment on a soldier if he chooses a court-martial proceeding. Is that correct?

Mr. GRAHAM. That is exactly right. A nonjudicial punishment is an authority the commander has to put people in confinement for up to 30 days, reduce in rank one or two levels, depending on the rank of the commander, and to withhold pay. It is nonjudicial punishment. You don't have a trial. The person is represented by a lawyer, but there is no jury. The commander is the jury.

The Presiding Officer. The Senator has spoken for 15 minutes.

Mr. GRAHAM. I thank the Chair.

Mrs. MCCASKILL. So that commander who has to now send——

Mr. GRAHAM. He loses that authority.

Mrs. MCCASKILL. That case to Washington—that soldier is not going to agree to nonjudicial punishment. He is going to say: I will take my chances with the lawyers in Washington. And if the lawyers in Washington say no, then that commander's hands are completely tied to even putting him in the brig for 30 days.

Mr. GRAHAM. Exactly right.

Every military lawyer who has looked at this is very worried about what we are about to do in terms of practical military justice.

Imagine being 18 years of age. You have too much to drink and you write a bad check. Part of being a commander and a first sergeant is the paternalistic aspect of the job. How many of us have made mistakes at 18? Instead of going to college, you are going into a military unit. You bounce four or five checks. Has that ever happened? Under this proposed system, the military commander no longer has the ability to deal with it in the unit. He sends that case off to Washington. The ability to give an article 15—a lesser punishment—is taken off the table. So we are taking an 18-year-old's mistake and potentially turning it into a felony. Does that help sexual assaults?

Our commanders can send you to your death, but we don't trust them to deal with manslaughter cases? All I can tell you is that for 30 years I have been a practicing military lawyer. From my point of view, our commanders take the responsibility to impose discipline incredibly seriously. They are skilled men and women.

We have let the soldiers, sailors, airmen, and marines down when it comes to sexual assault. All of us are to blame in the military. We are going to fix that. But the problem, my colleagues, is not the military justice system. We don't have a military justice system where commanders say to the lawyers: Go to hell; we are not going to deal with that. That is not the way it works.

This new proposed system takes a portion of offenses out of the purview of the commander and sends them to somebody in Washington whom nobody in that unit will ever get to see. That will delay justice, and it will take tools off the table to make sure that is an effective fighting force in terms of dealing with the barracks thief, in terms of dealing with the bounced check, but it will also take young people who make mistakes and put them in an arena where the only avenue is to potentially charge them with a felony.

Ms. AYOTTE. Would the Senator from South Carolina yield for another question?

Mr. GRAHAM. Yes.

Ms. AYOTTE. So under the situation where the Senator says we have commanders who aren't going to ignore what is brought before them in an investigation from their JAG lawyers, particularly on a sexual assault, let's assume they did do that. Even though the evidence isn't there, they do it. Under our proposal—the proposal of myself and Senators MCCASKILL and FISCHER—if the commander makes the decision not to bring the sexual assault case and it then goes up for review before the civilian secretary of whatever force is at issue—the Army, the Air Force, the Navy—what does the Senator think that will do in terms of accountability?

Mr. GRAHAM. If you want to improve the system, and we all do—I am not questioning anybody's motives—if a commander knows that when they turn down the JAGS's advice in one of the four situations we have identified—sexual assault, the nature of the discussion here—that decision will be reviewed by the Secretary of the service, I can assure you that will do more good to make sure commanders understand how important this situation is to the country than taking their authority away.

We will be doing absolutely the worst possible thing to solve the problem with the approach of Senator GILLIBRAND, in my view, although every judge advocate agrees with what I am saying. You will throw the military justice system in chaos and basically take the commander's authority away in an irrational way.

What we should do is hold the commander more accountable by having what is the commander's worst nightmare—I guess anybody in the military—and that is having the boss look at your homework. How do you get promoted in the military? People over you judge your work product.

Let me just say this. It is not a military justice problem here. The reforms we are going to engage in are historic, and they will be the model for systems in the future. Very few people can afford what we are about to impose upon the military because we are going to make this a priority and we are going to assign judge advocates to victims. There is no other State in the Nation that will be able to do that. We will have something of which we can all be proud. We are going to hold commanders more accountable.

Here is the essence of the argument: We have to take this out of the chain of command because there is something defective about the commander; because the commander doesn't have the ability or they have a bias against victims, we no longer can trust them to do the right thing.

That, to me, is an indictment of every commander in the military. That, quite frankly, is not what we should be doing or saying given the track record of how our military has performed.

In the area of sexual assault, the problems we see in the military are all over the country; they are just talked about more in the military. The people in the military should be held to the highest standard, but we will fix no problem in the U.S. military if we deal that commander out.

Ms. AYOTTE. Would the Senator yield for a comment? Looking at the facts, the evidence we have reflects that commanders are bringing more cases, are pursuing more cases than those recommended by their JAGs in sexual assault cases.

We received a letter from ADM Winnefeld, Deputy Chairman of the Joint Chiefs of Staff, basically pointing out that there were over 90 cases where commanders had a different view than their JAGs that a case should go forward. Guess what. Convictions were had and people were held accountable.

Mr. GRAHAM. There are situations where joint jurisdiction lies—the military has jurisdiction, the civilian community has jurisdiction. There have been cases where the civilian community went first. There were 49 cases in the Army where the civilian community decided not to prosecute on a sexual assault and the Army took it up and they got an 81-percent conviction rate. In the Marine Corps, 28 cases were turned down by the civilian community where the Marine base was and they went to court with a 57-percent conviction rate. In the Navy and in the Air Force, it is the same. We see a civilian jurisdiction saying no to the case and the military saying yes, we are going to go to court. And that is because there is a difference between what the civilian community is trying to accomplish and what the military community must be trying to accomplish; that is, to let the troops know there is certain conduct that is out of bounds, and if it is even close, you are going to pay a potential price.

Having said that, please do not blame sexual assault problems in the military on a broken military justice system because it is not broken. The commanders are not telling the lawyers to take a hike. The cases the lawyers recommend to go to trial actually do go to trial.

Juries in the military are not juries of one's peers. This is not a civilian system. Everybody who goes to trial as an enlisted man is judged by officers. You can request one-third of the military jury to be enlisted members, but they will be the most senior people on the base.

Please understand that military juries are not constructed the way civilian juries are. They are told to be fair, and they do their best to be fair. But it goes into the concept of how the military works. The only person in the military entitled to a trial of the equivalent rank is an officer. An officer cannot be tried by people of lesser rank. That may sound unfair, but in the military it makes perfect sense, doesn't it? Officers eat in one corner of the base and enlisted people eat in the other corner of the base not because they hate each other. They admire and respect each other. This chain of command, these lines of authority make us—Mr. President, I ask unanimous consent for 1 additional minute.

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

Mr. GRAHAM. This unusual situation for most Americans works in the military. It may not sound right to most, but it works because the military is about when you are ordered to do something, you answer the order; you don't debate.

So if we don't elevate the commander to have the tools available to make the right decisions, and if we don't instill those below the commander to follow, it all breaks down. When a commander lets the troops down—and they do sometimes—fire the commander. Don't take away the authority of the commander to win wars that we will inevitably fight. This is not a civic organization. This is not a democracy. This is a situation where one person can choose to send another person to their death. That person is the commander, and there are plenty of checks and balances.

Ladies and gentlemen, sexual assault is a problem. But for God's sake, let's not tell every commander in the military: You are fired. You are morally bankrupt. You are incapable of carrying out the duties of making sure that justice is done in these cases.

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

The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that the motion to recommit be withdrawn; the pending Levin amendment No. 2123 be set aside for Senator GILLIBRAND, or designee, to offer amendment No. 2099 relevant 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.

I am told each side would like 10 minutes; that is, the McCaskill side and the Gillibrand side would receive 10 minutes to close. If there are other people who wish to speak, now is the time to say something.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. I understood there were 30 minutes left on the Gillibrand time.

Mr. REID. How much time does the Senator need if I get a consent agreement?

Mr. DURBIN. Ten minutes.

Mr. REID. So we need 10 minutes for McCaskill also. That would be 20 minutes on each side.

That the time then until 5:30 be equally divided between the proponents and the opponents of the Gillibrand amendment and the McCaskill amendment; that the Senate proceed to vote in relation to Gillibrand first; that upon disposition of the Gillibrand amendment, the Senate proceed to vote in relation to the McCaskill-Ayotte amendment; that there be 2 minutes equally divided between the votes; finally, that no motions to recommit during the consideration of these amendments be in order.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Reserving the right to object.

The PRESIDING OFFICER. The senior Senator from Oklahoma.

Mr. INHOFE. Mr. President, I would ask the leader if he would amend his request to 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 majority leader modify his UC?

Mr. REID. Mr. President, we went through this yesterday. I reluctantly object.

The PRESIDING OFFICER. Objection is heard. Is there objection to the majority leader's request?

Mr. COBURN. Reserving the right to object.

The PRESIDING OFFICER. The junior Senator from Oklahoma is recognized.

Mr. COBURN. This is a very important bill for our country in terms of authorizing the defense of this country. Many of us have relevant amendments—not amendments outside the scope of this bill, but relevant amendments—which will actually markedly improve the way we conduct policy in the Defense Department. Without the assurance that those amendments are going to be able to be offered—they can be tabled, but without that assurance, it makes it difficult to agree to a consent not knowing whether or not we will have the opportunity to represent the people we represent in offering amendments which will make positive improvements to this bill.

So I put forward that we are really not conducting the business of the country if we are limiting the ability

of Members of the Senate to offer amendments. Absent that guarantee, I will object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, we have 350 amendments which have been filed on this bill. I know every person who has filed an amendment feels entitled to offer that amendment. I just think we are not in a position to deal with this for all the reasons we have talked about here for several months. We are not seriously legislating anymore.

We can pass the blame to anyone we want, but we have tried all kinds of things. How about so many amendments on each side? We have done that before. It is not anything unique. We have done that lots of times in the past. It doesn't work. How about 13 amendments? No. It won't work because we want more amendments after that.

So I understand, and I am not denigrating anyone's intent. I know the intentions are good. The record reflects how I feel about this bill. I am sorry we are at the point we are. Couldn't we at least have everybody vote on this amendment which people have spent days of their lives working on? It doesn't matter how we feel about what has been done, but there has been tremendously important work done on the sexual assault issue, and we should at least have the opportunity, with the work that has been put into this, to have a vote. No one is disenfranchised by doing that—or move to try to figure something else out after that. But, gee whiz, couldn't we do that? Otherwise, we will walk away not having done anything on this. I think that is just so unfair to the people who worked on this.

I know other people have worked hard on their amendments. But I have to say, in the last year or two, no one has worked harder on amendments than the proponents and opponents of this amendment.

So having said that, I ask unanimous consent that we move to a period of morning business for debate only until 7:30 p.m. tonight.

The PRESIDING OFFICER. Is there objection? The Senator from Michigan.

Mr. LEVIN. Is that a unanimous consent request?

Mr. REID. Yes, it was.

Mr. LEVIN. Of course, while reserving the right to object—I will not, but I will say this. I can't tell everybody in this body how disappointing it would be if we do not finish this bill tomorrow or Friday, because the issue is this, and we all ought to face it: There is only 1 week left where both the House and the Senate are going to be in session. If we don't finish this bill this week, there cannot be a conference report; and then, for the first time in 52 years, there will not be a Defense authorization bill in the absence of some miracle.

I would plead with our colleagues, let us vote on this amendment. The alternative was a list of 13 amendments which we were willing to then move to. That wasn't satisfactory. We have got to do this a step at a time, and we have done it that way before. We can't even get cleared amendments agreed to where both sides have cleared them into a manager's package.

If Senators want to vote tomorrow or Friday against the cloture motion because their amendments haven't been reached, they are free to do so. That is plenty of ''leverage,'' which I guess is the currency around here, tragically. But I plead—and Senator INHOFE and I have worked so hard on this bill and I think he feels this same way—we need to get this bill finished this week or else we are not going to get a conference report.

Mr. COBURN. I would like to object.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. I am sorry.

Mr. INHOFE. I reserve the right to object.

Mr. REID. I would say, while they are reserving the right to object, there is still time left. With the tentative agreement we had, which was just kind of a handshake, there would be 6 hours, and there is still time left on that. So that time for debate only, that time could still be used.

The PRESIDING OFFICER. Is there objection to the request?

Mr. COBURN. Reserving the right to object.

Mr. INHOFE. Reserving the right to object.

The PRESIDING OFFICER. The junior Senator from Oklahoma is recognized.

Mr. COBURN. First of all, the amendment we are talking about isn't pending because the tree has been filled. So we don't even have an amendment pending. Seventy-six times the majority leader has filled the tree, more than two times all the rest of the Senate majority leaders in history.

Last year, under Senators LEVIN and MCCAIN's leadership, we considered 125 amendments or thereabouts, some in a manager's package with others. There were over 300 amendments offered. The average length of time to consider this bill is about 2½ weeks. We have had it up less than 1 week, and the fact is this is the consideration for an authorization bill in excess of $500 billion, and we are not going to have amendments on it.

So there is not a unanimous consent that I will agree to, until we agree to open the Senate to allow Members to offer their ideas. Table them. The fact is, if we run this just like we did last year, we will be through with this in 5 to 7 days. If we continue to do what we are doing now, we won't finish it, and it won't be because we don't want to finish it. It will be because we won't have the opportunity to have input into a bill that is over 50 percent of our discretionary spending in this country.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Reserving the right to object.

The PRESIDING OFFICER. The senior Senator from Oklahoma.

Mr. INHOFE. I think when we are going through an exercise like this there are some people who want to have their program placed on a must-pass bill in order to get something through. The junior Senator from Oklahoma made it very clear that he is talking about something he feels is relevant to the defense of this country, and I think that sounds reasonable.

What I would like to suggest to the majority leader and to my very good friend with whom I have worked for many years, the chairman of the committee Senator LEVIN, is that we can qualify and work on a UC which would either use the words germane, relevant or related, in some way so that those amendments—which have nothing to do with defending America—might be able to be considered in some form, maybe a limited form. I would like to be able to sit down and see if something like that can be worked out before giving up.

The PRESIDING OFFICER. Is there objection? The majority leader.

Mr. REID. I know there is a unanimous consent pending. I have no problem in the world with continuing to work to see if we can come up with something. We have tried. It is not as if we have not tried. But my disappointment is that we are just not doing any legislating here, and people can bring the blame to me all they want. We can get into all kinds of statistics that we want about what has happened in years past and why it has been necessary to fill the tree, but that doesn't accomplish anything. Everyone knows what is going on around here. So I am not going to get into a he said, they said situation.

I know the two managers of this bill want to get something done. Let's give them the time it takes to get that done.

So my consent is pending, and I would like the Chair to rule on that.

The PRESIDING OFFICER. Is there objection to the request?

Mr. COBURN. I object.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I renew my request that was just denied.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I also add to that that I be recognized at 7:30.

The PRESIDING OFFICER (Mr. BLUMENTHAL). Is there objection?

Without objection, it is so ordered.

THE DOOLITTLE RAIDERS

Mr. BROWN. Mr. President, it is with pride and humility that I stand and thank my colleagues for passing S. 381 by unanimous consent last night. Once passed by the House and signed by the President, this bill will award Congressional Gold Medals to the surviving World War II heroes we know as the Doolittle Tokyo Raiders.

The effort to pass this measure has been a personal one to me. I thank 78 of my colleagues who have cosponsored the resolution. It proves the Senate can still reach consensus. I especially thank Senator BOOZMAN, who is my original Republican counterpart, in introducing this bill in February. Also, original cosponsors Senator MURRAY and BAUCUS and TESTER and NELSON and CANTWELL and SCHATZ—original cosponsors.

I wish Senator Lautenberg, also an original cosponsor and close personal friend, the last World War II veteran in the Senate, were here today to see its passage.

My special thanks to Senator CORNYN for his work on this and especially Senator AYOTTE. They have my personal thanks for helping to bring so many Republicans to sponsor this bill with us.

Many of you know the story of the Doolittle Raid. More than 71 years ago, following the attack of Pearl Harbor just 4 months earlier, 80 brave American airmen launched a mission that would become our Nation's first offensive action against Japanese soil in the Second World War. They volunteered for what was called an ''extremely hazardous mission'' without knowing at the time what it actually entailed. Under the leadership of LTC James Doolittle, the raid involved launching 16 U.S. Army Air Corps B–25 Mitchell bombers from the deck of the USS Hornet, a feat that had never been attempted in combat before.

On April 18, 1942, again just a few months after Pearl Harbor, 650 miles from its intended target, the Hornet encountered Japanese ships. Fearing the mission might be compromised, the raiders decided to launch 170 miles earlier than anticipated. These men accepted the risk that they might not have enough fuel to make it safely beyond Japanese-occupied China. The consequences meant the Raiders would almost certainly have to crash land or bail out, either above Japanese-occupied China or over the home islands of Japan. Any survivors would certainly be subjected to imprisonment or torture or death.

After reaching their targets, 15 of the bombers continued to China. The 16th, dangerously low on fuel, headed to Russia. The total distance traveled by the Raiders averaged 2,250 nautical miles over a period of 13 hours, making it the longest combat mission ever flown in a B–25 during the war. Of the 80 Raiders who launched that day, 8 were captured. Of those eight prisoners, three were executed, one died of disease, and four survived as prisoners of war and returned home after the war.

The Doolittle Raid was a turning point for the Pacific theater and set the stage for Allied victory. Of the original 80 Raiders, 4 survive today. A Raider from Cincinnati, my home State, MAJ Tom Griffin, passed away on February 26 of this year, the very night I introduced S. 381. Major Griffin was the navigator of plane No.9, the Whirling Dervish, on the Doolittle Raid. He survived the mission and continued to fly until he was shot down in 1943 and held in a German POW camp for 2 years.

When the war ended, Major Griffin returned home to Cincinnati and later owned his own accounting business.

Similar to our veterans past and present, he asked for nothing. These veterans served simply because their Nation asked. For many years the surviving raiders gathered to celebrate the mission and to honor their departed fellow Raiders. This year's celebration was bittersweet. It was their final reunion, they decided. All the remaining Raiders are in their nineties and it is becoming hard for them to make the trip. It was decided this would be their final reunion.

This is an article, a story in the Plain Dealer in Cleveland, of the final reunion which took place in Dayton, OH. The three remaining survivors who could make the trip called out ''here'' as a historian read the rollcall. They then raised a goblet inscribed with their names and toasted their fellow Raiders with a bottle of 1896 Cognac, a bottle that Commander Jimmy Doolittle passed down for the Raiders' final toast. Seventy-six other goblets were turned upside down, one for each of the comrades who had passed away. Hundreds of people watched the solemn ceremony and offered their respects.

Speaker BOEHNER, whose district is nearby Dayton, OH, sent a letter in honor of the occasion.

In an Associated Press article on the ceremony, a 12-year-old boy whose grandparents brought him to the event said, ''I felt like I owed them a few short hours of the thousands of hours I will be on this Earth.''

This journey started 2 years ago for me when Brian Anderson, the Sergeant at Arms for the Doolittle Tokyo Raiders Association, approached my office seeking a proclamation for the 70th anniversary of the raid. We achieved that goal, passing S. 418 in August 2012 by unanimous consent. But that was not enough for Brian. It was not enough to honor these men and what they had accomplished. We set our goal of awarding the Congressional Gold Medal, the highest civilian award bestowed by Congress, limited to two a year in this body, to the Raiders.

This honor is designated to those who ''have performed an achievement that has an impact on American history and culture that is likely to be recognized a major achievement in the recipient's field long after the achievement.''

These 80 veterans met that description. They exemplified our highest ideals of courage and service. They deserved to be recognized.

President Kennedy said ''a nation reveals itself not only by the men it produces but also by the men it honors and the men it remembers.''

We, our Nation, honor those who serve. I call on the House and I call on the Speaker to quickly act on this legislation. Sitting in the Chamber today is a Senator from Texas, the senior Senator from Texas, who played a major role with Senator AYOTTE and others in gathering cosponsors for this Congressional Gold Medal. I thank Senator CORNYN for his work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I wish to turn the compliment around and extend my appreciation to the Senator from Ohio Mr. BROWN for his leadership on this issue. This is long overdue to these great American patriots, the recognition they so justly earned.

FORT HOOD AND PURPLE HEARTS

Mr. CORNYN. Mr. President, 4 years ago an Islamic radical who identified with Al Qaeda and supported the cause of global jihad opened fire at Fort Hood Army base in Killeen, TX. The shooter eventually killed 12 soldiers and 1 civilian, while wounding 30 others. He might have killed or wounded many more but for the selflessness of a civilian physician's assistant by the name of Michael Cahill and an Army captain named John Gaffaney, both of whom charged the gunman and gave their lives in order to save the lives of others.

Four years later we continue to honor their tremendous sacrifice and we continue to honor the memories of all those who gave their lives or were injured on that awful day. Back in August, the Fort Hood shooter was sentenced to death for his crime and appropriately so. Let me be clear about what the nature of this crime was. This was not an ordinary criminal event. This was a terrorist attack, plain and simple, committed by a man who had reportedly had at least 20 different email communications with a senior Al Qaeda figure by the name of Anwar al-Awlaki. The late Mr. Awlaki, who was killed by a U.S. drone strike in September 2011, also had contacts, well documented, with the so-called Underwear Bomber, who tried to blow up Northwest Airlines flight 253 just 7 weeks after the massacre at Fort Hood.

Following the Fort Hood attack, Awlaki celebrated the shooter as a hero. He called him a hero. He also told Al Jazeera that prior to the attack, the gunman had specifically asked him whether Islamic law justified ''killing U.S. soldiers and officers.''

The Fort Hood shooter had repeatedly and unapologetically said that

these terrible atrocities which included execution-style murders were just part of the larger jihad against the West, which is why he shouted ''Allahu Akbar'' just before opening fire. The shooter has said that by slaughtering 13 Americans, including 12 uniformed military members and 1 civilian, he was defending ''the Islamic Empire'' and ''helping my Muslim brothers.''

In short, the Fort Hood massacre was not an episode of workplace violence. This was a terrorist attack inspired by terrorist propaganda and carried out by someone who was an agent of Al Qaeda and viewed himself as an Al Qaeda holy warrior.

Unfortunately, the U.S. Government so far has refused to give the kind of recognition that is deserved to the 12 uniformed servicemembers who gave their lives, and those who were injured on that terrible day. Part of that recognition should include Purple Hearts to the soldiers who lost their lives that day, and not given the civilian equivalent, the Medal for the Defense of Freedom, to Michael Cahill.

In other words, the U.S. Government's official position is that this is not a terrorist attack on our own soil but instead is an ordinary criminal attack. That cannot stand. We cannot denigrate the service of those military members who lost their lives that day—and civilian hero Michael Cahill who lost his life—by saying that this is somehow workplace violence or some ordinary criminal attack. We need to officially recognize that this was a terrorist attack inspired by Al Qaeda and carried out by an agent of Al Qaeda on our own soil.

Some will tell you that Purple Hearts can be awarded to victims of a terrorist attack only if the perpetrators of that attack were acting under the direction of a foreign terrorist organization. In their view, the Fort Hood shooter does not qualify. This argument fails to take into account the evolving nature of the conflict—the global war on terrorism.

After all, Al Qaeda leader al-Zawahiri has urged his followers to conduct exactly the kind of deadly attacks that occurred at Fort Hood in 2009 and at the Boston Marathon in 2013. Al-Zawahiri believes that such ''dispersed,'' small-scale attacks will ''keep America in a state of tension and anticipation.''

As he declared a few months ago, ''These dispersed strikes can be carried out by one brother, or a small number of brothers.'' In other words, it doesn't make sense to distinguish so-called lone wolf terrorists acting on behalf of Al Qaeda from other terrorists with a more explicit Al Qaeda affiliation.

Remember, Al Qaeda doesn't issue business or calling cards, and it doesn't issue its staff IDs. What it does do is urge Islamic radicals around the world to pick up arms and kill Americans, and that is what Major Hasan did that terrible day 4 years ago at Fort Hood in Killeen, TX. For that matter, Al Qaeda views American soil as a primary battleground in its war against western civilization.

When courageous members of our military lose their lives to Al Qaeda-inspired terrorists, whether it is abroad or here at home, they deserve to receive Purple Hearts, and their grieving families deserve to receive the proper benefits accorded to all men and women in our military who lose their lives in service to their country.

It should not matter whether they lose their lives in America—whether it is in New York on 9/11 or Killeen, TX, 4 years ago—or on the battlefield in Afghanistan. It should not make any difference where they lose their life as part of the effort to protect innocent life in the war on terrorism. If they are killed by a terrorist committing violence on behalf of foreign jihadists, then they are casualties in the broader war on terrorism, and they deserve to be treated as such.

Earlier this year I introduced legislation that would make the Fort Hood victims eligible for all of the honors and benefits available to their fellow U.S. servicemembers serving overseas in combat zones. My cosponsors in the House are Representatives CARTER and WILLIAMS, and they have numerous cosponsors. Today I am offering a modified version of that legislation as an amendment to the Defense authorization bill. By enacting this amendment, Congress would honor the memories of those who lost their lives at Fort Hood, and it would help their surviving family members, all of whom, as you can imagine, have experienced tremendous pain and hardship as a result of this terrorist act on our own soil 4 years ago in Fort Hood, Killeen, TX, at the hands of MAJ Nidal Hasan, an agent of Al Qaeda, to be sure, and someone who deserves the penalty of death that has been meted out by a military jury a few weeks ago.

I hope the Senate will rise up in a bipartisan way and pass this important legislation and erase these meaningless distinctions which differentiate between those who lose their lives in Afghanistan and those who lose their lives here on American soil. It is a just and well-deserved honor that these patriots have earned by their own blood, and these families deserve as a way of ameliorating some of the terrible loss they have suffered in their own service to our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

NATIONAL DEFENSE AUTHORIZATION ACT

Mrs. SHAHEEN. Mr. President, I rise today to discuss the legislation before us, the National Defense Authorization Act, and to highlight some of the many provisions in this legislation that are critical as we think about our national security and the future of our military. I chair the Readiness and Management Subcommittee, and I understand that one of the chief challenges which faces our military is readiness. The effects of nearly 10 years of warfare on our equipment and personnel, coupled with the sharp budget reductions under sequestration, have made it more difficult for our Nation's military leaders to prepare our forces for combat.

During our markup of the Readiness and Management Subcommittee sections of this bill, I was pleased to work with my colleague from New Hampshire, the ranking member of the Readiness and Management Subcommittee Senator AYOTTE to move more than $1.5 billion from low-priority military construction projects into critical operations and maintenance accounts for each of our military services. This move will help mitigate the worst effects of sequestration on readiness. It is obviously not going to address the whole problem. We have a lot more work to do. Our men and women in uniform put their lives on the line for us, and we need to keep the commitment we have made that they should have the best possible training and best available equipment before we send them into combat.

I was also pleased to work with Senators MCCAIN, LEAHY, and GRASSLEY to include a 1-year extension of the special immigrant visa programs for both Iraq and Afghanistan. Special immigrant visas allow Afghans and Iraqis who worked directly with our U.S. Government and our men and women on the ground to come to the United States if their lives are in danger as a result of their service. We have heard countless stories of how these young brave men and women risked their lives to help the United States drive out violent extremists from their home countries of Iraq and Afghanistan. As we wind down our military operations, we have a responsibility to ensure that those who are in danger as a result of their faithful service to the United States are protected from harm.

Many of us are now familiar with one of these stories that has been much publicized, the story of U.S. soldier Matt Zeller and his Afghan interpreter Janis Shinwari, who served the U.S. Government for over 9 years in Afghanistan. During an attack in 2009, Shinwari not only pulled Zeller out of a kill zone to safety, he also shot two members of the Taliban who were sneaking up behind them. In doing that, he saved Zeller's life. Following the incident, Shinwari was put on a Taliban kill list.

After many months—really years—of waiting, both Zeller and Shinwari recently reunited here in the United States thanks to this special immigrant visa program. I had the opportunity, with Senator MCCAIN, to meet the two of them in my office several weeks ago. Matt Zeller said that Janis Shinwari is his brother. He expressed how grateful he was to Shinwari for saving not only his life but all of the other members of his unit who were helped by Shinwari.

These stories are incredibly common, and I am grateful to all of our colleagues for their assistance in reauthorizing this program, not just through the NDAA bill that is before us but the short-term extension we were able to get during the government shutdown by unanimous consent in both the Senate and the House. It shows just how much we appreciate, in America, the service these men and women from Iraq and Afghanistan have given to us.

The bill before us also includes provisions from the Next Generation Cooperative Threat Reduction Act, which I introduced earlier this year. The Nunn-Lugar Cooperative Threat Reduction Act is the most successful nonproliferation program in our country's history. The language in the underlying bill would expand the scope of Nunn-Lugar to reflect the current security environment.

Specifically, the bill requires the President to develop a comprehensive strategy to address the rapidly growing threat of proliferation across the Middle East and North Africa. The spread of nuclear weapons is one of the gravest threats we face, both in the United States and across our international community. We need to make sure our efforts to combat those challenges are coordinated and reflect where the current security challenges exist.

I am also pleased we were able to increase funding in this bill for the Department of Defense inspectors general by $35 million. This is important because investment in our Nation's inspectors general continues to be one of the most cost-effective ways the government can work, particularly when it concerns the Department of Defense. In 2012, DOD inspectors general saved taxpayers more than $3.6 billion, and IG efforts have been credited with a nearly $11 return on investment for every $1 spent. As the Presiding Officer knows, given our ongoing fiscal challenges, it is now more important than ever before we ensure every dollar is spent effectively.

Finally, I want to address the issue of military sexual assault that is tackled in this National Defense Authorization Act. It makes significant progress toward addressing the crisis of sexual assault in our Nation's military.

I commend all of the members of the Armed Services Committee who worked to tirelessly address this issue, but I want to particularly call out Senators MCCASKILL and GILLIBRAND, who have led the charge and worked to help ensure we include provisions in this act that can address this scourge on our military. Because of their leadership, we are going to pass a bill that will take historic steps toward addressing this problem.

As the Presiding Officer knows, we may have had different ideas about the best way to address the problem, but we are united in our commitment to victims of sexual assault and we will keep fighting for them.

I certainly look forward to supporting the Gillibrand amendment, the Military Justice Improvement Act, along with the Presiding Officer, because it addresses chain-of-command issues that I believe can cause victims of sexual assault in the military to refrain from reporting an incident because they fear either that nothing will be done or that there will be retaliation from their commanders. Regardless of the outcome of that legislation, it is important to reflect on the provisions that are already included in this bill because the bill before us today includes nearly 30 provisions that address sexual assault, prevention, investigation, and prosecution procedures at the Department of Defense. Almost all of these provisions were agreed to unanimously in the Armed Services Committee. Strong bipartisan support for commonsense sexual assault prevention reforms such as those included in this bill sends a powerful message to all of the members of our military, including tens of thousands of victims, many of whom have been suffering quietly for decades, that what happened to them is unacceptable and it will no longer be tolerated.

One of the critical challenges we face in the military is changing the culture surrounding sexual assault. I was pleased to work with our colleagues to include provisions in the bill to help create an environment where victims can feel safe to come forward and report these crimes.

In any organization, the best way to attract the most qualified personnel is to tie an issue to career advancement. Sexual assault prevention and response is no different. That is why Senator FISCHER and I included language that elevates the role of sexual assault prevention response officers to ensure we have the highest caliber candidates assigned to those positions.

Also, in recent months I have held roundtable discussions with New Hampshire law enforcement and with members of our University of New Hampshire community who have worked on sexual assault prevention and with members of the New Hampshire National Guard to discuss their best practices, the way in which they are working together in New Hampshire to address domestic violence and sexual assault. As a result of some of those discussions, we have included in the bill a reform that would require the Defense Department to incorporate civilian sexual assault investigation and prosecution best practices into their military procedures.

I wish to close this afternoon by thanking Chairman LEVIN and Ranking Member INHOFE for their leadership on this bipartisan bill. We still have a lot of work to do here in the Senate, but obviously the foundation has been laid by the work of the committee and by their leadership.

I also thank my staff for their incredibly hard work and dedication, as well as the staff of all of the Armed Services Committee, because without their contributions we would not have made as much progress as we have. From the readiness subcommittee, I thank Jay Maroney, John Quirk, and Mike Noblet on the majority side; Lucian Niemeyer, Bill Castle, and Bruce Hock from the minority; and from my personal staff Chad Kreikemeier, Josh Lucas, Joel Colony, and Patrick Day.

Finally, I want to say a special thank-you to CDR Tasya Lacey. Tasya is a graduate of the Naval Academy, and she served in my office over the past year as a fellow on loan from the Department of the Navy. Her thoughtfulness and insight have been invaluable on a wide range of issues, especially during our efforts to address sexual assault. She is headed back to the Navy soon, but I wanted her to know that it truly has been a pleasure having her on my staff, and I wish her good luck in her next assignment.

Thank you very much, Mr. President. I hope we can come together in the next couple of days and get this bill done.

I yield the floor, and 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.

The PRESIDING OFFICER. The Senator from Maine.

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

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

Ms. COLLINS. I thank the Chair.

(The remarks of Ms. COLLINS and Ms. KLOBUCHAR pertaining to the submission of S. Res. 303 are printed in today's RECORD under ''Submitted Resolutions.'')

Ms. KLOBUCHAR. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

NATIONAL PLAN TO ADDRESS ALZHEIMER'S

Mr. DURBIN. Mr. President, I wish to thank my colleagues Senator COLLINS from Maine and Senator KLOBUCHAR from Minnesota for bringing the issue of Alzheimer's before the Senate for consideration with this resolution.

I ask unanimous consent to be added as a cosponsor of S. Res. 303.

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

Mr. DURBIN. Mr. President, I might also add yesterday I submitted a resolution on the same subject and was happy to have Senator COLLINS as a cosponsor, along with several other colleagues who have joined us. They include Senators MIKULSKI, TIM JOHNSON, MENENDEZ, WICKER, MORAN, and MARKEY.

The goal—I will not go through all of the important statistics that have been related during this floor presentation by my colleagues—but our goal is to make sure the national plan which is

being developed to address Alzheimer's is carried out. We want to reinforce the initial steps to a greater investment in finding answers, and I think everyone is on that same track.

We believe that supporting the goals and implementation of the National Alzheimer's Project Act and the National Plan to Address Alzheimer's Disease is the right course to follow.

Achieving these goals means Federal funding must be there to implement it. I urge my colleagues to support this bipartisan resolution and reinforce our national commitment to turning around the seeming inevitability of this terrible disease.

I look forward to working with my colleagues to ensure investments are made in Alzheimer's research.

Let me just say parenthetically, if you think we can sequester funds for the National Institutes of Health and honestly deal with the challenge of Alzheimer's, you are wrong. You cannot cut funding at the National Institutes of Health in the name of sequestration, cutting grants that could find breakthrough cures for many diseases. You cannot cut those funds and discourage researchers from even participating in future research and expect to solve the medical challenges that face us, including Alzheimer's.

I am urging my colleagues to look at this not as just a matter of resolutions, which are important, but also funding which is critical so we can find the solutions to these problems in a manner that is reasonable and quickly done.

ILLINOIS STORMS

Mr. DURBIN. Mr. President, before I give a statement on another topic, I would like to note that we continue to focus on the damage that was caused last Sunday by deadly tornadoes and storms in Illinois, estimated to have exceeded $1 billion in cost.

We have seen some scenes from that wreckage in places such as Washington, IL—the hardest hit in our State. They experienced an EF4 tornado, with wind speeds close to 200 miles an hour.

I can recall one news report where a man went home and could not find his SUV—an indication of the ferocity and the intensity of the winds that wiped a swath of devastation through this great town in central Illinois.

Power lines are still down, and there are gas leaks. There is still danger there. But the first responders were there. The obvious helpers, the Red Cross and Salvation Army, are on the scene. Federal, State, and local agencies are pitching in.

Equally important—I spoke to the mayor—the people are pitching in. Those who survived are helping those who have had the most damage: finding them a place to sleep, making sure they have enough to eat, trying to put their lives back together and go through the salvage and recover the important items to their families.

The EF4 that tore through Washington was one of two that touched down in my State that day. The other one struck New Minden, which is down near the metro East St. Louis area, and caused unbelievable damage.

All told, 84 tornadoes were reported throughout the Midwest on Sunday.

We know more about the people whose lives were lost in this terrible event. Three died in Massac County, in deep southern Illinois: Kathy George, who was 58 years old, a devoted wife and mother; Robert Harmon, an avid motorcyclist; Scholitta Burrus, who was excited to visit her son for Thanksgiving. In Washington County, a brother and sister—Joseph and Frances Hoy—died in a tornado. They lived together on a farm near New Minden.

Joseph Hoy was president of the Midwest Bird and Animal Breeders Association. In Tazewell County, Steve Neubauer, of Washington—he was a mechanic and often helped his neighbors repair their tractors and lawnmowers.

My thoughts and prayers are with their families and friends. It is bad enough to lose your home, but someone you love is irreplaceable. I want them to know we are thinking of them at this moment.

There is a lot to do. We have to pitch in and help the communities that have been so heavily hit. I said before and I will say again that there are certain occurrences that come through these disasters that are inspiring. I know a year from now we will go back to these neighborhoods and marvel at the progress that has been made as people rebuild their homes and their lives and their playgrounds and their churches and their schools. They do not quit; they do not give up.

Secondly, we will have a litany of examples of people who reached out and helped others in a selfless, caring, compassionate way. As I said, it is not unique to Illinois; it is not unique to the Midwest; it may not even be unique to America. But each time we go through one of those tests, it warms our hearts to know that people do respond so well to help one another.

We are going to continue to keep in touch with the Governor and local officials and provide the Federal assistance on a bipartisan basis that will help these communities and families get their lives back together.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. DURBIN. The Presiding Officer knows better than most what it means for someone to enter our military, to raise their hand and take an oath in service to the United States. It is the giving of their time and their lives. Equally important, they are risking their lives. They know they can be called upon in that capacity to defend this country. They can be injured. They can lose their lives in the defense of this Nation, and many have. But they still do it on a voluntary and selfless basis. We realize that for most of them they have viewed their threats as the enemies who are going to attack the United States or their units. But we have come to learn that there are other enemies within the military who are equally troublesome and worrisome.

It is one thing to have a son or a daughter—someone you love very much—take an oath to serve in the military and run the risk of a dangerous encounter with an enemy. But it is absolutely unacceptable to think that these men and women in the military would run the risk of a dangerous attack by someone else in the military.

Speaking to the issue of sexual assault, it is one which is topical because we have finally, finally started to come to grips with the reality of what it means. Our responsibility is to ensure that the men and women of the military have everything they need. Sexual assault threatens it. It erodes the basic trust, respect, and professionalism that our troops uphold and rely on to perform their duties. In a more fundamental sense, it also cuts to the heart of the basic questions of safety, dignity, and justice as Americans.

However we measure it, the current system has failed our servicemembers. The evidence is overwhelming. It has been estimated that 26,000 incidents of sexual assault occurred in the military in a recent year. Only 3,400 reports were made from victims. The Institute of Medicine estimates that 21.5 percent of Active-Duty women and literally thousands of Active-Duty men have been sexually assaulted. We also know that 60 percent of the victims who do report these sexual assaults say they are retaliated against for doing so—60 percent. Overwhelming majorities of victims say they often do not report an incident because they do not think it will make any difference. It is a sweeping and comprehensive indictment of the current system.

I have a responsibility as chairman of the Appropriations Defense Subcommittee to work more closely with members of the military and their leaders than ever before. I have come to know them, to like them, to respect them. When they tell me, as they all have to a person, that they are doing everything conceivable to deal with this problem, I believe them, but I also believe there are elements within the culture of some parts of our military which are almost intractable and which have to be dealt with in a new and more definitive way.

Let me share one example. It came to light recently. I attended a Freedom Salute Ceremony for an Illinois National Guard unit that recently returned from Theater Gateway operations in Kuwait. They had been gone a year. It was a small unit, fewer than 20. They came home, and their families were with him. They were out at Camp Lincoln in Springfield, IL. This unit was in charge of transportation, making sure that 100,000 servicemembers

who came through that theater had what they needed to make it to their next destination and ultimately back home. Some of these people were being redeployed, do not get me wrong, but many were headed home. I heard from these members of this unit.

Among the servicemembers they helped move through this hub was a young woman who had been sexually assaulted somewhere in the region. That was not the first stop. The first stop for this sexual assault victim was a barracks situation where she literally had to walk through the men's restroom facilities to go the women's restroom facilities. This is a victim of sexual assault. She told us—the person I spoke to in the unit—that this victim said to her that these were the first sympathetic faces she had seen or worked with since this terrible incident and she was grateful to this Illinois Guard unit for standing by her in this emotionally trying time.

I was happy to hear that this Guard unit had stepped up to give this young woman the help she needed, but it is inexcusable—in fact, it is shameful—that the rest of the system failed her. It is a story repeated too many times across the services.

This current system has to change, and it will. I thank for their extraordinary advocacy Senator CLAIRE MCCASKILL of Missouri, Senator KIRSTEN GILLIBRAND of New York, Senator PATTY MURRAY of Washington, and many others. They put into the pending bill on the Defense Authorization Act many effective and necessary reforms.

I supported them. I appreciate Chairman LEVIN and Ranking Member INHOFE for including 26 reforms in the underlying Defense authorization bill. I would like to highlight one reform in particular in which I played a small part—the special victims' counsel. I wish to highlight this reform because victims need and deserve someone in their corner helping them through what is probably one of the toughest moments of their lives.

In testimony earlier this year in the Appropriations Defense Subcommittee which I chair, the head of the Air Force General Welsh talked about how effective this pilot program of special victims' counsel has been. The bill that is pending before us would expand their services. My subcommittee's appropriation spending mark ensures that it will be fully funded.

The bills other reforms are equally powerful: improving prevention; holding leaders accountable for the climate in the military on this issue; reforming the military justice code. On these reforms, there is strong bipartisan agreement.

Many of those reforms, including one we may vote on before we leave this week, were thanks to the leadership of Senator CLAIRE MCCASKILL. She has been relentless in her efforts to lead on this important issue. Today is no different. She has an amendment which she offered which empowers the victims of sexual assault to have a greater voice in how their cases are prosecuted. It would require commanders' promotion reviews to take sexual assault climate into account. It would eliminate the so-called good soldier defense by which commanders are permitted to consider the defendant's overall value to the unit. I really appreciate Senator MCCASKILL's leadership. Her amendment is a positive one.

The crux of today's floor debate is whether the Senate pushes this reform even further. Senator KIRSTEN GILLIBRAND of New York offered an amendment that aims to give victims greater confidence that the military justice system is free from any bias by giving the decision on these cases to a senior judge advocate general outside the victim's chain of command.

However we come down on this proposal, we all know this would be a significant change for a military justice code that has only undergone two significant changes since 1950, but I believe we must go forward with the Gillibrand proposal. I will vote in favor of her proposal. I did not come to this decision lightly. I have discussed this issue with my colleagues in the Senate, as well as every single military leader they have recommended I meet with. I have met with them publicly and privately. I have listened carefully. I have called the victims to hear their side as well. I considered the views of outside experts as well as my colleagues. Many of my colleagues have served in the military, and they have personal insights. After much deliberation, I have concluded that every single one of those reforms, including Senator GILLIBRAND's proposal, is going to be necessary if we are going to give victims the confidence they need and the support they need to come forward.

I would also note that Senator GILLIBRAND's effort is endorsed by a diverse and thoughtful range of outside groups. They include the National Women's Law Center, the Vietnam Veterans of America, the Iraq and Afghanistan Veterans of America, the Defense Advisory Committee on Women in the Services, and the Service Women's Action Network.

I know our senior military leaders are committed to cracking down on sexual assault. Many commanders around the world are just as outraged as Congress and just as committed to prosecuting offenders and setting a new tone in the military. But it is the role of Congress to ensure that the system those leaders implement is fair and reasonable. It must put the victims of assault back in control and the perpetrators of these claims on notice. It must restore victims' confidence. These reforms accomplish this goal. I look forward to supporting them.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. WHITEHOUSE. I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

CLIMATE CHANGE

Mr. WHITEHOUSE. I am back again for now the 51st consecutive week that the Senate has been in session to urge Congress to wake up to the effects of carbon pollution on the Earth.

Today I wish to talk about how climate change is taking its toll on an important part of our way of our life, some of our long-cherished American pastimes that we do in the great outdoors.

New Englanders—and the distinguished Presiding Officer from Connecticut is very familiar with this—have fond memories of ski trips in Vermont, of ice hockey on frozen ponds in New Hampshire, and of fishing trips off the coast of Rhode Island. All of these activities are fun, they are fulfilling, and they leave us with indelible memories of the wonders of our natural world. But climate change is putting much of that at risk.

The New York Times records that declining snowfall and an unseasonably warm weather were a drag on winter sports and recreational tourism during the 2011–2012 winter. Before the end of the century, they report the number of economically viable ski locations in New Hampshire and Maine will be cut in half. Skiing in New York will be cut by three-quarters. I am sorry to inform the Presiding Officer from the great State of Connecticut that there will be no ski area left in Connecticut or Massachusetts. I assume from the report that means Rhode Island as well, because Rhode Islanders have been skiing our beloved Yawgoo Valley since the 1960s.

As drought and increasing temperatures reduce the snowpack in the Cascade Range and the Rocky Mountains, the future of ski and snowboarding there is also at risk.

The Park City Foundation in Utah predicts an annual local temperature increase of 6.8 degrees Fahrenheit by 2075, which could cause a total loss of snowpack in the lower Park City resort area. Beyond the loss to the skiing tradition in Park City, the report estimates that this will result in thousands of lost jobs, tens of millions in lost earnings, and hundreds of millions in lost economic output.

No part of the country will be immune from these changes our carbon pollution is driving. Studies have found that extremely warm days in the Southeast are on the rise. Ice on the Great Lakes is forming later and disappearing earlier. Rain will continue to decrease on the Great Plains. Wildfire

seasons are getting worse in the West where the snowpack is melting earlier. Sea-level rise threatens Hawaii's famed beaches, and warming in Alaska is degrading the permafrost that entire communities are built on.

Climate change has already changed rainfall patterns and can load the dice for bad weather conditions such as heat waves. This past summer a heat wave prompted the Kenosha public schools in Wisconsin to cancel all outdoor student practices and sporting events. The district stated on its Web site: ''Keeping the best interests of our athletes in mind, we are canceling/rescheduling all contests today.''

According to the Denver Post, this past spring a prolonged drought forced Denver Parks and Recreation to postpone opening of the grass sports fields for soccer and lacrosse, which kept thousands of children and adults from starting their athletic seasons.

For some, warmer temperatures mean more time inside because the air is not fit to breathe. Ground-level ozone, commonly known as smog, forms more quickly during hot sunny days, causing asthma attacks, emergency room visits, and even hospitalizations.

In August, I met with two Rhode Island kids: Nick Friend, a 15-year-old from East Providence, and Kenyatta Richards, who is an 8-year-old from Warwick. They have asthma. They have to stay indoors and avoid being too active on bad air days. We have had six bad air days from ozone this year in Rhode Island. That is 6 days when Rhode Islanders such as Nick and Kenyatta can't enjoy the outdoor activities that are so much a part of our American childhoods.

The effects of climate change aren't limited to hotter days and smog. Oceans are warming, ice is melting, and sea levels are rising. This puts coastal infrastructure such as dams, bridges, and coastal powerplants at risk. It also threatens many of our most beloved and expensive palaces of sport. As far back as 2007, ''Sports Illustrated'' ran a special issue on sports and global warming, saying: ''Scientists project up to a one-meter increase in sea level by 2100,'' warned one article, ''which will alter the shape of the land in low-lying regions of U.S.—including San Francisco Bay and South Florida—and swamp well-known sports venues.'' Places such as the American Airlines Arena and Sun Life Stadium in Miami and AT&T Park in San Francisco are at risk.

As Congress sleepwalks through history, blind to the harmful effects of carbon pollution, responsible groups are acting, including our major professional sports leagues. The NBA, MLB, NFL, and NHL are letters that almost every American knows. These leagues and their teams are cultural institutions. They are also big business with annual revenues in billions of dollars. They take the threat of postponed games and washed-out stadiums seriously.

Earlier this year, the Bicameral Task Force on Climate Change, which I started with Representative HENRY WAXMAN, to keep attention focused on climate change and what we could do to address it, asked the National Basketball Association, Major League Baseball, the National Hockey League, and the National Football League, as well as the United States Olympic Committee, to tell us what climate change means for their sports. Each of these organizations is awake to the dangers of carbon pollution and each is acting.

Baseball Commissioner Bud Selig wrote to the task force and said:

I have often said that Baseball is a social institution, and to that end we recognize our responsibility to be part of the national effort to preserve our environment. And that is why MLB and many of our Major League Clubs have adopted practices that have resulted in clean, energy-efficient ballparks and environmentally friendly baseball events.

One of those practices is the partial offset of the energy used at all the All-Star Game events, including FanFest, the Home Run Derby, and the All-Star Game, by Green-e Certified energy renewable credits, including wind and solar energy.

On the hockey front, NHL Deputy Commissioner William Daly wrote:

Hockey's relationship with the environment is unique. Our sport was born on frozen ponds, where to this day—players of all ages and skill levels learn to skate. For this magnificent tradition to continue, it is imperative that we recognize the importance of maintaining the environment.

The NHL has partnered with ENERGY STAR and the Natural Resources Defense Council to make its own facilities more energy efficient, and it has called on the U.S. Government to develop a nationwide retrofit strategy to help upgrade buildings such as ice rinks and to reduce energy consumption and carbon emissions.

Kathy Behrens, executive vice president of Social Responsibility & Player Programs at the NBA, told us:

While Professional NBA games are played inside climate controlled arenas, most basketball around the world is played outdoors. If air pollution, extreme heat, and other forms of climate disruption make it difficult to enjoy or attend our game and, of much concern, actually threatens the health and safety of basketball players, fans, and business partners, that matters greatly to the [NBA].

Pro basketball is working to reduce carbon emissions through improved energy efficiency at its arenas. A number of NBA arenas have achieved LEED certifications and some have installed on-site solar panels. The NBA has also come out in support of standards to reduce carbon pollution from electric powerplants, which is a cornerstone of President Obama's recently announced climate action plan.

On the football front, Adolfo Birch III, senior vice president of Labor Policy and Government Affairs for the NFL, wrote:

Twenty years ago, the NFL became the first professional sports organization formally to address the environmental impact of our marquee events—Super Bowl and Pro Bowl.

The program to reduce overall greenhouse gas emissions during every Super Bowl has resulted in the planting of more than 50,000 trees in the Super Bowl host communities. The National Football League estimates that the 2013 Super Bowl in New Orleans achieved a reduction of nearly 24,000 tons of greenhouse gas emissions or the equivalent of the energy use of 8,000 American homes for an entire year.

The U.S. Olympic Committee has also joined in the fight to reduce harmful carbon pollution. According to USOC CEO Scott Blackmun:

The Green Ring program aims to mitigate the USOC and our athletes' impact on the environment through a number of sustainability efforts, an area that is a passion for many of our athletes. Through Green Ring, we hope to contribute to sustainability while using our platform to educate and inspire our constituents to do the same. Our focus is more action, less carbon.

Other international bodies have also launched aggressive plans to fight climate change. The 2014 soccer World Cup in Brazil is aiming to be carbon neutral by offsetting 2.7 million tons of carbon dioxide estimated to be generated by this year's Confederation Cup tournament and the World Cup next year.

Our major sports leagues thus join a great army amassing on the side of climate action: virtually every major scientific body, the insurance and reinsurance industry, the Joint Chiefs of Staff, the National Academies, NASA, and the Government Accountability Office, the U.S. Conference of Catholic Bishops, leading Americans and international corporations, and the American Public Health Association. To them and many others, who are all in this fight, we can add our friends in the world of sports: Major League Baseball, the National Basketball Association, the National Hockey League, the National Football League, and the U.S. Olympic Committee. There is a growing chorus of voices from every sector of American society calling for action. Indeed, there is work to be done. The major sports organizations are doing their part because they know that few things define American society like the teams we cheer and the games we play.

We in Congress need to wake up and join the fight. It is time to set aside the partisan nonsense and the polluter-fueled fantasies and at last take real steps to reduce our carbon pollution and preserve our distinctly American way of life.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. CASEY. Mr. President, I rise tonight to talk about the matter that is before us, which is the National Defense Authorization Act. I don't think

we have to make a fulsome argument tonight that it is very important we pass this authorization act for the fundamental purpose of making sure we can, at a minimum, complete action in the very near future on authorizing a whole range of programs that keep our people safe and ensure our national security. I am confident we will do that, but that is vitally important.

I rise tonight to talk about one aspect of that challenge—and, again, it is just one part of our national security interest—relating specifically to what has been happening in Afghanistan over the last decade, and particularly to women and girls in Afghanistan. The amendment I have introduced and will be speaking on behalf of tonight is amendment No. 2172, which regards the security of Afghan women and girls.

For the past 12 years, United States servicemembers have been deployed in Afghanistan fighting the insurgency there. Their sacrifice—the sacrifices of our own people—have created a space for Afghan democracy to take root and for a civil society to develop. It is imperative as we draw down U.S. combat troops in Afghanistan we remain focused on the United States long-term strategic interest in the region. It is in the United States national security interest for Afghanistan to remain stable, secure, and democratic.

We have seen from a distance what life under the Taliban looks like in Afghanistan when the Taliban was in charge. We also can see with the perspective of recent history what it has looked like since the Taliban was removed. A return to their rule, however, will not only set back the progress that has been made, but it will also allow the forces of intolerance and extremism to triumph.

So 2014 marks a significant transition in Afghanistan. U.S. and coalition forces will draw down while voters will go to the polls to choose their second democratically elected president.

We are considering this year's National Defense Authorization Act with just 6 weeks remaining before the beginning of 2014. Our military families are welcoming back soldiers, sailors, airmen, and marines who have seen more than a decade of conflict in Afghanistan. When I meet—as I know the Presiding Officer and other Members of the Senate do—with servicemembers who have served in Afghanistan, I never forget—as none of us must ever forget—their sacrifice, their determination, and their valor. Since October of 2001, Americans have fought for a stable, prosperous, and democratic Afghanistan.

On my trips to Afghanistan, which now number three, I have come to understand that women and girls often display remarkable courage but are often the most vulnerable targets. But great progress has been made, and I will just mention a couple of examples.

About a decade ago, almost no girls were in school in Afghanistan—very close to, if not, zero. The number of Afghan girls in school now is 2.4 million, and women represent more than 27 percent of Afghans serving in parliament. A small but brave corps of women has joined the Afghan National Security Forces in service to their country. None of this would have been possible just a little more than a decade ago—12 years ago.

Whenever I meet with them, Afghan women emphasize they are not willing to give up—nor should they be—on the gains they have achieved with help from the American people. Just yesterday I met with Nilofar Sakhi, who is working to promote women in the workforce. Hearing her commitment to advancing the role of women firsthand, as I did yesterday, further motivated me to introduce and advance this amendment.

During my last trip to Afghanistan I met with Fawzia Koofi, who is an inspiring lawmaker and women's rights advocate. As a mother of two young daughters, she has worked to instill the importance of education and to make sure her daughters understand that. She now serves in a leadership role in the Afghan parliament.

I would also mention when we were meeting with her she talked about how both her father and her husband had been killed because they were politically active. Yet even in the face of that, she has put herself forward to serve in public office in Afghanistan.

A third example, another brave woman showing the people of the world what it means to serve and to act even in the face of danger, is Suraya Pakhzad, who lives in Herat. Ms. Pakhzad recently traveled to the United States and visited not just my home State of Pennsylvania but literally the county I live in and impressed the people there, as she always does. Suraya is a true entrepreneur and philanthropist. With U.S. government support she has opened a women's shelter in Baghdis province. That is just the beginning of what we could say about her service. We don't have enough time tonight to give more examples, but Suraya has been a great example to me and to so many others.

These three inspiring stories I have talked about are just a few of the many, but I am deeply concerned—and I know a lot of people are—that we have already begun to see the progress on Afghans women's rights and security being rolled back. In an effort to honor the sacrifice the American people have made to help women and girls in Afghanistan, I, along with Senator AYOTTE, have introduced an amendment to this authorization act to ensure those gains are not degraded. The amendment is No. 2172, and I am grateful to Senator AYOTTE for her work and for her leadership on this issue.

It is clear as can be that the security of Afghan women and girls is not simply about their own security and its value and importance. It is also critically important to the long-term future of the country. We know if more women and girls are allowed to be educated—to go to school and to learn, and to grow and to achieve—that, in and of itself, has an economic impact, a positive impact, on a woman and her family but also on the economy of Afghanistan. The question is what steps are we going to take to ensure not just their own security but the security of the country. If they advance, if women and girls in Afghanistan advance, Afghanistan will be a safer place. It is likely the threat of terrorism will be reduced because of the direct involvement of women in the economy and in the life of the people in Afghanistan.

Let me quickly summarize what the amendment does. First, it focuses on political transition. Afghanistan will hold, as I mentioned before, historic elections in April. As the country votes for a president—a president that will help Afghanistan transition from conflict—it is critical that women not be disenfranchised. Therefore, this amendment seeks to ensure the adequate staffing of polling stations by female officers.

Second, the other part of the transition, of course, is the security transition. This bill would also improve awareness and responsiveness among Afghan National Security Forces personnel regarding the unique challenges that women confront. It will also focus on the recruitment and retention of women in the Afghan National Security Forces.

It would be, to use just one word, unconscionable to abandon the women and girls of Afghanistan who have made such great progress. If we take steps that lead to the abandonment of women and girls in Afghanistan during this transition—this drawdown—we will be making a terrible mistake, and we will not have honored the sacrifice of our own service men and women, and we will be harming the important transition that is taking place in Afghanistan.

This legislation will demonstrate not just our commitment and dedication to this important goal but it will also ensure a much brighter future not just for that young girl or woman in Afghanistan and their family, but it will ensure literally a safer and more secure and much less extreme situation in Afghanistan, when we consider all of the threats that are present there on a daily basis.

So I urge my colleagues to support in this authorization process amendment No. 2172, and I again want to commend and salute the work of Senator AYOTTE on this very important priority for the United States.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I thank my colleague from Pennsylvania Senator CASEY for his leadership on amendment No. 2172, which is very important. I appreciate what he just said on the floor—the cases of the bravery of Afghan women, the leadership they

have shown under tremendously difficult circumstances, and the sacrifices our men and women in uniform have made to ensure that Afghanistan does not become a haven for terrorists again.

One of the keys to that is that no society can be free, no society can have true safety and security unless the women in the society also have safety and security. So I thank Senator CASEY for his leadership in ensuring that we stand by the Afghan women because we cannot succeed in Afghanistan if women go back to what they endured under the Taliban, which was horrific and was wrong, and none of us should accept.

So Senator CASEY really has been a leader, and I thank him for being so concerned about what will happen in Afghanistan and working to make sure it never becomes a haven for terrorists again; that women in Afghanistan can live with security; that women and girls can go to school; that they can contribute to Afghan society and take part in free elections; and that Afghanistan will be a place where women will no longer be brought into soccer stadiums and violated.

So I thank Senator CASEY for this amendment and bringing it forward. I am very proud to cosponsor it. As Senator CASEY mentioned, our amendment would ensure adequate staffing at polling stations by female officers so that when they have elections, this would improve the security of those stations, making sure women can come forward and vote. It would increase the awareness and responsiveness among Afghan National Army and national police personnel regarding the unique challenges women confront when joining those forces. Yes, women—some of them—are now joining the Afghan security forces to defend their nation.

The amendment would focus on improving the recruitment and retention of women in Afghan security forces, and it would ensure that as we enter the bilateral security agreement that DOD will produce a strategy to promote the security of Afghan women and girls.

These issues are very important. I commend our men and women in uniform for everything they have done in Afghanistan to prevent Afghanistan from being a haven for terrorists and to ensure that women and girls can live securely and won't be violated the way they were when the Taliban was in charge of Afghanistan. The images so many of us saw were beyond the word ''outrageous.'' We can't even describe the horrific way women and girls were treated—worse than second-class citizens—under the Taliban.

This amendment will ensure what we all understand to be the bottom line: that no strategy in Afghanistan can succeed if women are not an integral part of that strategy, if women aren't allowed to have the security, the dignity, and the freedom all people deserve.

I thank Senator CASEY for his leadership. I hope my colleagues in the Senate will adopt this amendment because last year when we considered Defense authorization, the Senate passed a similar provision by unanimous consent. So I hope my colleagues will do the same and pass the Casey-Ayotte amendment to promote the security of Afghan women and girls; as we look to the bilateral security agreement, as we look to working with our coalition partners as we are drawing down in Afghanistan, we will not leave the Afghan women and girls behind and we will ensure that Afghanistan does not become a haven for terrorists again.

I thank Senator CASEY for allowing me to speak on this very important issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

ORDER OF PROCEDURE

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent to engage in a colloquy with Senator WYDEN for 15 minutes.

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

SURVEILLANCE REFORM

Mr. UDALL of Colorado. Mr. President, to start, I would like to pay tribute to my two colleagues, Senator CASEY and Senator AYOTTE, for their focus on human rights and particularly the rights of women wherever those women may live.

I rise tonight to talk about the rights that are enshrined in our Bill of Rights. To that particular key concern of Americans, I wish to talk about the importance of reforming our domestic surveillance laws.

As Senator WYDEN and I both enter this discussion, we have one general goal in mind; that is, to find a proper balance between keeping our Nation safe from terrorism and still protecting our cherished constitutional rights.

Senator WYDEN and I are both members of the Senate Intelligence Committee. We have argued for years that the government's domestic surveillance authorities need to be narrowed, and we are going to keep leading this fight in the days, weeks, and months to come. As part of this ongoing effort, we recently introduced comprehensive bipartisan legislation that would end the NSA's selection of millions of innocent Americans' private phone records, shield Americans from warrantless searches of their communications, and install a constitutional advocate at the Foreign Intelligence Surveillance Court.

We believe that overly intrusive domestic surveillance programs, misleading statements made by senior intelligence officials, and revelations about how secret courts have handed down secret rulings on secret law have eroded the trust and confidence of the American people. Simply put, we need to restore this trust, and the best way to do that is to carve out time and hold a vigorous and substantive debate here on the Senate floor—a debate the American people have demanded and deserve.

Senator LEAHY, chairman of the Judiciary Committee, introduced his own comprehensive reform proposal last month with Representative SENSENBRENNER. Representative SENSENBRENNER is a key figure because he was the original author of the PATRIOT Act. He has had concerns. He has joined forces with Senator LEAHY. This bipartisan plan, the Leahy-Sensenbrenner plan, includes many of the proposals Senator WYDEN and I have long called for, and we are proud to support this effort.

Let me be clear. This issue is not going away. It will not go away because more and more Americans and more and more of our colleagues are coming to understand the true overreach of our Nation's surveillance programs and the effect on American privacy. This issue is not going to go away because we are not going to stop shining a light on the potential for future abuse that comes with our government's secret interpretation of its authorities under the Foreign Intelligence Surveillance Act.

I truly believe that ultimately our efforts—the efforts of Senator WYDEN, Chairman LEAHY, Representative SENSENBRENNER, Senator PAUL, Senator BLUMENTHAL, the Presiding Officer, myself, and a growing number of others—will lead to a majority of this Congress acting in commonsense ways to protect the privacy of Americans.

We are here today on the floor in the midst of consideration of a very critical piece of legislation for our national security and for the well-being of our men and women in uniform, the Defense Authorization Act. I am a member of the Armed Services Committee. I have the great privilege of chairing the Subcommittee on Strategic Forces. I know as well as anyone that this is a must-pass bill. The issues we debated this week related to Guantanamo Bay and the scourge of sexual assault on our military are matters that rightfully demand significant and thoughtful time on the Senate floor. While I think Senator WYDEN and I would agree that this week's debate on the National Defense Authorization Act is not the right time for a full, comprehensive debate on surveillance reform, I do believe it is the right time to begin that conversation.

Senator WYDEN has introduced a smart pro-transparency, pro-accountability amendment, and that amendment is the right place to start. His amendment is based on the work we have been doing for a number of years now. That is why I am a proud cosponsor and a strong supporter.

This amendment would increase the transparency of domestic surveillance programs, and I think it should—and I

know it will—have broad support in this body. I am going to let Senator WYDEN speak more extensively about our amendment, which, by the way, we have also introduced with the chair of the Appropriations Committee Senator MIKULSKI.

Again, this is the perfect way to begin and frame what will be a more fulsome debate over the next few months. We are going to demand this debate because Coloradans, Oregonians, and Americans across our country demand that we have this debate.

With that, I turn to my friend and colleague Senator WYDEN for his thoughts.

Mr. WYDEN. I thank Senator UDALL for his exceptional leadership in our effort to put together a comprehensive bipartisan reform bill. I also thank the Presiding Officer from Connecticut because, as we all know, he has really been the ringleader in the effort to ensure that when there are major constitutional arguments put in front of the FISA Court, there is somebody there to make the case for the other side. So I am very pleased that, for purposes of this colloquy, when we discuss the transparency amendment we have filed today with Senator MIKULSKI, we have Senator BLUMENTHAL in the Chair because he has been an integral part of the reform effort.

I also appreciate what the distinguished Senator from Colorado said about Chairman LEAHY. We have had a real partnership with him in working on these issues for a long time. We were thrilled that Chairman LEAHY went on our bill and we went on his bill because it illustrates the need to try to make common cause around these issues. And as the Senator from Colorado said, we are talking about bipartisan approaches that help promote reform agenda.

As the Senator from Colorado noted, it would be pretty hard to have a full debate on this legislation about surveillance reform. Suffice it to say that there are differing views here in the Senate with respect to surveillance. The Senator from Colorado and I support comprehensive overhaul, particularly as it relates to the collection of millions of phone records of law-abiding Americans, which has come to be known as metadata. So we have supported restrictions on that in order to protect law-abiding Americans who have had their privacy intruded upon.

But having sat right next to the distinguished chair of the Appropriations Committee for many years—on the Intelligence Committee, and I think my friend from Colorado sits on the other side—we have heard Senator MIKULSKI speak eloquently about the need for transparency and accountability. My view is that this is something that can bring together all Senators around what really is a jump-start to the later debates about intelligence reform.

Senator UDALL and I, with the support of the chair of the Appropriations Committee Senator MIKULSKI have put together an amendment and filed it today on this legislation which takes important steps forward with respect to transparency. The amendment we have offered would require the executive branch to answer some of the major unanswered questions about domestic surveillance authorities and would require that future court opinions which find that domestic surveillance activities have violated the law or the Constitution ought to be made public. They ought to be made public to the American people, and if there is some aspect that should be held back—what is called redaction—so be it. Under our proposal, the executive branch would have the authority again to make sure that no details about secret intelligence methods or operations were in any way divulged as part of this transparency effort.

While we feel strongly about protecting secret operations, we do not believe in secret law. The American people ought to always be able to find out what the government and government officials think the law actually means. To use a basketball analogy—and folks at home know I am always fond of those—parts of the playbook for combating terrorism will often need to be secret, but the rule book our government follows should always be public. So this amendment presents a chance for Senators who may have differing views about surveillance policy to rally together behind the cause of greater transparency.

I would note at this time that Senator MIKULSKI has filed an additional amendment that the Senator from Colorado and I have cosponsored. It would make the Director of the NSA a Senate-confirmed position. This is a reform Senator MIKULSKI has been advocating for years. I think this too allows us to have a more vigorous and more open debate about these issues.

The reality is that the thousands of Americans who work in the intelligence field honor our Nation day in and day out with their dedication and their commitment to the security of our country. But, as the Senator from Colorado has noted, too often in the past the leadership of the intelligence community has said one thing in private and another in public. If our amendment which we have put together with Senator MIKULSKI passes, there would be a new focus on transparency, and I think that would create some very serious obstacles to those who might want to engage in the kinds of deceptions that the Senator from Colorado noted and that we have seen in our hearings.

I yield back. And we will wrap up our colloquy shortly.

Mr. UDALL of Colorado. I thank Senator WYDEN for his leadership and for taking the time to join me on the floor. As the Senator pointed out, we have a broad coalition across both parties and across the political spectrum.

We also acknowledge that passing the Defense Authorization Act is crucial. We have to keep our military strong in the face of limited resources and a security environment that is rapidly changing. That is why we are not offering a comprehensive bill today. But we will be back. We want to have a fulsome debate. This is a matter my constituents have demanded that we address, and we are going to work to make this happen.

I ask my colleague for any further thoughts he might have on this very important matter because the Bill of Rights is our biggest, baddest weapon. When we stand with the Bill of Rights, we can't go wrong.

Mr. WYDEN. I thank my colleague. First, let me just mention in closing that this bill is directly relevant to work done at the Department of Defense, as the NSA is an integral part of the Department of Defense. In fact, this bill already contains half a dozen provisions that affect the NSA in one way or another, so it has been our view that this amendment is clearly germane to the bill.

It also directs the Comptroller General to conduct an assessment of the economic impact of recently disclosed surveillance programs. The fact is that surveillance policy does not just affect foreign relations—although clearly it does affect our foreign relations. We see practically every day accounts of how our allies are concerned about their relations with us because of questions with respect to whether the privacy of their citizens are affected.

When we are talking about allies, we are talking about partnerships we need to protect America in a dangerous world. Of course, at the same time we are talking about how in a fragile economy, some of America's leading companies, those on the cutting edge of our future—for example, with cloud technology that the distinguished Presiding Officer and I have talked about. This is an area where Americans have a big lead. We do not want to fritter it away, as we also suffer in terms of our national security, in terms of our relationships with allies. There are high stakes here. I am very hopeful we will have a chance to get a vote on this legislation.

As I say, with Senator MIKULSKI particularly, the role that she has played as chair of the Appropriations Committee, I think we have a chance to jump-start the broader debate about intelligence. We have a chance to set the record straight about some of the comments that the intelligence leadership has made in the past that are either wrong, misleading or kind of shrouded in intelligence-speak. This is almost incomprehensible lingo that we try to sort through in terms of what they have to say.

I am very hopeful the Senate will want to join Senator UDALL, Senator MIKULSKI, myself—I know Senator BLUMENTHAL and others are interested in it—in taking the next logical, commonsense approach in terms of intelligence reform; that is, to come out

foursquare for this approach, which I would like to state does not ban any collection tool at all that is now used by the government, but it does require that there be basic transparency and accountability in how they are used.

(Mr. HEINRICH assumed the Chair.)

That is long overdue. Let me have my friend and colleague from Colorado wrap up and express to him how much I appreciate it.

I note somehow the Presidency of the Senate seems to be passed from one supporter of intelligence reform to another, since the distinguished Senator from Connecticut was just there. We have just been joined by Senator HEINRICH, who has been a very valuable partner in these efforts as well.

I thank him and allow the last word to be offered by the Senator from Colorado.

Mr. UDALL of Colorado. Again, you cannot go wrong with transparency. Transparency is a central tenet of America. In that spirit, I wish to recognize the Senator from Connecticut, Mr. BLUMENTHAL.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. BLUMENTHAL. Mr. President, I thank my colleagues who led this effort. Well before I became involved, Senator UDALL and Senator WYDEN have helped to lead this effort before there was any real disclosure about some of the excesses that have been so dramatically revealed over the recent past. As a colleague in this effort, I thank them for their relentless courage in blowing the whistle, quite bluntly, telling America there was something wrong, even when they could not reveal exactly what was wrong, saying the American people would be outraged if they knew, if only they could be told. That kind of bravery and strength has given energy and momentum to this debate.

I am chagrined that we will not be debating and acting on it in connection with the National Defense Authorization Act if the present circumstances prevail and amendments are limited. I do believe it is past time to be talking about and acting on those issues, to move for greater accountability and transparency.

One of the amendments I have sponsored would call for a more adversarial process, to expose more of the truth before the judges who make these decisions through the appointment of a constitutional advocate.

The hour is late today. I hope at another time to talk about these issues in greater detail. But the time now is more urgent than ever to confront and address these shortcomings in the present system. I think the intelligence community itself will help us greatly and it has recognized this and all of America will benefit greatly, including their work.

I salute the talented and dedicated members of that intelligence community who have done their work literally in secret for so long, helping to save Americans around the globe from terrorism and other threats. I think we need to change the system in ways that are worthy of the challenges they confront everyday, while at the same time making sure we have trust and confidence in America, trust and confidence in the system, trust and confidence in both the need for and the tools and weapons we use to further American intelligence in the combat against terrorism.

I again thank my two colleagues who are on the floor and tell them I look forward to working with them in the next few days. If it is possible to achieve these reforms, so be it; if not, we will continue to work.

Mr. UDALL of Colorado. I thank the Senator from Connecticut and Senator from Oregon, the Presiding Officer who has been engaged in this and I know the Senator from Arizona who is here is interested in these discussions as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

THE BUDGET

Mr. FLAKE. Mr. President, we are now at the halfway point in the countdown to the next budget deadline. By December 13 the budget conference committee has to report its plan for the remainder of this fiscal year 2014 and beyond. We are already 2½ months into the fiscal year. It is critical the conferees agree on funding government within the framework of the Budget Control Act.

As I have mentioned before on the Senate floor, the BCA, which places caps on discretionary spending, has provided us with a necessary dose of fiscal discipline. While the BCA is not a silver bullet which fixes all of our problems, it represents $2 trillion in projected deficit savings that improves the Nation's long-term fiscal outlook. Without it, Federal spending would go unchecked, allowing the deficits to be even higher.

In 2013 the deficit reached $680 billion; in 2014 it is estimated to be $750 billion. Should Congress ignore the BCA, we will find ourselves even deeper in the red. In fact, some across the aisle have indicated that they want to spend a whopping $91 billion more than the BCA mandates in 2014 alone.

Instead of offering smart spending cuts to eliminate waste and prioritize funds, many are compiling a list of their favorite tax hikes to replace the sequester. That action fails to recognize one simple point, a point I made on the floor last weak and one I will make over and over. Washington has a spending problem, not a revenue problem. In fact, 2013 set a record for the most taxes ever collected, $2.77 trillion. That is a 13-percent increase from 2012. Yet some of my colleagues want taxpayers to shoulder the burden of their plans to increase Federal spending.

While the BCA has proved to help moderate the Federal budget's hunger for taxpayer dollars, make no mistake this budget is still bloated. Anyone who says there is nothing left to cut simply is not looking hard enough.

Last week I offered my suggestion for cutting waste at the Department of Agriculture. Just the programs I highlighted—and there are surely others—would save $5 billion when compared with the President's budget. Today I wish to share some similar fiscal follies at the Department of Energy.

The Department of Energy spends an astonishing amount of taxpayer dollars on industries and technologies that are already well established in the public marketplace. But few examples stand out more than the agency's growing role in the automotive industry. Take the Vehicle Technology Program which is slated to receive $575 million under the President's 2014 budget. This program conducts research and development into seemingly every facet of vehicle manufacturing from hybrid technologies to engine efficiency to advanced lightweight materials. It even goes so far as to draw marketing strategies to promote consumer acceptance of products such as electric vehicles and renewable fuels.

Is there anyone in America who does not know what an electric vehicle is or what it does? Yet we are supposed to spend money to improve consumer acceptance for these products. The Vehicle Technologies Program has also awarded hundreds of millions of dollars in grants to automakers, including Chrysler, Ford, and General Motors. Since 2010, the program has received $1.2 billion in taxpayer funds. Curiously, the Vehicle Technology Program's official online listing of goals and accomplishments has not even been updated for 2010.

Another well-established industry benefiting from taxpayer largesse is wind energy. Read DOE's budget request which prominently highlights the wind industry's ''great success in deploying planted-based technologies over the past 5 years.'' You may recall recently retired energy Secretary Steven Chu's admission that he considers wind a ''mature'' technology. Why then are we pumping money into a technology that even DOE indicates should be able to stand on its own?

A recent Navigant Research study made headlines when it reported that the United States is both the world's largest wind power market and home to the world's No. 1 wind power supplier, General Electric. A recent GAO report found that 82 Federal wind-related initiatives funded across 9 agencies cost $2.9 billion in fiscal year 2011. This is for what we have been told is a mature technology.

What is more troubling than the sheer cost of the Federal Government's fragmented Wind Program is GAO's finding that more than 80 percent of those programs have overlapping characteristics. GAO's subsequent recommendation seems reasonable enough; that the DOE should formally

assess and document whether Federal financial support of its initiatives is actually needed. Yet the President's budget, released 1 month later, recommends an unprecedented level of $144 million for the DOE wind energy program, just in 2014.

Wind's windfall from DOE comes on the heels of yet another extension of the multibillion dollar wind production tax credit. This tax credit was temporarily established more than two decades ago to encourage investment in the then-fledgling wind industry. This is two decades ago. Congress gave energy a 7-year window to take advantage of and prepare for the expiration of the original PTC in 1999—given 7 years.

But to the surprise of no one, parochial interests and a host of extensions continue to keep this zombie subsidy from expiring as designed. Today, as the credit supporters repeat their plea for just 1 more extension, they ignore America's debt-ridden reality and so the walking dead wind production tax credit, which is little more than a taxpayer-funded entitlement program, lives on. While I have singled out automotive and wind programs at DOE, similar arguments could be made for reducing or eliminating the Department's support for other established industries, including oil, natural gas, solar, and nuclear. Many of these programs are both unnecessary for further development of these technologies and are blatantly duplicative.

In fact, another GAO study identified a mind-boggling 679 renewable energy initiatives across 23 agencies in fiscal year 2010. Prominently featured in a report by my colleague from Oklahoma Senator COBURN, these redundant programs cost $15 billion in 2010 alone.

Instead of continuing to pick winners and losers, Congress needs to reduce its footprint in well-established areas of the energy sector. Not only will this help level the playing field for emergency energy technologies that are actually preparing to compete in the marketplace, it would save taxpayers untold billions of dollars.

With just 1 month to go before the budget deadline, I urge my colleagues to reject the urge to fixate on raising taxes and instead help focus negotiations on smart, achievable spending reductions. By eliminating waste and prioritizing spending within the BCA framework, we can shore up this country's fiscal future. Turning out the lights on wasteful programs at the Department of Energy would be a step in the right direction.

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

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Connecticut.

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

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

COSPONSORSHIP

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that I be permitted to join the resolution which has been submitted by Senator DURBIN, and also a separate resolution submitted by Senators COLLINS and KLOBUCHAR, relating to the fight against Alzheimer's disease.

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

ALZHEIMER'S DISEASE

Mr. BLUMENTHAL. Mr. President, all of us have been touched by this dread and pernicious disease. Alzheimer's strikes families, loved ones, colleagues, coworkers, friends, acquaintances—literally all of us—increasingly so because the numbers are multiplying almost epidemic-like across the country. Of course, classifying it as an epidemic is difficult to do because we scarcely understand this disease. We are only beginning to comprehend the cause and modus operandi of this pernicious ailment.

I am joining on these resolutions because of the need to express and call attention to the deadly and insidious spread of Alzheimer's and the Nation's failure to effectively address it. We know that the numbers of people suffering from Alzheimer's are increasing drastically and this resolution rightly calls attention to the dimensions of the problem. But as important as those numbers are, even more so are the numbers of dollars that reflect the Nation's failure to take action that is so desperately needed.

As my colleague from Maine highlighted earlier, we spend $500 million in research for Alzheimer's compared to $6 billion for cancer, $3 billion for HIV, and $2 billion for cardiovascular efforts. These numbers do not reflect any excess spending on cardiovascular or cancer or other kinds of medical problems for which the National Institutes of Health does such great work, as well as others in the private sector, and philanthropic donations as well. If anything, perhaps we should be considering expanding those efforts. But the numbers do reflect the disproportion and inadequacy of what we as a nation are spending on the research of Alzheimer's. The estimate, according to the National Alzheimer's Project Act and its representatives, is in the neighborhood of $2 billion a year, as a minimum, that we should be spending to develop diagnoses, cures, and treatment. We should be doubling or tripling funding. Yet even this minimal funding is in danger due to the sequester, which has also jeopardized many other research projects supported by the National Institutes of Health. This abdication of responsibility is a tragedy for us as a generation who will suffer from it in untold numbers, and for the next generation that could be saved from this disease.

I am proud to join in this effort to match the severity of the challenge with public consciousness and awareness and, even more importantly, public dollars and resources that are vitally important to ensure we conquer and cure as many Alzheimer's patients as we can as quickly as possible. We owe it to ourselves and our children.

There are many ways in life to feel alone. There are many forms of isolation. Even in this body, surrounded by people, Members can be alone at points—alone in championing causes or alone in thought, but there are few conditions that match the aloneness of an Alzheimer's patient. They are often cut off from the world by an inability to communicate, and we must reach out to those patients who cannot let us know and describe, as they might want to do, their aloneness and their resolve.

So for them and all of our loved ones—friends, family, and coworkers—who now and in the future will suffer from the disease, let us resolve to do more through this resolution, and as a nation we will confront this challenge.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. INHOFE. Mr. President, this has been a long process and a difficult one for me to go through. Being the ranking member on the Armed Services Committee, I have had constant contact with both the Democrats and Republicans on this bill. I consider this bill to be the most important bill of the year, and I have said that several times. I have given several speeches up here in the last week. I had about decided with the last offer that was made by our side, which was to come up with 50 amendments, limit it to 50 amendments, the argument there is that would not be 50 votes. If you look at it historically—and I have the numbers going all the way back for the last 15 years—for last year, for example, we had 106 amendments, and only 34 were voice-voted and only 8 were recorded votes. So when we say 50, we are only talking about probably 20. Now, of course, the Democrats would only have 50 also.

So what I have decided I am going to do—because I have to decide what I am going to do with my vote—I am either going to vote for or against cloture on my own bill.

That would be very awkward for me to have to determine. But I have tried to get ahold of Senator PAT TOOMEY, who is kind of the lead person on the steering committee and the one where most of the amendments would come from, most of the objections have come

from. I have said: If you will pare that down from 50 to 25, then I am sure it would be reasonable for the Democrats to have 25. That is a total of 50. Probably it would end up being maybe 20 recorded votes if you, our Republicans, are willing to bring that number down and say: Yes, we will go forward with this bill if we can have 25—move it down from 50 to 25. Now, if we refuse to do that, I am going to go ahead and vote to support cloture and to support our bill.

On the other hand, if Senator TOOMEY and the rest of the Republicans say: No, we want to have all 50—and I look at this list, and I see we have some Members who have as many as 9, and I do not think that is being totally reasonable—so if they say: No, we are not going to bring our number down to 25, then I am going to support the bill. However, if they do agree to bring it down—and I have already talked to the majority side about this—and they refuse to come down to 25, then I would join in opposing cloture on the bill when it comes up.

So I want to make sure there is no misunderstanding right now. I would like to say that I could get ahold of everyone tonight. I have tried. They said at 7:30 they are going to make a decision. It is 7:29 now, so I had to get on record. I do not have time.

I will repeat it one more time. If the Republicans refuse to bring their number down to 25, then I will go ahead and support the bill and support passage of the bill through cloture. If they do agree to do it and the Democratic side, the majority side, decides they are not going to accept the 25 offer, then I will oppose and vote against cloture on the bill.

There you have it.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014—Continued

CLOTURE MOTION

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

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

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 1197, a bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Harry Reid, Carl Levin, Richard J. Durbin, Tim Kaine, Dianne Feinstein, Kay R. Hagan, Barbara A. Mikulski, Joe Donnelly, Mark Udall, Claire McCaskill, Christopher A. Coons, Jeanne Shaheen, Mark R. Warner, Jack Reed, Patty Murray, Bill Nelson, Angus S. King, Jr.

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

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

MORNING BUSINESS

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

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

BUDGETARY IMPACTS

Mr. LEAHY. Mr. President, it has been only a few short weeks since the needless government shutdown that cost the Treasury more than $20 billion, disrupted the lives of hundreds of thousands of Federal workers and their families in every State, threatened to wreak havoc with the world's financial markets, and accomplished nothing.

But an important deadline, one critical to determining how we resolve the current budget crisis, is just a few days away. While this approaching deadline does not come with the threat of another government shutdown, if Congress is going to complete work on appropriations bills before the continuing resolution expires on January 15, we need a top-line number from the budget conferees by the end of this week.

By Friday, the budget conferees need to find enough common ground to agree on a level to fund the Federal Government for the remainder of the fiscal year. While many have expressed their doubts, there is no reason this cannot be done. People are fed up with putting the process of setting and funding our national priorities on autopilot. It is an abdication of responsibility and a wasteful way to do business.

It is equally important that the level of funding replace sequestration. A long-term continuing resolution that funds the government at the House level of $967 billion would be a disaster. Sequestration would become the new normal, funding programs and agencies at levels far below those passed by the Senate Appropriations Committee and below fiscal year 2013.

It is stunning—and frightening—that instead of looking to replace sequestration's devastating cuts, we hear from some Members that it is ''working.'' If their intention is to stunt the economic recovery and indiscriminately slash services upon which American families and businesses depend, then I guess they are right. But I don't think most Members of Congress, or most Americans, see it that way.

For those of us who want to support our communities and invigorate and sustain our economic recovery, another year of sequestration would be catastrophic. While we are still trying to gauge the full impact of the first round of cuts this year, one thing is clear—another year would be far worse.

Agencies have exhausted their carryover funds and creative budgeting options to avoid layoffs, furloughs, and eliminating programs.

Absent a budget agreement, the entire Federal Government, from the Department of Defense to the Department of Labor, will suffer significant, mindless cuts. I have spoken several times about the impact of another full year continuing resolution at the House's funding level.

I want to take a minute to describe what it would mean for America's children, teachers, and families. LIHEAP, which provides lifesaving home energy assistance, would not receive the $325 million increase over the level included in a continuing resolution, cutting off assistance to about 760,000 more households this winter and next summer. Nearly 40,000 Vermont families rely on LIHEAP in the cold Vermont winters.

Early Head Start Programs won't be expanded as the Senate appropriations bill intended, and the 177,000 children who would have received Head Start services will be turned away. Nearly 1,600 Vermont children depend on this assistance every year.

Schools around the country already facing budget shortfalls look to the Federal Government to fund services to disadvantaged children through title I grants. Those schools would not receive the $852 million included in the Senate appropriations bill. They would have to look elsewhere for money to provide those services to 1.3 million students in need.

Schools would also lose $748 million in grants for special education that were included in the Senate appropriations bill, to help cover the costs of employing more than 9,000 additional special education aides in our schools.

NIH would not receive the $2 billion in additional funds included in the Senate appropriations bill and instead would not be able to award 1,300 new research grants. This means that 1,300 additional opportunities to achieve scientific advances that could lead to lifesaving treatments and cures would be missed opportunities.

Under a continuing resolution, 159,000 families looking for assistance through the section 8 housing program to help keep a roof over their heads will be turned away because the funding won't be there. In Vermont, 774 families would face losing their housing assistance.

The WIC Program won't be able to provide food to the nearly 500,000 infants, children, and families the Senate appropriations bill would help, and working families won't receive the $291 million in additional funding the Senate provides for childcare subsidies.

Beyond our borders, we would lose the additional $389 million included in the Senate appropriations bill for global health programs to combat HIV/AIDS and other preventable infectious diseases like malaria, tuberculosis, and pneumonia, as well as malnutrition.

The consequences of such a cut can be measured in lives. Tens of thousands of additional deaths would result from these diseases, tens of thousands of additional children would be orphaned by AIDS, and there would be millions fewer lifesaving immunizations for children, resulting in tens of thousands of deaths that could have been prevented.

A full-year continuing resolution would cut the international development assistance account that supports the basic needs of people in the poorest countries by nearly $115 million, including for primary education, food security, and clean water and sanitation programs.

The examples go on and on. What we face is, in fact, not a hard choice. It is a choice between doing what is right or scoring political points. The budget conferees have an opportunity to reach meaningful compromise, to replace the ''never supposed to happen'' sequester, and to prove to the American people that they can put partisanship aside when it is in the national interest.

That is what is at stake, and I commend the chairwoman of the Appropriations Committee, Senator MIKULSKI, and her counterpart in the House, Chairman ROGERS, for the united stand they have taken for the good of the country. I hope the budget conferees follow their example.

TRIBUTE TO ROBERT ROSSI

Mr. LEAHY. Mr. President, it is a great pleasure to tell the Senate about Mr. Robert Rossi, a Vermonter who captures the distilled essence of Vermont, and who will be celebrating his 100th birthday this Friday, November 22, 2013. Mr. Rossi represents an inextricable link between where my State, and our country, was, and what it has become, over this most remarkable century. Mr. Rossi was born and has always lived in Barre, VT, the same city where my father was born. Even while defending America in Normandy, or honeymooning with his wife in New York City, his home and his heart were always in Barre.

Mr. Rossi grew up in Barre and his father, like my maternal grandparent, immigrated to the United States and Vermont from Italy. He was a product of the Barre school system, and had a football scholarship to Green Mountain Junior College. Shortly after that he was called for service by the United States Army.

He arrived at Camp Edwards on Cape Cod the same day Pearl Harbor was attacked, and he then was stationed in Northern Ireland just before his departure to Normandy on that fateful day in the summer of 1944. When he returned stateside, he did not dwell on his experiences abroad, but rather returned to his beloved home, where he was instrumental in one of Vermont's leading industries for nearly four decades of his life: the Barre granite and stone carving industry. It has been estimated that one-third of all public and private monuments in the United States were crafted from or by Barre's quarries and its international association of sculptors and artisans. Mr. Rossi is a man of true character, and it is my pleasure to call the Senate's attention to this notable citizen of the Green Mountain State.

I join all Vermonters in offering my sincerest congratulations to Robert Rossi for his genuine lifetime of achievement. I would also like to share a recent article from the Rutland Herald and Times Argus that told his remarkable story and captured many accolades about his illustrious life.

I ask unanimous consent that the article be printed in the RECORD.

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

[From the Rutland Herald, Nov. 18, 2013]

ROBERT ROSSI, AT 100, HAS ALWAYS KNOWN WHERE HOME IS

(By David Delcore)

Robert Rossi remembers Barre.

Sure the Granite City native, who is now days away from his 100th birthday, will tell you he spent two years at Green Mountain Junior College in Poultney, 20 winters in Tucson, a honeymoon in New York City, and a memorable World War II tour that was highlighted by his mercifully belated arrival at Omaha Beach during the Normandy Invasion. But, if you ask Rossi where he has ''lived'' for the last 99 years, 360-plus days, you'd better be ready for a one-word reply.

''Barre,'' he said Sunday as if surprised by the question. ''I've never lived anywhere else.''

Born on High Holburn Street, Rossi is the son of an immigrant stonecutter who he'll proudly tell you was '' the first alderman of Italian descent ever elected in Barre.'' He'll also tell you that his dad, Antonio Rossi, was influential in acquiring Barre's first fire engine.

Why?

Because while his dad died during the influenza outbreak in 1918, Rossi, who was five at the time, remembers the city's old fire wagons.

''They were pulled by horses,'' he said. ''I remember the horses.''

Rossi also remembers the old city stables that were once located on Burnham Meadow—not far from where Capital Candy now does business. He remembers the city Cow Pasture, but not just as the place where the city's workhorses spent some of their spare time, or where folks now like walking dogs.

''There used to be a nine-hole golf course there,'' he said, crediting the Meadow Brook Golf Club for creating and maintaining it.

Rossi, who has moved only twice in his life—from High Holburn Street where he was born to the Cleary Street home where he has lived, with occasional interruption, since he was 12—is a product of Barre schools, though none of the ones he attended are schools anymore.

Rossi started out at Ward 5, a now-vacant neighborhood school that the High Holburn Street gang, which included a boatload of the Rossi clan, fondly referred to as ''Woodchuck Knoll School.'' Following the death of his dad, his mother's remarriage and the move to Cleary Street, Rossi attended the old Brook Street School, which is now home to the Learning Together Center, for both fifth- and sixth-grades. He spent seventh grade at the old North Barre School, which has since been converted to apartments, and eighth grade in the ground-floor of what used to be Spaulding High School, but is now the Vermont History Center.

Rossi graduated from the original Spaulding High School in 1931, and while he would eventually head off to Green Mountain Junior College thanks to a football scholarship that limited his tuition payment to $100 a semester, the Great Depression delayed the start of his post-secondary education for a few years.

Rossi remembers the Depression, which hadn't yet ended when he started taking classes in Poultney.

''I remember getting letters from my mother with 25 cents taped to them,'' he recalled.

A quarter went a long way back then, according to Rossi, who remembers when cigarettes cost 10 cents a pack, you could get a good ice cream bar for a nickel, and $20 was more than enough to pay for a weekend in Montreal—food, lodging and transportation included.

Rossi also remembers getting drafted, though he prefers the old-school term ''conscripted.'' He was '' 27 and single'' at the time, it was 1940 and he was a whole lot closer to going to war than he realized at the time.

Rossi remembers the day Pearl Harbor was bombed, and not just because it was the very same day he arrived at Camp Edwards on Cape Cod fresh from Fort Devens.

''That's when we knew we were going to war,'' he said.

Rossi was right, though his overseas tour didn't start until after a trip through officer training school and a brief stint at Camp McCoy in Wisconsin.

From there it was off to Northern Ireland, where in the run-up to D-day and the invasion of Normandy in the summer of 1944, Rossi, a second lieutenant in the Army, remembers getting a pass to go to London. That's where he spotted a street sign that reminded him of home and tracking down his brother, an Air Force pilot, to borrow a little spending money.

''The sign said: High Holburn Street,''' said Rossi, who recalls finding his brother, Antonio, between air raids.

According to Rossi, his brother's commander was Jimmy Stewart.

''The actor,'' he said.

Asked about Omaha Beach, Rossi said he didn't need to check a history book to know it didn't go according to script.

The date was delayed, his platoon was divided, and while one of the landing crafts made it to shore, the propeller on the one he was on was fouled by rope floating in the debris just off the coast of France.

Frogmen were summoned to ''un-jam'' the propeller of a craft that sat ''becalmed'' for four hours.

Rossi remembers eventually making it to shore, though it wasn't until the next day that his platoon was reunited and he learned that all of the officers in that first wave were either killed or injured.

''I guess I was lucky,'' he said.

Rather than dwell on the experience Rossi turned his attention back to Barre, where he

spent 39 years working in the granite industry as a shipper, a boxer and an expediter.

Rossi prefers to remember Barre.

It's where he once played quarterback for the Spaulding football team, sipped Seal's soda, ordered western sandwiches at the New Moon Diner, and played pool in Merlo's pool room.

It's also where he met his wife, Beverly Silver, a South Barre schoolteacher with whom he happily spent more than half-a-century before she died in 2004.

''We had a good life,'' said Rossi, who is still living his.

Technically Rossi will turn 100 on Friday, but, he said, he recently celebrated the milestone at a lunch with family at the Cornerstone Pub & Kitchen.

It was the latest in a long line of Barre memories for a man who wouldn't think of living anywhere else.

''Barre is home,'' he said.

TRIBUTE TO NANCY KASSEBAUM

Mr. LEAHY. Mr. President, I read with interest an article this week penned by the senior Senator from Maryland, Ms. MIKULSKI, about a dear friend, Senator Nancy Kassebaum. Amidst the partisan gridlock of today's Congress, it is hard to remember a time when Members from both sides of the aisle routinely came together for the common good, rather than for the sake of political ideology. As a daughter of a public servant, Nancy Kassebaum had civic duty in her blood and represented the State of Kansas for nearly two decades. During her time in the Senate, Nancy's leadership, and determination to fight for those who needed it most, was exemplary.

Her ability to put politics aside and work across the aisle has had a lasting impact on millions of women and children today. Nancy became the first woman to serve as Chair of the Senate Committee on Labor and Human Resources. Here she worked to create the Office of Women's Health Research within the National Institutes of Health, and she fought tirelessly alongside Senator Ted Kennedy to protect abused and neglected children. Nancy was an invaluable resource as chair of the Subcommittee on African Affairs, and a strong champion condemning the apartheid atrocities during Nelson Mandela's incarceration. Nancy Kassebaum exemplified the determination and leadership it takes to make a remarkable legislator and I am equally proud to call her my friend.

I ask unanimous consent that the Politico article, ''Friendship without Ideology'' be printed in the RECORD.

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

[From Politico, Nov. 13, 2013]

FRIENDSHIP WITHOUT IDEOLOGY

(By Barbara Mikulski)

(The following essay is part of a series in which dozens of women will reveal what women they most admire. The series is part of ''Women Rule,'' a unique effort this fall by POLITICO, Google and The Tory Burch Foundation exploring how women are leading change in politics, policy and their communities.)

Few senators have left such a mark on the Senate as Nancy Kassebaum. She was a dedicated and determined public servant who always put people above politics. In the decade we served together, I saw her advocate every day for her home state of Kansas—whether it was in the committees or on the Senate floor.

When I was first elected to represent Maryland in the Senate, I was the only Democratic woman and Nancy was the only Republican woman to serve in that chamber. In those days, because there were so few of us, there was pressure for us to act like celebrities instead of senators. Not only did Nancy resist that pressure—it didn't even cross her mind.

Nancy accomplished tremendous things in her years as a senator. But it wasn't just what she did, it's how she did it. When I became a senator, she was so welcoming to me, offering tips and insights in my early days navigating the Senate. It's a tradition I have tried to honor as Dean of the Senate Women, where I mentor and advise women who currently serve as senators.

She was an inspiration, teacher, mentor and good friend—and she still is.

The daughter of the governor from Kansas, Nancy came from a family of public servants. In her first campaign, she used the slogan, ''A fresh face, a trusted Kansas name.'' Yet Nancy was a trailblazer in her own right, and a woman of many firsts. She is the first woman to have represented Kansas in the Senate; the first woman to have chaired a full committee—the Senate Committee on Labor and Human Resources, where we served together. We always agreed that it wasn't about gender—it was about having an agenda.

She was independent minded. But she always voted with her principles, and Kansas, first.

Nancy was an important leader in foreign affairs. As chair of the Foreign Relations Subcommittee on African Affairs, her expertise in African affairs was significant. In the mid-1990s, with Nelson Mandela confined in jail, she was an early and outspoken supporter of anti-apartheid measures in South Africa. Above all, she advocated peace around the world, once saying, ''Hatred and anger can destroy a nation, but they cannot build a just and prosperous one.'' Her poignant words still ring true today.

Yet while she was working to make the world a better place, she never strayed from home.

As chair of the Senate Committee on Labor and Human Resources, Nancy championed American families and children. I loved working with Nancy on that committee, alongside legislative legends like Sen. Ted Kennedy. As a social worker, I was proud to serve as partners to make life better for so many. We fought to protect abused and neglected children, to increase the availability of child care for low-income families and to preserve child care health and safety standards. Because of her work, our most vulnerable Americans—our children—are safer and healthier. And for millions more, Nancy brought improved access to better health care with the bipartisan Kennedy-Kassebaum Act in 1996. Whatever the bill, she always offered pragmatic, affordable solutions to pressing problems that affect American families. I was proud to join her on many of those issues.

Together, we fought for groundbreaking research to help understand devastating diseases. We founded the Office of Women's Health Research at the National Institutes of Health, so women could be included in medical research. It led to the historic study on hormone treatment for women, which led to a drop in breast cancer rates by 15 percent. Since then, the Office of Women's Health Research has continued to publish vital findings—on everything from symptoms of heart attacks to the likelihood of osteoporosis. I'm proud to know that the work Nancy and I did together has helped save lives, millions at a time.

Nancy considered every vote with intellect and integrity. She showed that a woman with voice and volition could be formidable. Above all, she won the heart of Kansans as their down-to-earth, but determined senator.

In 1996, she won the heart of Sen. Howard Baker as well. I was delighted to be at her wedding to Howard, where Kennedy and I joined them on the dance floor for the ''Bipartisan Boogie.''

At one time, a Kansas newspaper claimed, ''the only thing more popular than Nancy is wheat.'' For Nancy, it was never about being first. It was about serving the people. And Kansas couldn't have asked for anyone better.

(Barbara Mikulski is a Democratic senator from Maryland, chair of the Senate Appropriations Committee and Dean of the Senate Women.)

TRIBUTE TO PETER MILLER

Mr. LEAHY. Mr. President, for generations, Vermonters have contributed to our national culture, through art, music, film and prose. Peter Miller is one such artist whose impressive work throughout his life as both a photographer and author has showcased Vermont and its residents and enriching us all.

As an amateur photographer, I have followed Peter's work for decades with admiration. From his early beginnings as a U.S. Army photographer to his travels across Europe with Yousuf Karsh, he has channeled his passion and energy into a remarkable art. Over the past 20 years, his unique ability to capture the Vermont spirit has been well documented and his consistent approach to producing authentic depictions of the Vermont way of life is unparalleled. He shuns the commercialization of art and instead creates his work solely to share and promote the values of our small and community-based State. This attitude was evident more than ever when, being honored as the Burlington Free Press ''Vermonter of the Year'' in 2006 for his book ''Vermont Gathering Places,'' he frankly said ''I don't shoot for galleries. I shoot for myself and the people I photograph.''

His appreciation and respect for the traditional culture that defines Vermont is readily evident in his work. He has photographed farm-dotted landscapes, village communities, and generations of Vermont families. When writing the forward to his 2003 book ''Vermont People,'' I noted that ''the Vermont faces in this book speak worlds about living in the State that gave them character, wrinkles and wisdom . . . through their faces, you can see Vermont.'' Peter's most recent work, ''A Lifetime of Vermont People,'' is another testament to his tenacity and tact as a Vermonter. A product of over a year's worth of photography, fundraising, and self-publishing, this

book is truly a labor of love. His addition of background stories helps provide greater insight and meaning to the photographs included and through his photography and the recent addition of writing to his repertoire, he gives a face, and a voice, to Vermonters.

Peter lives the lifestyle he captures in his photography. A Vermonter for over five decades, he has embraced the way of life that makes the State so special. Like his black and white photographs that draw focus squarely on the subject of the piece, rather than relying on flashy colors to convey a message, he is not interested in glitz and glam. His books have themes that exemplify Vermont: farm women, gathering places, small communities. He laments the waning of iconic farms, the erosion of small town values, and the fading of the once impermeable Vermont way of life. His resiliency is remarkable and his uncanny ability to display the beauty of Vermont in a way words cannot do justice serves as an inspiration for photographers everywhere. I ask unanimous consent that an article in the VT Digger that highlights the lifetime of accomplishments of this extraordinary man be printed in the RECORD.

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

[From VT Digger, Nov. 10, 2013]

IN THIS STATE: FOR PHOTOGRAPHER PETER MILLER, A WONDERFUL LIFE IN BLACK AND WHITE, AND A FUTURE COLORED WITH GRAY

Photographer Peter Miller has spent a lifetime seeing the world in black and white while portraying it in all its colors, both with his pictures and writing.

It's a mysterious gift that has blessed him with a distinguished, adventurous career that spans close to 60 years. His latest book, ''A Lifetime of Vermont People,'' is a 208-page paean to the art of black and white portraiture, capturing not only remarkable faces and places, but through sheer passage of time, vanished landscapes and passing eras in the Green Mountains.

Published in June, the cloth-bound coffee-table book and its impeccably printed photos should be the capstone of his illustrious life. But as he wanders closer to the threshold of 80, Miller acutely feels part of a vanishing era himself, his view of the world not unlike an old snapshot: a bit faded and worn, its luster dimmed by the years.

After putting his heart and soul and significant money into his latest book, he honestly admits he's at loose ends: filled with ideas, beset with projects left to do, wondering how he's going to find energy to do them, let alone pay for them. ''Lifetime,'' for all its striking portraits, just about killed him. It sapped his strength, and if you talk with him a while, you sense, some of his spirit.

''Sitting behind that computer for a year, seven days a week, finished me. I had a lot of stress. I put on weight. My right leg swelled up because I was in the same position, and I could hardly walk,'' he says. He also had to raise the money to self-publish and print 2,500 copies of the book, using his own funds and a Kickstarter campaign.

''I ended up with $2,000 to my name, and I said to myself, 'I'm getting awfully close to the edge','' he says.

Having put some distance between the book's release and having sold around 1,000 copies, he can now breathe a little easier and look back on the past 18 months with a sense of perspective.

''I'm not depressed about life,'' he says, but there's no doubt he feels things have changed in ways he doesn't like and doesn't respect—Ben & Jerry's, gentrification, Stowe-style luxe tourism and massive trophy houses are ripe topics, for starters.

In looking askance at change, Miller is not unlike many others whose life trajectory has spanned 79 years. But it seems particularly poignant irony that after six decades of exceptional artistry, painting lives in film and then digital pixels, he's come to feel as much a historical artifact as his portrait subjects—trappers, farmers, hunters, lawmakers, auctioneers, iconic Vermonters all—who have now passed on.

What chafes most is that his old life, where you could make a living as a ''stock'' photographer selling your work, is no longer possible. People tell him his photos are in calendars and are even used as screensavers in Russia, yet he never sees a penny. He is miffed at markets that have vanished. Recalling an interview request with the Associated Press, he told them, ''I don't know if I want to talk to you people, all you do is steal stuff.''

It's tempting to wield the label curmudgeon after talking with Miller, but if you listen a little harder, more likely words like honest, opinionated, frustrated and baffled come to mind.

''All these things are being taken, and frankly, I don't know how to make a living,'' he explains.

He was raised in Weston, where his passion for photography blossomed in 1950 as a 17-year-old, when he started capturing the way of life he saw around him. After school at Burr & Burton and college in Toronto, he became a carefree U.S. Army photographer, footloose in Paris with a 35mm Leica, a Rolleiflex twin-lens camera, and a young man's energy and budding sharp eye. Then came travels across Europe in the mid-1950s as the set-up man for famed Canadian photographer Yousuf Karsh, meeting people like Pablo Casals, Picasso, Pope John XXIII, Christian Dior, and Albert Schweitzer, soaking up culture and the good life with food and wine.

Wanting to write, he then had a dream stint as a reporter for Life magazine, but disliked the constraints of corporate life—he's kind of a ''loner,'' he admits—and struck out on his own path. It took him all over Vermont and America, producing acclaimed books such as ''People of the Great Plains,'' and ''Vermont People,'' which was rejected by 13 publishers. So he took a radical, then almost unheard of step and self-published it in 1990. It eventually sold 15,000 copies.

His ''Lifetime of Vermont People'' expands on the idea, with 211 photos and 60 profiles of ordinary and extraordinary Vermonters.

Why use black and white?

''I think you can get inside a person more in black and white,'' he explains, saying it's more abstract. and not having a color background distracts less. His talent in distilling the essence of a person in a photo is something that he still doesn't completely understand, along with where his ''drive'' and persistence comes from. He does know he doesn't just shoot, but ''visits'' with people, putting them at ease, which is something he learned from his mentor, Karsh.

''I don't quite understand the whole process,'' he admits, calling it ''something magical.'' Miller is gracious and full of tales as he ambles about the second floor of his pale yellow, rambling, much-bigger-than-he-needs and way-too-trafficked house. It's in Colbyville, a Route 100 hamlet swallowed up and masticated into something indistinguishable by the voracious maw of tourism development at the I–89 interchange in Waterbury. What got lost animates ''Nothing Hardly Every Happens in Colbyville, Vermont,'' a book of essays that riffs with trenchant humor on bird hunting, tourism and life before and after the Ben & Jerry's ice cream theme park up the street.

The smell of smoke from two wood stoves permeates the slope-roofed rooms as he shows a visitor around his house, its walls rich with photos he's taken and art—especially paintings and sculptures of woodcock, a bird he loves to hunt. Are they good to eat? Oh yes, wonderful, he says.

With a ruddy square face younger than his years, a still-full mop of white hair and small round eyeglasses that gives him a look of constant curiosity, Miller moves more cautiously than the vigorous outdoorsman he once was.

''I went out bird hunting yesterday,'' he says. ''I was slow, man. I wasn't too stable in the woods.''

A self-admitted ''loner'' with two daughters (in England and Peru) from a former marriage, he lives by himself moving between an airy studio, a bedroom, small office, living room and kitchen. Downstairs is a little-visited gallery and sparsely heated shipping room stacked with boxes that hold just under 1,400 copies of his latest book.

''I hope to sell a lot over Christmas,'' he says, noting he still has a living to make. Despite the ordeal of his last book, he has more he wants to do, like an exhibit or book of photos he took in the 1950s of Margaux, France, in the famed Bordeaux wine region.

That period, that landscape, he says, ''is completely gone now.'' But he wonders if he can find the time and energy and if there is a market for the photos. After a lifetime of black and white, life seems to offer only a lot of gray areas.

''I don't know what I am anymore,'' he says.

TRIBUTE TO ROGER SANT

Mr. REED. Mr. President, I am joined by fellow regents to the Smithsonian, Senators LEAHY and COCHRAN, in paying tribute to an individual who has provided exceptional leadership to the Smithsonian Institution as a citizen regent, Roger Sant.

Mr. LEAHY. Mr. President, Mr. Sant was appointed to the Smithsonian Board of Regents on October 24, 2001. He served as chair of the Executive Committee and the Board during the Smithsonian's governance reform efforts. As a leader in the energy field and a committed conservationist, Mr. Sant has generously supported the National Museum of Natural History. His gifts to the Smithsonian have supported the Sant Ocean Hall, the Sant Chair for Marine Science, and an endowment to support the Director's position at the National Museum of Natural History. His service and generosity have kept with and advanced the Smithsonian's founding mission to promote and share knowledge.

Mr. COCHRAN. Mr. President, Roger Sant's service to the Smithsonian is an example of his strong commitment to the public good. Prior to founding the AES Corporation in 1981, Mr. Sant served as the Assistant Administrator

for Energy Conservation and the Environment at the Federal Energy Administration. He also directed the Energy Productivity Center, an energy research organization affiliated with the Mellon Institute at Carnegie-Mellon University. He is the chairman of the Summit Foundation and the Summit Fund of Washington. He serves on the boards of the World Wildlife Fund-U.S. and the DC College Access Program.

In recognition of his outstanding contributions to the institution, the Smithsonian Board of Regents conferred the title of Regent Emeritus on him in October. His service has helped the Smithsonian become a stronger institution.

Mr. REED. We invite our colleagues to join us in commending Roger Sant, and we wish him continued success in his future endeavors.

TRIBUTE TO PATRICIA STONESIFER

Mr. REED. Mr. President, as regents to the Smithsonian, Senator LEAHY, Senator COCHRAN, and I would like to pay tribute to an individual who has provided exceptional leadership to the Smithsonian Institution as a citizen regent, Patricia Stonesifer.

Ms. Stonesifer was appointed to the Smithsonian Board of Regents on December 21, 2001. During her tenure, which included 3 years of service as chair of the Board of Regents, Ms. Stonesifer helped lead the Smithsonian's governance reform efforts.

Mr. LEAHY. Mr. President, Patty Stonesifer's leadership and experience in the corporate sector, coupled with her committed philanthropic work, helped the Smithsonian secure major grants from the Bill & Melinda Gates Foundation to create an endowment to expand youth access to the Smithsonian; to support the construction of the National Museum of African American History and Culture; and to support interdisciplinary scholarship and projects to address the Smithsonian's Four Grand Challenges of ''Understanding the American Experience, Valuing World Cultures, Understanding and Sustaining a Bio-diverse Planet, and Unlocking the Mysteries of the Universe.'' Her service helped advance the very mission of the Smithsonian, and her commitment to public service continues today through her work at Martha's Table.

Mr. COCHRAN. Mr. President, Ms. Stonesifer's service to the Smithsonian is just one example of her commitment to the public good. She currently serves as president and CEO of Martha's Table, a nonprofit organization dedicated to developing sustainable solutions to poverty in the Washington, DC community. She was the founding CEO of the Bill & Melinda Gates Foundation for 10 years, leading the efforts to strengthen public libraries and improve education in the United States and to improve world health by mobilizing the fight against polio, tuberculosis, HIV/AIDS, and other devastating diseases. In 2010, she was appointed chair of the White House Council on Community Solutions by President Obama.

In recognition of her outstanding contributions to the institution, the Smithsonian Board of Regents conferred the title of regent emeritus on her in October. The Smithsonian is a stronger organization because of her service.

Mr. REED. We invite our colleagues to join us in commending Patricia Stonesifer for her distringuished service to the Smithsonian Institution and the American people. We wish her continued success in her future endeavors.

TRIBUTE TO DENNIS ''PAT'' WOOTON

Mr. MCCONNELL. Mr. President, I rise today to commemorate a great public servant from my home State, the Commonwealth of Kentucky. Dennis ''Pat'' Wooton has devoted his life to service—service of his country in the Vietnam war, service of schoolchildren as a teacher in the Buckhorn school system, service of his State as Congressman HAL ROGERS's field representative, and now service of his hometown of Buckhorn as the city's newly appointed mayor.

Mayor Wooton was born 66 years ago in the same Kentucky town he now serves. After graduating from Buckhorn High School in 1963, he worked his way through Berea College, graduating in January of 1968.

In the same year of his graduation from Berea, Mr. Wooton was drafted into the U.S. Army and began his basic training at Fort Knox. After completing infantry training at Fort Polk, LA, he was assigned to the 1/5 Mechanized Infantry, 25th Infantry Division. Mr. Wooton bravely served his country in Vietnam from November 1968 to January 1970. A litany of medals and citations, including the highly revered Bronze Star, serve as testaments to his distinguished service.

Mayor Wooton returned from Vietnam in January 1970, but this did not mark the end of his military service. In 1976 he joined the Army Reserves, where he served as a drill sergeant until 1987.

Before reenlisting to train the next generation of American soldiers, Mr. Wooton returned to his alma mater in 1970 to teach the next generation of Buckhorn High School students. Over the next three decades he became a Buckhorn institution, serving as the school's principal for 14 years and being inducted into the Kentucky High School Baseball Coaches Hall of Fame. He retired in 2000 after 32 years of dedicated service.

But retirement from Buckhorn High School did not mean retirement from a life of service. In the intervening 13 years, Mayor Wooton continued to add to his already impressive record of public service. This includes his election as Perry County sheriff, a post he served in from 2003 to 2006. Following his stint as sheriff, he served as Congressman HAL ROGERS's eastern Kentucky field representative from 2007 until April 2013. All of this in addition to his long list of volunteer activities which include, but are not limited to, training the Buckhorn Volunteer Fire Department and serving on the Governor's Smart Growth Task Force.

Now, Mr. Wooton has found yet another way to serve his community. Appointed as mayor of Buckhorn by the city council in June 2013, Mayor Wooton is already hard at work to better the lives of Buckhorn residents. In his first year, he is set his sights on expanding Buckhorn's water lines in an effort to remedy the city's water supply problems.

Pat Wooton's lifetime of service to his country, Commonwealth, and community embodies our great Kentucky motto, ''United we stand, divided we fall.'' I ask my Senate colleagues to join me in recognizing an exemplary citizen.

The Hazard Herald recently published an article highlighting Pat's appointment as mayor of Buckhorn. I ask unanimous consent that the full article be printed the RECORD.

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

[From The Hazard Herald, June 11, 2013]

CITY COUNCIL APPOINTS NEW MAYOR IN BUCKHORN

(By Chris Ritchie)

BUCKHORN—A new mayor has taken office in the city of Buckhorn.

It was last month when former Mayor Veda Wooton opted to resign as the city's mayor, a position which she had held for several years. Her vacancy was filled when the council voted to appoint her husband, Pat Wooton, who was elected to the council last year, as the new mayor. Veda Wooton, subsequently, was expected to be appointed to the council during a special-called meeting this week.

Mayor Pat Wooton, who most recently served as a field representative for Congressman Hal Rogers and also served a term as Perry County's sheriff from 2002 to 2006, noted the city essentially exists as a water company to provide service to area residents. But there are other projects he expects to continue working on while in office, including one which will extend waterlines in the area.

The Kentucky Division of Abandoned Mine Lands has approved funding for one waterline project at Cams Branch, Wooton said, while also approving the extension of new lines to serve a few more homes on Otter Creek Road. Buckhorn, which in the 2010 census recorded a population of 163 people, purchases water from the city of Hazard to supply its system.

The city, in conjunction with the fiscal court, has also taken what Wooton described as the ''first few small steps'' in what ultimately could be a 10-year project to build a water treatment plant at Buckhorn Lake. The plant, he said, would have to be a regional facility that could serve the surrounding area, including parts of other counties such as Breathitt and Clay.

An engineering company is currently working on a study for the project, and if the

plant is eventually constructed it would play a role in alleviating issues that Wooton said exist with potential water supply issues in eastern Kentucky.

''In the work that I've done, that's one of the things I came to notice real soon,'' he said. ''We're on the cusp of a water supply problem in our region.''

Though Wooton reiterated that this project remains in the very early stages, he envisions a treatment plant that could hook into other systems that could in turn supply areas in times of emergency, such as one Buckhorn experienced in 2010 when a waterline break shut down service in the area for over a week.

''We need to get all of our systems linked together, because sooner or later everybody has some kind of problem and will need supplies, at least for a while,'' he said.

Also in conjunction with the fiscal court, the city is working on a horse trail that would begin at the new Eagles Landing campground in Gays Creek and wind along the lake to the lodge, and perhaps with further development tie in with a trail in nearby Leslie County. Wooton said plans are being drafted, and he expects a company working on the project to give the council a progress report at their next regular meeting.

''We think that will be a nice addition to the area,'' he said.

NOMINATION OBJECTION

Mr. GRASSLEY. Mr. President, today, I am announcing my intention to object to any unanimous consent request to call up and confirm the nomination of Mr. Jeh Johnson to be the Secretary of the Department of Homeland Security.

As ranking member of the Senate Judiciary Committee, I, along with other Senators on the committee, wrote a letter to Mr. Johnson last Friday and asked his views on a number of important matters, including our Nation's immigration policies and the fair treatment of whistleblowers. We asked if he would cooperate with us on oversight matters and work with us to improve immigration policies going forward. We have not yet received a response from Mr. Johnson.

Because the Judiciary Committee has primary responsibility over immigration matters, it is necessary to know any nominee's position on immigration policies before we can consent to the confirmation of a Secretary to head this very critical department. So, until we receive responses from Mr. Johnson to our letter, I will object to any unanimous consent agreement to move his confirmation.

I ask that a copy of the letter be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, November 15, 2013.

Mr. JEH JOHNSON,
2001 K Street NW.,
Washington, DC.

DEAR MR. JOHNSON: As members of the Senate Judiciary Committee, we have an important responsibility to conduct oversight of the Department of Homeland Security (DHS), which has a broad and critical mission and houses several different agencies with varying functions. Our committee has primary responsibility over immigration matters, and we believe it necessary to know any nominee's position on immigration policies before we can consent to the confirmation of a Secretary to head this very critical department We also seek your commitment in cooperating on oversight matters and working with us to improve immigration policies going forward.

At your confirmation hearing, you stated that, ''[i]f confirmed, I will work to implement all legislation enacted into law.'' While we may have different views than President Obama on how to reform our immigration system, we have all repeatedly expressed our strong disapproval of the refusal of this administration—and DHS in particular—to enforce our immigration laws, contradicting duly enacted federal law through administrative orders and internal memoranda. These actions have eroded the rule of law and undermined Americans' confidence in their government. We hope that you will commit to discontinuing these lawless policies if confirmed.

So that we may properly carry out our constitutional duty, we request that you provide answers to the questions below on the important issues that you will confront if confirmed as Secretary of DHS.

GENERAL

1. In what ways, if any, would you depart from former Secretary Napolitano's policies?

2. Do you find any of former Secretary Napolitano's actions, or any current DHS policies, to be objectionable? If so, what? What would you do differently?

3. Will you pledge to cooperate with congressional oversight efforts and be responsive to all congressional requests for information in a timely manner?

4. Do you believe whistleblowers who know of problems with matters of national security should be prevented from bringing that information to Congress?

5. Will you commit to ensuring that every whistleblower is treated fairly and that those who retaliate against whistleblowers are held accountable?

6. Given your past involvement in President Obama's political campaigns, how would you maintain your independence from the White House as one of our nation's top law enforcement officers?

IMMIGRATION

1. If confirmed as the head of the Department, you will be responsible for the enforcement of the country's immigration laws. Do you have any background or leadership experience in the area of immigration law or immigration policy?

2. If confirmed, it will be your job to implement our nation's immigration laws. In your testimony before the Senate Homeland Security and Government Affairs Committee, you stated that you support ''comprehensive, common-sense immigration reform.'' Accordingly, we would like to know your position regarding the following:

a. Should people here illegally be eligible for immigration benefits, including legal status? If so, should those individuals be responsible for all costs associated with it? Should taxpayers shoulder any of the burden?

b. Should people here illegally who are in removal proceedings be eligible for immigration benefits, including legal status?

c. Should people who are subject to an order of removal from the United States by the Department of Homeland Security be eligible for immigration benefits, including legal status?

d. Should an illegal immigrant convicted of a felony criminal offense be eligible for immigration benefits, including legal status?

e. Should an illegal immigrant convicted of multiple misdemeanors be eligible for immigration benefits, including legal status?

f. Should illegal immigrant gang members be eligible for immigration benefits, including legal status?

g. If an illegal immigrant provides information in an application that is law enforcement sensitive or criminal in nature, should that information be used by our government and not be protected under confidentiality provisions? If an illegal immigrant provides information in an application that clearly renders him ineligible and commits a serious crime that would warrant his immediate removal, shouldn't the government be able to use that information to place him in removal proceedings?

h. Should people here illegally be required to submit to an in-person interview with adjudicators when applying for immigration benefits, including legal status?

i. Should people here illegally that have been denied legal status be placed in immigration proceedings and removed? If not, why not?

j. If the Secretary of Homeland Security must revoke a visa for someone on U.S. soil, should that decision be reviewable in the U.S. courts?

k. In 1996, after the 1993 World Trade Center attack, Congress mandated that the immigration service, with cooperation from schools and universities, collect information on foreign students. This system took years to get up and running. In fact, it still wasn't in place on 9/11. While it is operational today, there is still work to be done to make that system effective. Most recently, the Department stopped all efforts to upgrade the system. Do you intend to make SEVIS upgrades a priority, if confirmed?

3. As a result of some of the actions of Secretary Napolitano, particularly her Directive entitled ''Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children,'' several ICE agents, including the President of the ICE agents and officers union, the National ICE Council, Chris Crane, filed a complaint against Secretary Napolitano stating that ''the Directive commands ICE officers to violate federal law . . . violate their oaths to uphold and support federal law, violates the Administrative Procedure Act, unconstitutionally usurps and encroaches upon the legislative powers of Congress, as defined in Article I of the United States Constitution, and violates the obligation of the executive branch to faithfully execute the law, as required by Article II, Section 3, of the United States Constitution.'' Moreover, Kenneth Palinkas, the president of the National Citizenship and Immigration Services Council, has likewise charged that USCIS employees are required by the agency ''to grant immigration benefits to those who, under law, are not properly eligible.'' In short, her actions have caused a great deal of discontent among immigration officers and agents, to say the least. Accordingly, if confirmed, what will you do to improve the morale of immigration officers and agents who are concerned about these non-enforcement protocols issued by Secretary Napolitano?

4. In the more than four years that she served as Secretary of the DHS, Secretary Napolitano never agreed to meet with the National ICE Council, the union that represents more than 7,000 agency employees, or the National Citizenship and Immigration Services Council, the union that represents 12,000 agency employees. Will you meet with representatives from these unions and, if so, when?

5. During the first five years of the Obama administration, Secretary Napolitano and former ICE Director John Morton issued numerous policy memoranda that order ICE

agents to restrict their enforcement of immigration laws to illegal immigrants who have been convicted of violent crimes. If confirmed, will you continue that policy?

6. Do you agree that a person who is in the United States in violation of U.S. immigration law is subject to removal?

7. Among the aforementioned memoranda issued by former ICE Director Morton, the memo dated March 2, 2011, designates immigration fugitives as a priority for removal. Do you agree that illegal immigrants who ignore deportation orders should be removed from the United States?

8. Among the aforementioned memoranda issued by former ICE Director Morton, the memo dated November 17, 2011, identifies an illegal immigrant with a conviction for drunk driving as a priority for removal. Do you agree that an illegal immigrant who has been convicted of a drunk driving offense should be removed from the United States?

9. All federal employees take an Oath, codified at 5 U.S.C. 3331, to ''support and defend the Constitution of the United States . . . and that [they] will well and faithfully discharge the duties of the office on which [they] about to enter.'' How can an employee fulfill his or her oath if such an employee is threatened with reprisal for executing the laws enacted by Congress to which they are entrusted to administer, and for not complying with an administratively-created command to the contrary?

10. In June 2012, Secretary Napolitano issued a memorandum ordering the implementation of the Deferred Action for Childhood Arrivals (DACA) program.

a. If confirmed, will you continue this program?

b. Do you believe that the President has the legal authority to expand DACA through executive, regulatory or policy prerogatives?

11. Do you believe that the issuance of prosecutorial discretion directives, such as those mentioned above, is within the legal authority of the Secretary of Homeland Security?

12. Since *Zadvydas* v. *Davis*, 533 U.S. 678 (2001), Congress has attempted to pass legislation that would amend the Immigration and Nationality Act to authorize DHS to detain criminal aliens beyond six months. Would you support such legislation?

13. In September 2011, Secretary Napolitano suspended the Border Patrol's practice of routinely screening mass transportation vehicles and transportation hubs near U.S. borders, which prompted a strong objection by the National Border Patrol Council. If confirmed, would you reverse this policy? If not, why?

14. Beginning in 2010, DHS has included in its statistics for ICE removals the number of illegal immigrants apprehended by the Border Patrol and then transferred to ICE for processing. Do you support this policy?

15. In January 2012, the DHS Inspector General released a report criticizing USCIS for pressuring its employees to rubberstamp applications for immigration benefits. In that report, nearly 25 percent of USCIS officers surveyed said supervisors had pressured them to approve applications that should have been denied.

a. Do you believe that current USCIS screening procedures are sufficient to prevent fraud and threats to public safety and national security?

b. If confirmed, would you change these policies? If so, how?

c. Will you commit to ensuring that USCIS background checks for every applicant for immigration benefits are properly and effectively conducted?

d. Should employee performance evaluations at USCIS be linked to the number of applicants for benefits approved, or adjudicated?

16. Recently, the U.S. arrested a legal immigrant in Illinois who had been convicted and served ten years in an Israeli prison for her role in two terrorist bombings. According to press reports, she was able to obtain both a green card (in 1995) and citizenship (in 2004) by simply omitting her conviction on her applications. She continued to live in the U.S. for years despite the fact that the conviction was public knowledge. Are you confident that the current processes for screening applicants for immigration benefits are able to identify and keep out criminals and individuals who pose a threat to national security?

17. Some have argued that immigration judges should be granted broad discretion to allow an illegal immigrant who should be removed from the country to stay by waiving current bars to admission and removal grounds for numerous crimes (such as drug crimes, firearms offenses, domestic violence, fraud, high speed flight at a checkpoint, and crimes involving moral turpitude) if the judge finds that the illegal immigrant's removal will cause hardship to a citizen or lawful permanent resident or if the judge believes it is in the public interest. Do you agree with this approach? If so, please explain why and specifically, whether you believe current immigration law is too harsh with respect to illegal immigrants who engage in this type of criminal conduct.

18. On December 21, 2012, ICE announced that it decided not to renew any of its agreements with state and local law enforcement agencies that operate task forces under the 287(g) program, stating that ''other enforcement programs, including Secure Communities are more efficient use of resources.'' However, Secure Communities serves a completely separate and distinct function. The 287(g) program trains local officers to determine whether an individual is lawfully present, including those with no prior contact with immigration services. Secure Communities allows local law enforcement to identify illegal immigrants only after they have been booked into jail and if their fingerprints are already in immigration databases. Moreover, ICE's own website touts the 287(g) program as ''one of ICE's top partnership initiatives.'' The website used to advertise the success of the program: ''Since January 2006, the 287(g) program is credited with identifying more than 304,678 potentially removable aliens—mostly at local jails.'' Such statistics appear to have since been removed. If confirmed, will you commit to enter into 287(g) agreements with a qualified requesting state or local jurisdiction?

19. After being criticized by certain special-interest groups, the administration essentially halted all worksite enforcement actions. According to the non-partisan Congressional Research Service, in 2011, worksite enforcement actions resulted in the arrest of 1,471 illegal workers out of an estimated 8 million—.0001 percent. In the same year, only 385 employers out of 6 million were fined for hiring illegal workers. If confirmed, will you commit to reinstating worksite enforcement, including enforcing immigration law with respect to illegal alien employees?

20. If confirmed, what specific measures will you implement to ensure that the Department of Homeland Security is in compliance with all legal requirements of the Secure Fence Act of 2006 (P.L. 109–367)?

21. In 2010, Secretary Napolitano suspended our nation's only comprehensive border security measurement, known as the operational control metric. More than three years have passed, and the Department of Homeland Security has failed to replace this metric. If confirmed, would you hold your department accountable by regularly releasing a comprehensive border security metric that measures the percentage of illegal border crossers that escape apprehension by the Department of Homeland Security?

22. Do you believe that the Department of Homeland Security has the ability to achieve operational control of every sector of our Southern border? If confirmed, would you commit your department to achieving this standard?

23. Do you support the transfer of unused and unarmed Department of Defense assets, such as detection and communications equipment, to the Southern border in order to help DHS achieve operational control of every sector of the Southern border?

24. Our Southern border ports of entry are outdated and in a state of disrepair—harming legitimate trade and travel, while making our nation more vulnerable to sophisticated criminal and terrorist organizations. If confirmed, what specific measures would you take to revitalize and improve security at our Southern border ports of entry?

25. Do you support making E-Verify permanent and mandatory for all employers?

26. Serious national security issues have come to light in recent months with respect to the EB–5 Regional Center program, which allows foreign nationals to obtain a green card if they invest in the United States.

a. Do you concur that more needs to be done to reduce national security risks and to prevent fraud and abuse in the program?

b. Do you have any plans to administratively improve the program?

c. Will you make it a priority if you are confirmed?

27. DHS currently receives a portion of funds from each H–1B visa application and provides these funds to USCIS for fraud and abuse prevention efforts. However, ICE has a responsibility to prosecute the cases but does not receive any of these funds. Will you

28. Oversight conducted by the Judiciary Committee has revealed that DHS is not enforcing the law prohibiting the admission into the country of those who would be a public charge. This has been confirmed by ICE and USCIS officers and data on both admissions and removals. Oversight also discovered a number of administration activities, including advertisements in immigration materials and at foreign embassies, encouraging foreign nationals to use federal welfare programs. Can you please describe, in detail, how you would restore vigorous enforcement of the public charge law to protect taxpayers, including what efforts you would undertake to reduce noncitizen enrollment in means-tested welfare programs? Please be specific in your answer.

29. Dating back to 1996, Congress has mandated in six statutes that a biometric entry-exit system be implemented. In 2012, Rebecca Gambler, GAO's Director of Homeland Security and Justice Issues, testified before the Judiciary Committee that ''DHS faces challenges in identifying overstays due to its general reliance on biographic entry and exit information, rather than biometric information, hindering DHS's efforts to reliably identify overstays. . . . Without [biometric] exit capability, DHS cannot ensure the integrity of the immigration system by identifying and removing those people who have overstayed their original period of admission—a stated goal of US–VISIT.'' For precisely that reason, a biometric—and not a biographic—exit system must be implemented to achieve real border security. Secretary Napolitano refused to implement such a system, variously claiming it was too expensive and/or that the technology did not exist. However, an internal 2009 DHS report found conclusively that biometric exit is effective and efficient, and current data from industry demonstrates that the technology is affordable.

a. Do you disagree with GAO or that a biometric exit system must be implemented to ensure real border security?

b. Do you acknowledge that federal law requires DHS to implement a biometric entry-exit system?

c. If confirmed, will you commit to implementing this system within one year?

We appreciate your pledge of ''transparency and candor with Congress,'' and look forward to your prompt response.

Sincerely,

CHUCK GRASSLEY.
JEFF SESSIONS.
MICHAEL S. LEE.
ORRIN HATCH.
JOHN CORNYN.
TED CRUZ.

REMEMBERING ROBERT C. BYRD

Mr. MANCHIN. Mr. President, today I wish to observe the birthday of one of the greatest Americans to grace these Chambers—Cornelius Calvin Sale Jr., better known to us—and to history—as Robert C. Byrd of West Virginia.

Robert C. Byrd was born Cornelius Calvin Sale Jr. in North Wilkesboro, NC. He was 10 months old when his mother died from flu, and he was adopted by his aunt and uncle, Titus and Vlurma Byrd. They changed his name to Robert Carlyle Byrd and raised him in the coal-mining Appalachian region of West Virginia.

And in the 150 years of West Virginia's history, our State has had no greater advocate than Robert C. Byrd. Many in the Senate today served with Robert C. Byrd, and they can bear witness to the fact that the Senate, like the State of West Virginia, also had no greater advocate than Robert C. Byrd. Today would have been the Senator's 96th birthday, and every day since his passing in 2010, the people of West Virginia feel the loss of this great man.

The Senate also feels his loss because no one knew the Senate—its history, its traditions, its precedents—better than Robert C. Byrd.

He made it a point to meet with every new Senator and to impress upon them the fact that they were to be caretakers of this institution—an institution he regarded as both the morning star and the evening star of the American constitutional constellation. He also impressed upon them that they did not serve ''under'' any president, but that as a separate but equal branch of the government, they served ''with'' presidents, acting as a check on the executive's power. When he passed away, he was the longest serving member of Congress in our Nation's history and, as such, served with 11 Presidents.

In his long life, Robert C. Byrd had three great loves—his wife ''fair'' Erma, as he called her; the State of West Virginia; and the United States Senate. But he also had a great passion for the document from which the Senate and this great country sprang—the U.S. Constitution. I have always thought that is why he kept a copy of the Constitution in his coat pocket—it was easy to reach for quick reference, but in his coat pocket, it also was close to his heart. Even though he could recite most of it by memory, he consulted his dog-eared copy of the Constitution often and without hesitation. In its words, he often said, he always found wisdom, truth and excitement—the same excitement he felt as a boy in Wolf Creek Hollow, WV, reading by kerosene lamp about the heroes of the American Revolution and the birth of our Nation. And those words guided him every day of the 58 years he spent in Washington as a member of Congress and as a Senator.

Robert C. Byrd cast more than 18,500 votes in the Senate—a record that will never be equaled. Whether he voted with others or against them, it was never hard ideology with Robert C. Byrd. He had no use for narrow partisanship that trades on attack and values only victory.

Any time Robert C. Byrd spoke, the Senate came to a halt and Senators on both sides of the aisle leaned forward—to listen and to learn.

He ran for public office 15 times—and he never lost. He was first elected to the West Virginia legislature in 1946 and then was elected to three consecutive terms in the U.S. House of Representatives before his election to the Senate. He was a keen observer of politics—he advised more than one Presidential candidate to go to West Virginia, ''get a little coal dust'' on their hands and ''live in spirit with the working people.''

He was deeply proud of West Virginia and its people. He proudly defended his work to invest Federal dollars in his State.

He breathed new life into many communities with funding for highways, hospitals, universities, research institutes, scholarships and housing—giving West Virginians the opportunities he himself never had.

Robert C. Byrd's journey was, in many ways, America's journey. He came of age in an America segregated by race, which he eventually said was one of our country's greatest mistakes. And, as did America itself, he repented and made amends.

The moments that define the lives of most men are few. Not so with Robert C. Byrd. He devoted his life to his beloved Erma and his family and to public service. He was a major figure in the great panorama of American history for more than half a century. His devotion to the Senate and his colleagues was unequaled. His mastery of Senate rules and parliamentary procedures was legendary. And his contributions to West Virginia and to this Nation were monumental. He was a true giant of the Senate. He is as much a part of this Chamber as these 100 historic desks, these galleries, and these busts of Senate presidents.

Robert C. Byrd revered the Senate and the Senate revered Robert C. Byrd. It is for this reason that I wish to observe the anniversary of the birth of a great West Virginian and great American—Robert Carlyle Byrd.

May God bless his memory and his great spirit.

VOTE EXPLANATION

Ms. LANDRIEU. Mr. President, I regret having missed two votes on November 18, 2013. The two votes that I missed are as follows: motion to invoke cloture on the nomination of Robert L. Wilkins to be a U.S. circuit judge for the DC Circuit and motion to invoke cloture on the motion to proceed to S. 1197, National Defense Authorization Act for Fiscal Year 2014. Had I been present, I would have voted in favor of both motions to invoke cloture.

LONG-TERM CARE NEEDS

Mr. NELSON. Mr. President, with the Thanksgiving holiday, November is a time for many of us to enjoy time with our loved ones and reflect on our futures together. With so many family gatherings, many retirement experts also encourage us to use this time to talk with family about our long-term needs.

In addition to thinking about financial needs for retirement, it is important to also address our health as we age. According to the Department of Health and Human Services, an individual turning 65 today has almost a 70 percent chance of needing long-term care in the future, and 1 in 5 will need long-term care for more than 5 years. Conversations about long-term care and advance care planning can be understandably difficult, but they are necessary to ensure our loved ones receive the care they want if they are no longer able to speak for themselves.

Thinking about long-term care means recognizing the invaluable—but too often unrecognized—contributions made daily by family caregivers. Over 65 million Americans provide $450 billion worth of unpaid care every year, twice as much as homecare and nursing home services combined, and these numbers are increasing. More than one-half of family caregivers perform intensive activities such as bathing, feeding, and medication management. However, these services often come with a cost to the caregiver, such as financial burdens and a toll on physical and mental health.

As the chairman of the Special Committee on Aging, I want to help middle-class families struggling to provide necessary care for their loved ones. This year, the committee has examined the importance of advance care planning as well as why a majority of Americans have done little to no planning for future long-term care needs. Next month, we will continue this series of hearings by looking at expert recommendations for reforming our long-term care system. Lastly, Senator BALDWIN and I penned a column in recognition of the critical need to address the long-term care inadequacies in this country, and I ask unanimous consent that a copy be printed in the RECORD following my remarks.

I urge my colleagues to join me in this effort. As our Nation continues to grow older, this problem will continue to grow worse, and the current system must change to meet these needs.

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

[From The Hill, Oct. 29, 2013]

TIME HAS COME TO ADDRESS THE CHALLENGES OF LONG-TERM CARE

(By Sens. Bill Nelson and Tammy Baldwin)

As Congress embarks on a new venture to create a bipartisan budget that would strengthen the economic security of families and reduce the deficit without shortchanging our future, it's our hope that both parties will also work together to find viable ways to help families pay for long-term care.

With the aging of the baby boomers, our country finds itself in the midst of one of the most dramatic demographic shifts in our history. And, as the aging population grows, so too will the long-term-care needs of many in our society.

Providing assistance to family members who can no longer care for themselves can be taxing for all involved.

In fact, the Senate Special Committee on Aging held a hearing last month to examine a myriad of challenges facing seniors today, and found many were unprepared.

So, later this year, we're going to hold another hearing to see what we can do to help. Some of the things we're going to look at include the possibility of expanding Medicare to cover long-term care, and other various ways to possibly make private long-term care coverage more affordable for those who need it.

Currently, about 12 million Americans have long-term-care needs—a number that's rising rapidly. While most receive care from family and friends, an increasing number depend on costly in-home care or end up in assisted living facilities or nursing homes, where the median annual costs range from $40,000 to $80,000, respectively.

Most middle-class families in this country simply can't afford the expense of providing long-term care for a loved one. And there are few viable options available to help them pay for the services they would need. Medicare and most traditional health insurance plans don't cover long-term-care expenses. And while private long-term-care insurance is available, most people don't have it because they see long-term care as something they'll never need.

In fact, according to a recent study from the SCAN Foundation, most Americans have done little or nothing to prepare for their future long-term-care needs. This is despite research that shows that 70 percent of people 65 or older will eventually need some form of assistance.

Clearly, our current system of providing long-term care is unsustainable. And, that's why we shouldn't wait much longer to address it.

NATIONAL ADOPTION MONTH

Mr. INHOFE. Mr. President, with November being National Adoption Month and this Saturday being National Adoption Day, I would like to take a moment to highlight the issue of adoption—an issue that is near and dear to my heart. Earlier this month Senator LANDRIEU and I introduced our annual National Adoption Day and Month Resolution which was agreed to on November 13 by unanimous consent.

The importance of family in the growth and development of a child can never be overstated. There are millions of children worldwide who are growing up without the love and support of a family. It is my hope that through National Adoption Day and our work on the Congressional Coalition on Adoption, we can one day make the dream of every child having a permanent and loving family a reality.

Like Senator LANDRIEU, I have seen first-hand the many blessings that come from the adoption of a child. My daughter Molly adopted my granddaughter, Zegita Marie, from an orphanage in Ethiopia. Z-girl, as I like to call her, is such a smart and confident young girl and I know it is because of the support and love of her family she is able to thrive. More so, Z-girl has been a huge blessing to our family and one that I am forever grateful for.

National Adoption Month is about recognizing those who have made the sacrifices to make a child's life better, and encouraging those who are thinking about adopting to take that step and make a real difference in a child's life. In that spirit, I want to take a moment to recognize a young woman that has taken the step to be a difference in a child's life. As many of my colleagues know, each October the Congressional Coalition on Adoption Institute hosts its annual Angels in Adoption Gala here in Washington. Every year Senators and Representatives nominate an individual or a family who has made a significant difference in the area of adoption and foster care, and I have had the honor of nominating individuals from my home State of Oklahoma. Unfortunately, circumstances did not allow my nominee, Kate Arnold of Oklahoma City, to come to the event, so I would like to take a moment to recognize her and share her wonderful story.

In 2003, Kate Arnold was volunteering at a San Francisco Bay Area home for teenage mothers when she met Miriam, a mother to 2 boys. Over the course of years Kate developed a relationship with Miriam, her boys, and a daughter born during that time. Kate became a constant presence in their lives, frequently taking the children out for the day or overnight, while Miriam struggled to care for them.

In March of 2011, Child Protective Services removed Miriam's children from her care and over the next several months Miriam continued her struggle with addiction. In October of that year, a social worker asked her to name who her children should go to if she lost them permanently. Miriam named Kate.

At the time Kate was here in D.C. attending Georgetown University School of Medicine. However, she did not let that stop her and immediately petitioned Georgetown for the ability to complete her fourth year of medical school in California so that she could become the children's foster parent and begin adoption proceedings.

In July 2012, Kate returned to California and by August the children were living with her. This year she graduated from Georgetown and the family moved to Oklahoma City so Kate could begin her residency at the University of Oklahoma.

Kate reflects the spirit of National Adoption Month and Day, not only in her decision to foster and adopt Miriam's children but also through years of prior work and commitment to the foster care community. Kate is a great example of what one person can do to become a blessing to the millions of children throughout the world that are in need of a family. I hope that others will join Senator LANDRIEU and myself this month of November and recognize the great need that exists for families to open their arms to children, both here in the United States and abroad, and take the leap of faith that will change a child's life.

ADDITIONAL STATEMENTS

TRIBUTE TO JON E. ZUFELT

• Mr. BEGICH. Mr. President, today I wish to recognize and pay tribute to Dr. Jon E. Zufelt for his exceptional contributions to the Nation as he retires after 30 years of service in the U.S. Army Corps of Engineers. Dr. Zufelt's dedication as a civil engineer with the U.S. Army Engineer Research and Development Center's Cold Regions Research and Engineering Laboratory has resulted in the transfer of knowledge on a global scale.

As a research hydraulic engineer, Dr. Zufelt's career focused on solving tough problems in cold regions hydraulics and hydrology, ice jam processes, erosion and bank protection, ice mitigation, permafrost dynamics, seasonal water quality issues, environmental remediation, and Arctic coastal processes affecting military lands. Dr. Zufelt spent his entire 30-year career with the U.S. Army Corps of Engineers, culminating in the management of the Anchorage Office of the Cold Regions Research and Engineering Laboratory, primarily in support of projects in Alaska.

Dr. Zufelt came to the U.S. Army Corps of Engineers in April of 1983 as a civil engineer working in Vicksburg, MS. Later that year, he began working for the U.S. Army Engineer Research and Development Center's Cold Regions Research and Engineering Laboratory in Hanover, NH, and then the project office located in Anchorage, AK, in 2001.

Dr. Zufelt is a leader in cold regions engineering issues in Alaska and beyond. He is often sought out by universities, technical societies, and journals for his affiliation and technical expertise. Throughout his career, Dr. Zufelt has served for many years on multiple professional society committees and working groups, which include the American Society of Civil Engineers,

the U.S. Permafrost Association, the Alaska Chapter of the American Water Resources Association, the Interagency Hydrology Committee of Alaska, and the Alaska Governor's Sub-Cabinet on Climate Change. These professional organizations have acknowledged Dr. Zufelt's contributions with multiple awards, including the 2006 Alaska Engineer of the Year Award by the Joint Engineering Societies of Alaska. Dr. Zufelt was also awarded the 2005 American Society of Civil Engineers CAN-AM Civil Engineering Amity Award for his work in river ice hydraulics and ice engineering through research, teaching, and dedication to professional relationships between engineers in the United States and Canada.

Dr. Zufelt has made significant contributions to the scientific and engineering communities through editorships, professional society participation, and university teaching. He has served as the conference chair and proceedings editor for the American Society of Civil Engineers—International Conference on Cold Regions Engineering; the conference cochair of the American Water Resources Association—Alaska Section; a technical committee chair and co-editor of the proceedings of the American Society of Civil Engineers—International Conference on Cold Regions Engineering; and the chair of the 2009 University of Alaska Anchorage workshop entitled, ''Climate Change Impacts on Defense Assets in Alaska.'' Since 2001, Dr. Zufelt has served as an adjunct professor at the University of Alaska Anchorage, teaching at least one graduate-level engineering course each academic year. For 2 years, Dr. Zufelt served as the acting U.S. Army Alaska/Alaskan Command Science Advisor providing onsite technical advice and quick reaction solutions to technical problems. The European Command and Northern Command have also sought Dr. Zufelt's expertise.

Dr. Zufelt has more than 90 technical publications. His articles are published in a diversity of conference proceedings, technical reports, and journals, including the International Conference on Permafrost, International Symposium on Cold Regions Development, Journal of Environmental Engineering and Science, Workshop on Ice Covered Rivers, and the Proceedings of the ASCE World Water and Environmental Resources Congress.

I would like to extend my deepest thanks to Dr. Zufelt for his 30 years of leadership, expertise, and service to our Nation. I wish the best to him and his family as they begin this next stage in their lives.●

WESTONE LOGISTICS

● Mr. RISCH. Mr. President, so many of our Nation's small businesses started with nothing more than an idea and the determination to see that idea grow; to see a need and fill it. From a small backyard or garage, small businesses can become the providers of a local solution. From humble beginnings, companies grow and expand to reach new customers and broader regions. I rise today to recognize WestOne Logistics, a small business in my home State of Idaho that has quickly grown from that small, family business into one of the region's leading providers of third-party relocation services.

Founded 8 years ago by Kendra Keim, WestOne Logistics saw the need for highly efficient and reliable logistical services in our region and has striven to provide superior service to local companies. A woman-owned, family-run business, WestOne Logistics is a third-party logistics provider that works with companies to provide part or all of their supply chain management and relocation. This company exemplifies the problem solving and can-do attitude so characteristic of Idaho's small business culture. The team at WestOne Logistics, through efficiency and customization, continues to grow and expand their services. Even through the depths of this recent economic recession, the team at WestOne Logistics has seen an incredible increase in business, growing over 200 percent in revenues in the past 5 years. It is encouraging to see this level of growth in the small businesses of my home State, despite the tumultuous economic landscape.

With an eye for specifics and adaptability for new, specialized products, WestOne Logistics is able to accommodate environment sensitive products in the largest common warehouse in the State of Idaho. Their facilities offer 108,000 square feet of secured, fully sprinkled, climate-controlled space with an additional 70,000 square feet of food-grade warehouse storage space.

Not only is this team dedicated to hard work and quality in their company but they also are active in their community and are always looking for ways to give back. For example, 22 of their 35 total employees are Red Cross ''ready when the time comes'' certified in order to respond to local crises through a corporate partnership program.

WestOne Logistics is another prime example of the hard work and dedication of the small businesses of my home State. It is imperative to our national economy that businesses such as these continue to grow and thrive. I congratulate the team at WestOne Logistics on their success and wish them the best in the future.●

MESSAGES FROM THE HOUSE

At 10:11 a.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1545. An act to extend authorities related to global HIV/AIDS and to promote oversight of United States programs.

ENROLLED BILLS SIGNED

At 5:56 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 252. An act to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity, and for other purposes.

S. 1545. An act to extend authorities related to global HIV/AIDS and to promote oversight of United States programs.

H.R. 1848. An act to ensure that the Federal Aviation Administration advances the safety of small airplanes, and the continued development of the general aviation industry, and for other purposes.

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

The enrolled bills were subsequently signed by the President pro tempore (Mr. LEAHY).

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

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.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1752. A bill to reform procedures for determinations to proceed to trial by court-martial for certain offenses under the Uniform Code of Military Justice, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–3631. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, the report of two violations of the Antideficiency Act; to the Committee on Appropriations.

EC–3632. A communication from the Chief, Administrative Law Division, Central Intelligence Agency, transmitting, pursuant to law, a report relative to a vacancy in the position of General Counsel, received in the Office of the President of the Senate on November 12, 2013; to the Select Committee on Intelligence.

EC–3633. A communication from the Assistant Secretary of Defense (Global Strategic Affairs), transmitting, pursuant to law, a report relative to the utilization of a contribution to the Cooperative Threat Reduction (CTR) Program; to the Committee on Armed Services.

EC–3634. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a semiannual report entitled, ''Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account''; to the Committee on Armed Services.

EC–3635. A communication from the Director of Defense Procurement and Acquisition

Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Safeguarding Unclassified Controlled Technical Information'' ((RIN0750–AG47) (DFARS Case 2011–D039)) received in the Office of the President of the Senate on November 13, 2013; to the Committee on Armed Services.

EC–3636. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the Defense Environmental Programs Annual Report for fiscal year 2012; to the Committee on Armed Services.

EC–3637. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Requirements Relating to Supply Chain Risk'' ((RIN0750–AH96) (DFARS Case 2012–D050)) received in the Office of the President of the Senate on November 13, 2013; to the Committee on Armed Services.

EC–3638. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Removal of DFARS Coverage on Contractors Performing Private Security'' ((RIN0750–AI12) (DFARS Case 2013–D037)) received in the Office of the President of the Senate on November 13, 2013; to the Committee on Armed Services.

EC–3639. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938; to the Committee on Banking, Housing, and Urban Affairs.

EC–3640. A communication from the Acting Deputy Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Yemen that was originally declared in Executive Order 13611 on May 16, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–3641. A communication from the Secretary of the Treasury, transmitting, pursuant to law, 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 Banking, Housing, and Urban Affairs.

EC–3642. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to South Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC–3643. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Bulgaria; to the Committee on Banking, Housing, and Urban Affairs.

EC–3644. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to China; to the Committee on Banking, Housing, and Urban Affairs.

EC–3645. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Australia; to the Committee on Banking, Housing, and Urban Affairs.

EC–3646. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to China; to the Committee on Banking, Housing, and Urban Affairs.

EC–3647. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a biennial report relative to the Food Emergency Response Network; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3648. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Ovine Meat From Uruguay'' ((RIN0579–AD17) (Docket No. APHIS–2008–0085)) received during adjournment of the Senate in the Office of the President of the Senate on November 15, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3649. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Blueberry Promotion, Research and Information Order; Assessment Rate Increase'' (Docket No. AMS–FV–12–0062)) received in the Office of the President of the Senate on November 14, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3650. A communication from the Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Ownership and Control Reports, Forms 102/102S, 40/40S, and 71'' (RIN3038–AD31) received in the Office of the President of the Senate on November 14, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3651. A communication from the Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Protection of Collateral of Counterparties to Uncleared Swaps; Treatment of Securities in a Portfolio Margining Account in a Commodity Broker Bankruptcy'' (RIN3038–AD28) received in the Office of the President of the Senate on November 14, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3652. A communication from the Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Enhancing Protections Afforded Customers and Customer Funds Held by Futures Commission Merchants and Derivatives Clearing Organizations'' (RIN3038–AD88) received in the Office of the President of the Senate on November 14, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3653. A communication from the Secretary of Energy, transmitting, pursuant to law, a report of the authorization of a noncompetitive extension of five years to the Department of Energy's (DOE) contract with UT–Battelle, LLC (UT–Batelle) for the management and operation of the Oak Ridge National Laboratory (ORNL); to the Committee on Energy and Natural Resources.

EC–3654. A communication from the Acting Administrator and Chief Executive Officer, Bonneville Power Administration, Department of Energy, transmitting, pursuant to law, the Administration's Annual Report for fiscal year 2013; to the Committee on Energy and Natural Resources.

EC–3655. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Transfer of Real Property at Defense Nuclear Facilities for Economic Development'' (RIN1901–AA82) received in the Office of the President of the Senate on November 14, 2013; to the Committee on Energy and Natural Resources.

EC–3656. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Request for Exclusion of 100 Watt R20 Short Incandescent Reflector Lamp From Energy Conservation Standards'' (RIN1904–AC57) received in the Office of the President of the Senate on November 14, 2013; to the Committee on Energy and Natural Resources.

EC–3657. A communication from the Federal Register Liaison Officer, Office of Natural Resources Revenue, Department of the Interior transmitting, pursuant to law, the report of a rule entitled ''Amendments to Remaining OMB-approved Forms'' (RIN1012–AA09) received in the Office of the President of the Senate on November 18, 2013; to the Committee on Energy and Natural Resources.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. CARPER for the Committee on Homeland Security and Governmental Affairs.

*Jeh Charles Johnson, of New Jersey, to be Secretary of Homeland Security.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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. HOEVEN (for himself, Mr. PRYOR, Mr. CHAMBLISS, Ms. KLOBUCHAR, and Mr. BLUNT):

S. 1739. A bill to modify the efficiency standards for grid-enabled water heaters; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU:

S. 1740. A bill to authorize Department of Veterans Affairs major medical facility leases, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MARKEY:

S. 1741. A bill to direct the Under Secretary of Defense (Comptroller) to carry out a pilot program to develop innovative consumer financial products that encourage savings and wealth-creation among members of the Armed Forces on active duty; to the Committee on Armed Services.

By Mr. KAINE:

S. 1742. A bill to temporarily suspend the collection of entrance fees at units of the National Park System and the National Wildlife Refuge System; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. ENZI, Mr. BARRASSO, and Mr. RISCH):

S. 1743. A bill to amend the Mineral Leasing Act to recognize the authority of States to regulate oil and gas operations and promote American energy security, development, and job creation, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. TESTER (for himself, Mr. PORTMAN, Mrs. MCCASKILL, Mr. BEGICH, Mr. BAUCUS, Mr. NELSON, and Mr. JOHNSON of Wisconsin):

S. 1744. A bill to strengthen the accountability of individuals involved in misconduct affecting the integrity of background investigations, to update guidelines for security clearances, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. COONS:

S. 1745. A bill to promote security, stability and good governance in Somalia through a coordinated interagency strategy that supports the consolidation of recent security and political gains in Somalia; to the Committee on Foreign Relations.

By Mr. WHITEHOUSE (for himself and Ms. HIRONO):

S. 1746. A bill to amend title 5, United States Code, to provide for a corporate responsibility investment option under the Thrift Savings Plan; to the Committee on Homeland Security and Governmental Affairs.

By Mr. REED (for himself, Ms. STABENOW, Mr. HARKIN, and Mr. WHITEHOUSE):

S. 1747. A bill to provide for the extension of certain unemployment benefits, and for other purposes; to the Committee on Finance.

By Mr. SCHATZ:

S. 1748. A bill to authorize appropriations to the Secretary of Commerce to establish public-private partnerships under the Market Development Cooperator Program of the International Trade Administration, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHATZ:

S. 1749. A bill to improve master plans for major military installations; to the Committee on Armed Services.

By Mr. FLAKE (for himself, Mr. MCCAIN, and Mr. LEE):

S. 1750. A bill to authorize the Secretary of the Interior or the Secretary of Agriculture to enter into agreements with States and political subdivisions of States providing for the continued operation, in whole or in part, of public land, units of the National Park System, units of the National Wildlife Refuge System, and units of the National Forest System in the State during any period in which the Secretary of the Interior or the Secretary of Agriculture is unable to maintain normal level of operations at the units due to a lapse in appropriations, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HELLER:

S. 1751. A bill to improve authorities for performance of medical disabilities examinations by contract physicians for benefits under laws administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. GILLIBRAND:

S. 1752. A bill to reform procedures for determinations to proceed to trial by court-martial for certain offenses under the Uniform Code of Military Justice, and for other purposes; read the first time.

By Mr. NELSON (for himself, Mr. THUNE, Mrs. FEINSTEIN, Mr. RUBIO, Mr. HEINRICH, Mr. CRUZ, and Mr. WARNER):

S. 1753. A bill to extend Government liability, subject to appropriation, for certain third-party claims arising from commercial space launches; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. ISAKSON (for himself, Mr. CHAMBLISS, Mr. PRYOR, and Ms. COLLINS):

S. Res. 302. A resolution designating December 1, 2013, as ''Drive Safer Sunday''; to the Committee on the Judiciary.

By Ms. COLLINS (for herself, Ms. KLOBUCHAR, Mr. DURBIN, and Mr. BLUMENTHAL):

S. Res. 303. A resolution declaring that achieving the primary goal of the National Plan to Address Alzheimer's Disease of the Department of Health and Human Services to prevent and effectively treat Alzheimer's disease by 2025 is an urgent national priority; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MERKLEY (for himself and Mr. WYDEN):

S. Res. 304. A resolution recognizing the 30th anniversary of the date of the restoration by the Federal Government of Federal recognition to the Confederated Tribes of the Grand Ronde Community of Oregon, November 22, 1983; considered and agreed to.

By Ms. CANTWELL (for herself, Ms. BALDWIN, Mr. BARRASSO, Mr. BEGICH, Mr. COCHRAN, Mr. CRAPO, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HEINRICH, Ms. HEITKAMP, Ms. HIRONO, Mr. HOEVEN, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Mr. MARKEY, Mr. MERKLEY, Mr. MORAN, Mr. REID, Mr. SCHATZ, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. WARNER, and Mr. WYDEN):

S. Res. 305. A resolution recognizing National Native American Heritage Month and celebrating the heritages and cultures of Native Americans and the contributions of Native Americans to the United States; considered and agreed to.

By Mr. HATCH (for himself, Mr. RUBIO, Mr. BEGICH, Mr. CRAPO, Mr. CASEY, Mr. COCHRAN, Mr. LEE, and Mr. LEAHY):

S. Res. 306. A resolution designating Thursday, November 21, 2013, as ''Feed America Day''; considered and agreed to.

By Mr. SANDERS (for himself and Mr. BURR):

S. Res. 307. A resolution permitting the collection of clothing, toys, food, and housewares during the holiday season for charitable purposes in Senate buildings; considered and agreed to.

By Mr. HATCH (for himself and Mr. LEAHY):

S. Res. 308. A resolution recognizing and supporting the goals and ideals of National Runaway Prevention Month; considered and agreed to.

ADDITIONAL COSPONSORS

S. 204

At the request of Mr. PAUL, the names of the Senator from Utah (Mr. HATCH) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 204, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 313

At the request of Mr. CASEY, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 313, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 350

At the request of Mr. WYDEN, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 350, a bill to provide for Federal agencies to develop public access policies relating to research conducted by employees of that agency or from funds administered by that agency.

S. 425

At the request of Ms. STABENOW, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 425, a bill to amend title XI of the Social Security Act to improve the quality, health outcomes, and value of maternity care under the Medicaid and CHIP programs by developing maternity care quality measures and supporting maternity care quality collaboratives.

S. 487

At the request of Mrs. GILLIBRAND, her name was added as a cosponsor of S. 487, a bill to amend the Fair Labor Standards Act of 1938 to provide that over-the-road bus drivers are covered under the maximum hours requirements.

S. 842

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 842, a bill to amend title XVIII of the Social Security Act to provide for an extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

S. 862

At the request of Ms. AYOTTE, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 862, a bill to amend section 5000A of the Internal Revenue Code of 1986 to provide an additional religious exemption from the individual health coverage mandate.

S. 1158

At the request of Mr. WARNER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1158, a bill to require the Secretary of the Treasury to mint coins commemorating the 100th anniversary of the establishment of the National Park Service, and for other purposes.

S. 1187

At the request of Ms. STABENOW, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 1187, a bill to prevent homeowners from being forced to pay taxes on forgiven mortgage loan debt.

S. 1246

At the request of Mr. MURPHY, the name of the Senator from Delaware

(Mr. COONS) was added as a cosponsor of S. 1246, a bill to amend title 10, United States Code, to require contracting officers to consider information regarding domestic employment before awarding a Federal defense contract, and for other purposes.

S. 1302

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

S. 1332

At the request of Ms. COLLINS, the name of the Senator from Alaska (Mr. BEGICH) 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. 1410

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1410, a bill to focus limited Federal resources on the most serious offenders.

S. 1431

At the request of Mr. WYDEN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1431, a bill to permanently extend the Internet Tax Freedom Act.

S. 1462

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

S. 1500

At the request of Mr. CORNYN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1500, a bill to declare the November 5, 2009, attack at Fort Hood, Texas, a terrorist attack, and to ensure that the victims of the attack and their families receive the same honors and benefits as those Americans who have been killed or wounded in a combat zone overseas and their families.

S. 1623

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 1623, a bill to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector.

S. 1644

At the request of Mrs. BOXER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1644, a bill to amend title 10, United States Code, to provide for preliminary hearings on alleged offenses under the Uniform Code of Military Justice.

S. 1647

At the request of Mr. ROBERTS, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 1647, a bill to amend the Patient Protection and Affordable Care Act to repeal distributions for medicine qualified only if for prescribed drug or insulin.

S. 1670

At the request of Mr. GRAHAM, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 1670, a bill to amend title 18, United States Code, to protect pain-capable unborn children, and for other purposes.

S. 1697

At the request of Mr. HARKIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1697, a bill to support early learning.

S. 1726

At the request of Mr. RUBIO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1726, a bill to prevent a taxpayer bailout of health insurance issuers.

S. 1728

At the request of Mr. CORNYN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of 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.

S.J. RES. 19

At the request of Mr. UDALL of New Mexico, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S.J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 301

At the request of Mr. DURBIN, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Virginia (Mr. WARNER) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of 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.

AMENDMENT NO. 2056

At the request of Mr. BLUNT, the name of the Senator from Virginia (Mr. KAINE) 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 Rhode Island (Mr. REED), the Senator from Massachusetts (Ms. WARREN) and the Senator from North Carolina (Mrs. HAGAN) 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 name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 2063 intended to be proposed to S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2071

At the request of Mr. PORTMAN, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of amendment No. 2071 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 name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor 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. 2082

At the request of Mrs. BOXER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 2082 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. 2085

At the request of Mrs. SHAHEEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of amendment No. 2085 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. 2088

At the request of Mr. BURR, the name of the Senator from Georgia (Mr.

CHAMBLISS) was added as a cosponsor of amendment No. 2088 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 Wyoming (Mr. BARRASSO), the Senator from Louisiana (Mr. VITTER), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Kansas (Mr. ROBERTS) and the Senator from Arizona (Mr. FLAKE) 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.

AMENDMENT NO. 2121

At the request of Mr. BLUMENTHAL, the name of the Senator from Connecticut (Mr. MURPHY) 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. 2138

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 2138 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. 2139

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 2139 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 names of the Senator from Kansas (Mr. ROBERTS), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Texas (Mr. CORNYN) were added as cosponsors 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.

AMENDMENT NO. 2151

At the request of Mrs. HAGAN, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of amendment No. 2151 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. 2160

At the request of Mr. COBURN, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of amendment No. 2160 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. BARRASSO, his name was added as a cosponsor of amendment No. 2160 intended to be proposed to S. 1197, supra.

AMENDMENT NO. 2170

At the request of Mrs. MCCASKILL, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of amendment No. 2170 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. 2172

At the request of Mr. CASEY, the names of the Senator from Virginia (Mr. KAINE), the Senator from California (Mrs. BOXER) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 2172 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. 2176

At the request of Mr. RISCH, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 2176 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. 2185

At the request of Mr. BARRASSO, his name was added as a cosponsor of amendment No. 2185 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. WICKER, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of amendment No. 2185 intended to be proposed to S. 1197, supra.

AMENDMENT NO. 2190

At the request of Mr. RUBIO, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of amendment No. 2190 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. BARRASSO, his name was added as a cosponsor of amendment No. 2190 intended to be proposed to S. 1197, supra.

AMENDMENT NO. 2202

At the request of Mr. NELSON, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 2202 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. 2205

At the request of Mrs. GILLIBRAND, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of amendment No. 2205 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. 2207

At the request of Mr. BLUMENTHAL, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of amendment No. 2207 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. 2211

At the request of Ms. KLOBUCHAR, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of amendment No. 2211 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. 2238

At the request of Mr. BAUCUS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 2238 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. 2243

At the request of Mr. HEINRICH, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of amendment No. 2243 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. 2249

At the request of Mr. TESTER, the name of the Senator from Georgia (Mr. CHAMBLISS) was withdrawn as a cosponsor of amendment No. 2249 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. 2255

At the request of Ms. AYOTTE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 2255 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. 2265

At the request of Mrs. MURRAY, the names of the Senator from Massachusetts (Mr. MARKEY) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of amendment No. 2265 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. 2267

At the request of Mr. HEINRICH, his name was added as a cosponsor of amendment No. 2267 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. 2268

At the request of Mr. HEINRICH, his name was added as a cosponsor of amendment No. 2268 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. 2270

At the request of Mr. MURPHY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of amendment No. 2270 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. 2280

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 2280 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. 2287

At the request of Mr. KIRK, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of amendment No. 2287 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. 2296

At the request of Mr. CORNYN, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of amendment No. 2296 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. BARRASSO, his name was added as a cosponsor of amendment No. 2296 intended to be proposed to S. 1197, supra.

AMENDMENT NO. 2316

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of amendment No. 2316 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. 2317

At the request of Mr. VITTER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 2317 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. 2325

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 2325 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. 2336

At the request of Mr. BEGICH, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of amendment No. 2336 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. 2338

At the request of Mr. CORKER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of amendment No. 2338 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. 2339

At the request of Mr. CORKER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of amendment No. 2339 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. 2341

At the request of Mr. SESSIONS, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 2341 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. 2343

At the request of Mr. MERKLEY, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of amendment No. 2343 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. KAINE:

S. 1742. A bill to temporarily suspend the collection of entrance fees at units of the National Park System and the National Wildlife Refuge System; to the Committee on Finance.

Mr. KAINE. Mr. President, Ken Burns, paraphrasing Wallace Stegner, called the national parks ''America's best idea.'' This is true not just for the intrinsic value of these lands, but also for the economic impact on rural communities across the country. Countless small business owners rely on outdoor recreational visitors for their livelihood.

Unfortunately, last month's government shutdown caused the visitors to stop. For 16 days this year, at the peak of the fall color season restaurants and hotels were empty. Roadside stands had no passers-by. Canoes and kayaks, hiking maps, and bait-and-tackle sat unsold on store shelves. One of my favorite places in Virginia, Chincoteague National Wildlife Refuge, saw not one but two major events cancelled: the reopening ceremony of the historic Assateague Lighthouse and the Chincoteague wild pony roundup. These events usually draw thousands of visitors. The pony roundup, in particular, also serves as a fundraiser for the Chincoteague Volunteer Fire Company. Unlike park rangers, the local businesses that rely on visitors got no backpay.

That is why I am introducing this legislation to suspend entrance fees at national parks and wildlife refuges for a period of 16 days, equal to the duration of the shutdown. The fee suspension leads up to National Park Week in April 2014. This will encourage more visitors to turn out to the parks and give area establishments time to publicize the free days and to drum up more business. The bill is deficit-neutral, and considering the breadth of the national park presence across the nation, I hope it will garner bipartisan support.

We must negotiate a workable path forward on the federal budget so that the American people are never again caught up in the middle of battles in Washington. No act of Congress can reimburse the hard-working business men and women around the nation who got hit by the shutdown, but I believe this bill will nudge a few more vacationers out of town to take in the natural beauty of our country and support the local economies while they're at it. Given the attention that national parks got during the shutdown, I also believe the American people deserve a larger conversation about the importance of maintaining our natural resources for future generations. I hope this bill will spur that discussion.

By Mr. REED (for himself, Ms. STABENOW, Mr. HARKIN, and Mr. WHITEHOUSE):

S. 1747. A bill to provide for the extension of certain unemployment benefits, and for other purposes; to the Committee on Finance.

Mr. REED. Mr. President, today I am introducing the Emergency Unemployment Compensation Extension Act of 2013 to ensure that 1.3 million unemployed Americans, including 4,900 Rhode Islanders, will not lose unemployment insurance at the end of the year.

Unemployment insurance, UI, is a vital lifeline for individuals and the economy. It provides a temporary weekly benefit t5o those who are looking for work and were laid off through no fault of their own.

Economists across the spectrum agree that maintaining unemployment insurance will grow our economy, spur consumer demand, and help businesses, States, and job seekers. Alternatively, according to the Economic Policy Institute, the failure to renew UI could cost our economy 310,000 jobs in 2014.

Extending unemployment insurance is a key part of keeping our economy moving forward. Indeed, continuing UI is part of a broad range of pro-growth and pro-jobs policies we should be enacting. I am pleased to be joined in this effort by Senators STABENOW, HARKIN, and WHITEHOUSE, and I urge our colleagues to join us in cosponsoring and pressing for action on this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 302—DESIGNATING DECEMBER 1, 2013, AS ''DRIVE SAFER SUNDAY''

Mr. ISAKSON (for himself, Mr. CHAMBLISS, Mr. PRYOR, and Ms. COLLINS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 302

Whereas motor vehicle travel is the primary means of transportation in the United States;

Whereas every individual traveling on the roads and highways needs to drive in a safer manner to reduce deaths and injuries that result from motor vehicle accidents;

Whereas, according to the National Highway Traffic Safety Administration, wearing a seat belt saves as many as 15,000 lives each year;

Whereas the Senate wants all people of the United States to understand the life-saving importance of wearing a seat belt and encourages motorists to drive safely, not just during the holiday season, but every time they get behind the wheel; and

Whereas the Sunday after Thanksgiving is the busiest highway traffic day of the year: Now, therefore, be it

Resolved, That the Senate—

(1) encourages—

(A) high schools, colleges, universities, administrators, teachers, primary schools, and secondary schools to launch campus-wide educational campaigns to urge students to focus on safety when driving;

(B) national trucking firms to alert their drivers to be especially focused on driving safely on the Sunday after Thanksgiving, and to publicize the importance of the day through use of the Citizens Band Radio Service and at truck stops across the United States;

(C) clergies to remind their congregations to travel safely when attending services and gatherings;

(D) law enforcement personnel to remind drivers and passengers to drive safely, particularly on the Sunday after Thanksgiving; and

(E) all people of the United States to use the Sunday after Thanksgiving as an opportunity to educate themselves about highway safety; and

(2) designates December 1, 2013, as ''Drive Safer Sunday''.

SENATE RESOLUTION 303—DECLARING THAT ACHIEVING THE PRIMARY GOAL OF THE NATIONAL PLAN TO ADDRESS ALZHEIMER'S DISEASE OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PREVENT AND EFFECTIVELY TREAT ALZHEIMER'S DISEASE BY 2025 IS AN URGENT NATIONAL PRIORITY

Ms. COLLINS (for herself, Ms. KLOBUCHAR, Mr. DURBIN, and Mr. BLUMENTHAL) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 303

Whereas the number of individuals in the United States with Alzheimer's disease and related dementias (referred to in this preamble as ''Alzheimer's'') is as high as 5,200,000, which is more than double the number in 1980;

Whereas based on the trajectory of Alzheimer's, as many as 16,000,000 individuals in the United States may have Alzheimer's by 2050;

Whereas Alzheimer's is a global health crisis that afflicts an estimated 36,000,000 individuals worldwide as of October 2013 and may afflict over 115,000,000 individuals by 2050;

Whereas Alzheimer's is the 6th leading cause of death in the United States;

Whereas Alzheimer's is the only disease among the top 10 causes of death in the United States without an effective means of prevention, treatment, or cure;

Whereas Alzheimer's places an enormous financial strain on families, the health care system, and State and Federal budgets;

Whereas in 2013, the direct costs of caring for individuals with Alzheimer's will total an estimated $203,000,000,000, including $142,000,000,000 in costs to the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

Whereas the annual costs of caring for individuals with Alzheimer's are projected to increase from $203,000,000,000 in 2013 to $1,200,000,000,000 in 2050;

Whereas a RAND Corporation study published in 2013 and commissioned by the National Institute on Aging found that Alzheimer's is the costliest disease in the United States, costing more than cancer and heart disease;

Whereas in 2012, an estimated 15,400,000 family members and friends of individuals with Alzheimer's provided those individuals with 17,500,000,000 hours of unpaid care, an amount valued at more than $216,000,000;

Whereas the global cost of Alzheimer's exceeds $600,000,000,000 each year, an amount equal to approximately 1 percent of the world's gross domestic product;

Whereas Alzheimer's takes an emotional and physical toll on caregivers that results in a higher incidence of chronic conditions, such as heart disease, cancer, and depression among caregivers;

Whereas the National Plan to Address Alzheimer's Disease of the Department of Health and Human Services enables family caregivers of individuals with Alzheimer's to provide care while maintaining personal health and well-being;

Whereas the National Plan to Address Alzheimer's Disease supports informal caregivers by—

(1) identifying the support needs of caregivers;

(2) developing and disseminating modes for intervention;

(3) providing information that caregivers need, particularly in crisis situations; and

(4) assisting caregivers in maintaining personal health and well-being;

Whereas a strong and sustained research effort is the best tool to slow the progression and ultimately prevent the onset of Alzheimer's;

Whereas the National Institutes of Health spends each year approximately—

(1) $6,000,000,000 on cancer research;

(2) $3,000,000,000 on HIV/AIDS research; and

(3) $2,000,000,000 on cardiovascular disease research;

Whereas while the cost to the Medicare and Medicaid programs of caring for Alzheimer's patients is $142,000,000,000 each year, the United States spends slightly more than $500,000,000 each year on Alzheimer's research;

Whereas the Chairman of the Advisory Council on Alzheimer's Research, Care, and Services created by the National Alzheimer's Project Act (42 U.S.C. 11225) has testified before Congress that the United States must devote at least $2,000,000,000 each year to Alzheimer's research to reach the goal of preventing and effectively treating Alzheimer's by 2025; and

Whereas the public members of the Advisory Council on Alzheimer's Research, Care, and Services unanimously agree with the testimony of the Chairman regarding the amount of money required to reach the goal for 2025: Now, therefore, be it

Resolved, That the Senate—

(1) is committed to strengthening the quality of care and expanding support for individuals with Alzheimer's disease and related dementias (referred to in this resolution as ''Alzheimer's'') and family caregivers of individuals with Alzheimer's;

(2) declares that achieving the primary goal of the National Plan to Address Alzheimer's Disease to prevent and effectively treat Alzheimer's by 2025 is an urgent national priority;

(3) recognizes that bold action and dramatic increases in funding are necessary to meet that goal; and

(4) strives to—

(A) double the amount of funding the United States spends on Alzheimer's research in fiscal year 2015; and

(B) develop a plan for fiscal years 2016 through 2019 to meet the target of the Advisory Council on Alzheimer's Research, Care, and Services for the United States to spend $2,000,000,000 each year on Alzheimer's research.

Ms. COLLINS. Mr. President, I am very pleased to be here on the Senate floor with my friend and colleague from Minnesota Senator KLOBUCHAR as we submit an important resolution.

This month is National Alzheimer's Awareness Month. Alzheimer's is a terrible disease that exacts a tremendous personal and economic toll on both the individual and the family. As have many families, mine has experienced the pain of Alzheimer's. I know there is no more helpless feeling than to watch the progression of this devastating disease. It is equally painful to witness the emotional and physical damage inflicted on family caregivers exhausted by an endless series of 36-hour days.

Moreover, Alzheimer's disease is the only cause of death among the top 10 in our Nation without a way to prevent it, to cure it, or even to slow its progression. More than 5 million Americans have Alzheimer's disease—more than double the number in 1980. Based on current projections, as many as 16 million Americans over the age of 65 will have Alzheimer's by the year 2050.

In addition to the tremendous human suffering it causes, Alzheimer's costs the United States more than $200 billion a year, including $142 billion in costs to the Medicare and Medicaid Programs. This price tag will increase exponentially as the baby boom generation ages. If we fail to change the current trajectory of Alzheimer's disease, our country will not only face a mounting public health crisis but an economic one as well. If nothing is done to slow or stop this disease, the Alzheimer's Association estimates that Alzheimer's will cost our country an astonishing $20 trillion over the next 40 years.

It is estimated that nearly one in two baby boomers reaching the age of 85 will develop Alzheimer's. As a consequence, chances are the members of the baby boom generation will either be spending their golden years suffering from Alzheimer's or caring for someone who has it. In many ways, Alzheimer's has become the defining disease of this generation.

If we are to prevent Alzheimer's from becoming the defining disease of the next generation, it is imperative that we dramatically increase our investment in Alzheimer's disease research. According to a study commissioned by the National Institute on Aging, Alzheimer's and other dementias cost the United States more than cancer and heart disease. This study finds that both the costs and number of people with dementia will more than double within 30 years—skyrocketing at a rate that rarely occurs with a chronic disease.

At a time when the cost to Medicare and Medicaid of caring for Alzheimer's patients exceeds $140 billion a year, we are spending only slightly more than $500 million on Alzheimer's research. We are spending $142 billion under Medicare and Medicaid, more than $200 billion overall, and yet only $500 million on research. We currently spend $6 billion a year for cancer research, $3 billion a year for research on HIV/AIDS, and $2 billion for cardiovascular research. And I wish to emphasize that those are always worthy investments—investments that have paid dividends in terms of better treatments, cures, and in some cases prolonged lives. Surely we can do more for Alzheimer's given the tremendous human and economic price of this devastating disease.

The National Plan to Address Alzheimer's Disease was authorized by a bipartisan law passed in 2010 called the National Alzheimer's Project Act, which I authored with then-Senator Evan Bayh.

The national plan has as its primary goal to ''prevent and effectively treat Alzheimer's disease by 2025.'' The chairman of the Advisory Council on Alzheimer's Research, Care, and Services, which was created by the National Alzheimer's Project Act, has testified before Congress that the United States must devote at least $2 billion a year to Alzheimer's research to achieve that goal.

I am therefore joining with my colleague from Minnesota Senator KLOBUCHAR in submitting this resolution declaring that the goal of preventing and effectively treating Alzheimer's by 2025 is an urgent national priority. Our resolution recognizes that dramatic increases in research funding are necessary to meet that goal and resolves that the Senate will strive to double the amount of funding the United States spends on Alzheimer's research in fiscal year 2015 and then develop a plan to meet the target of $2 billion a year over the next 5 years.

Just think of the figures. We are spending some $212 billion a year treating, caring for people with Alzheimer's.

All we are asking is that over the next 5 years we achieve the goal that the Alzheimer's Council—a council of experts in Alzheimer's—including experts from the Mayo Clinic in Senator KLOBUCHAR's home State, have recommended that we spend $2 billion. Mr. President, $2 billion is such a tiny percentage of the amount we are spending.

So this is a worthy investment. It is one that will not only relieve suffering, save lives, potentially, but it will also more than pay for itself.

I urge our colleagues to join us as cosponsors.

I ask unanimous consent that letters from the Alzheimer's Association and the UsAgainstAlzheimer's group—both predominant national advocacy groups endorsing our resolution—be printed in the RECORD.

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

ALZHEIMER'S ASSOCIATION,
November 19, 2013.

Senator SUSAN COLLINS,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.
Senator AMY KLOBUCHAR,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR COLLINS AND SENATOR KLOBUCHAR: On behalf of the Alzheimer's Association and its nationwide network of advocates, thank you for your continued leadership on issues and legislation important to Americans with Alzheimer's and their caregivers. The Alzheimer's Association proudly endorses your most recent Alzheimer's resolution, which supports the goals of the National Plan to Address Alzheimer's Disease and increased funding for Alzheimer's research at the National Institutes of Health.

The Alzheimer's Association is the world's leading voluntary health organization in Alzheimer's care, support and research. Our mission is to eliminate Alzheimer's disease and other dementias through the advancement of research; to provide and enhance care and support for all affected; and to reduce the risk of dementia through the promotion of brain health. Our vision is a world without Alzheimer's.

As two of our nation's strongest voices on behalf of Americans living with Alzheimer's, you know that more than 5 million Americans are living with the disease, and without significant action, as many as 16 million Americans will have Alzheimer's by 2050. A recent study funded by the National Institutes of Health and published in the New England Journal of Medicine further confirmed that Alzheimer's disease is the most expensive disease in America. Additionally, as the baby boomer generation ages, one in eight will develop Alzheimer's. This explosive growth will cause Alzheimer's costs to Medicare and Medicaid to increase from $142 billion today to more than $800 billion in 2050 (in today's dollars) and threatens to bankrupt families, businesses and our health care system. Unfortunately, our work is only growing more urgent.

The passage of the National Alzheimer's Project Act in 2010, and the subsequent release of the National Plan to Address Alzheimer's Disease, marks a new era for Alzheimer's disease and other dementias. Achieving the first goal of the National Plan, to prevent and effectively treat Alzheimer's disease by 2025, and supporting individuals with the disease and their caregivers are critical to the success of this legislation. The Alzheimer's Association strongly supports efforts to increase funding for Alzheimer's research at the National Institutes of Health, and we applaud you for your efforts.

The Alzheimer's Association deeply appreciates your continued leadership on behalf of all Americans living with Alzheimer's. If you have any questions about this or any other legislation, please contact Rachel Conant, Director of Federal Affairs, at rconant@alz.org or at 202.638.7121.

Sincerely,

ROBERT EGGE,
Vice President, Public Policy.

US AGAINST ALZHEIMER'S,
Washington, DC, November 19, 2013.

Hon. SUSAN COLLINS,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.
Hon. AMY KLOBUCHAR,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SEN. COLLINS & SEN. KLOBUCHAR: On behalf of the more than five million Americans currently struggling with Alzheimer's disease and the millions of family caregivers working each and every day to care for their loved ones, I am writing to thank you for your powerful resolution declaring our national goal of preventing and effectively treating Alzheimer's disease by 2025 an urgent national priority. I also applaud you for including in this resolution the call to double the National Institutes of Health (NIH) research commitment to Alzheimer's disease in Fiscal Year 2015 and to meet by FY 2019 the $2 billion in annual Alzheimer's research funding metric called for by the Advisory Council on Alzheimer's Research, Care and Services. USAgainstAlzheimer's is pleased to endorse your resolution and to commit to working with you to build cosponsors.

Three years ago, Congress took the bold action of enacting the National Alzheimer's Project Act which led to the development of the National Plan to Address Alzheimer's Disease and the 2025 goal. Much has occurred in the ensuing period, including the reallocation of some NIH research dollars to focus on Alzheimer's disease. But despite these efforts, our annual Alzheimer's research budget remains at about $500 million—one quarter of the $2 billion in annual funding leading Alzheimer's researchers and the advisory council have deemed the minimum necessary to enhance our chances of achieving the 2025 goal.

As your resolution so ably notes, the United States does not have a choice as to whether or not we will pay for Alzheimer's disease. We are paying today, dearly, in the more than $140 billion in annual costs of care borne by the taxpayers through Medicare and Medicaid, an amount that will escalate sharply over the years if the current trajectory of the disease is left unchanged. The amount we invest annually in Alzheimer's research today is but a fraction of 1 percent of this total care burden, an amount that is simply insufficient given the enormity of the task at hand. While a bold and visionary plan and 2025 goal are important political statements, absent commensurate resources and the necessary focused national leadership, the plan and goal will be worth precious little.

By urging that our 2025 goal be viewed as a national priority and setting the $2 billion goal over the next five years, you have provided our nation—and your fellow appropriators—with a clear goal at which to aim. I applaud you for recognizing the plight of our current patients as well as caregivers the need to similarly bolster patient and caregiver support initiatives. We look forward to working with you to engage the Senate Appropriations Committee to ensure that your call for a doubling of Alzheimer's research funding at the NIH in FY 2015 is reflected in key spending bills.

I thank you, again, for your leadership and for all you do to stop Alzheimer's disease.

Sincerely,

GEORGE VRADENBURG,
Chairman.

Ms. COLLINS. Mr. President, I am very pleased that my colleague Senator KLOBUCHAR, who has been such a leader in this area, has joined me on the Senate floor and I yield the floor to her.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I thank my colleague Senator COLLINS for her great leadership for so long on this issue. We have together authored this resolution, and she has been a true champion for those suffering from this debilitating disease.

Our resolution builds on the legacy of work and research that has been done in America. It declares the prevention and effective treatment of Alzheimer's by 2025 an urgent national priority and calls for enhanced resources necessary to achieve this goal.

There is no better time than now to discuss this critical issue and draw attention to this disease because, as my colleague from Maine noted, November is Alzheimer's Disease Awareness and Family Caregivers Month. President Reagan made this designation back in 1983 to raise awareness about the devastating impacts of Alzheimer's disease on patients and their caregivers.

Alzheimer's presents one of the toughest medical, economic, and social challenges of this country. We all know we are seeing a doubling of the senior population in this country—some call it a silver tsunami, and, of course, it is a positive. More and more people are living long and longer. But we also know we are seeing more and more people who are living with very difficult diseases, and one of them, in fact the leading one, is Alzheimer's.

This disease takes an incredibly enormous toll, both on patients as well as those who must sit helplessly by and watch as the disease progresses and slowly takes away a loved one.

Right now close to 5.2 million Americans are living with this disease, including nearly 100,000 people in my home State of Minnesota.

These numbers will grow dramatically. If we continue on the same trajectory we are on now, by 2050 an estimated 16 million Americans will be living with this disease. That is an increase of almost 320 percent over what we see today—320 percent over what we see today.

The financial cost of providing care for people afflicted by the disease is staggering for families, for our health care system, and of course for the Federal budget.

In 2013 we will spend $203 billion caring for individuals with Alzheimer's. Medicare and Medicaid will bear about 70 percent of these costs. By 2050 we will be paying more than $1.2 trillion to care for people with Alzheimer's.

We also know it is tough on caregivers. They suffer an emotional and physical toll that results in a higher incidence of chronic conditions for themselves.

In 2012 more than 15 million family members, spouses, children, and friends in the United States provided care to an adult with Alzheimer's. The unpaid care is valued at more than $216 billion.

So many of the people, friends of mine, who are involved in this care also have their own children. That is why we call them the sandwiched generation. They are literally sandwiched in between caring for their aging parents and caring for a child.

Just as the country addressed the needs of working moms and dads in the 1970s, we must now address the needs of working sons and daughters. This is a critical piece of the puzzle in taking on the Alzheimer's challenge.

Most important, our resolution is about the lives that could be improved with better treatments and cures. Earlier this year I met with 30 Minnesotans who were here in Washington, DC, each having been touched by Alzheimer's. I have been at rallies. I have seen those purple shirts in our State. Thousands and thousands of people gathered to say: We want a cure. We want better treatments. We do not want to lose our loved ones like this.

One way we can help stem the tide of this devastating disease is through research. As my colleague from Maine mentioned, the Mayo Clinic does fine research in this area. They have found ways to identify Alzheimer's earlier through testing. At first you might say: How does that help to get a cure? How are we ever going to know what treatments work best and what a cure is if we cannot first identify it at early stages so we can then see improvements? Because if we identify it too late, you are never able to test to see if treatments work. The University of Minnesota is also doing outstanding research on mice—prize-winning research.

Here is the fact of any of these numbers. We all remember this is not just about the numbers; it is about the people. But if there is any number to remember, it is this: If we were able to delay the onset of Alzheimer's by just 5 years—5 years—we would be able to cut the government spending on Alzheimer's care by almost half in 2050—almost half.

I see Mr. DURBIN, also a leader in this area, the Senator from Illinois, out on the floor. He knows what we are talking about with the budget, the kind of money we are going to need to help our kids to make our country a better place. Just think of what we could do with that money if we could reduce the spending on this debilitating disease by half by 2050.

The answers on Alzheimer's will not just drop from the sky. It will take dedicated scientists, advanced research initiatives, and skilled doctors to conduct the trials and care for as many patients as possible until we finally put an end to the disease.

That is what this is about. A friend of mine is in town today, commissioner Mike Opat from Hennepin County. Hennepin County has the biggest public hospital in Minnesota, and as county attorney I used to represent that hospital. I know what this means for their budget every single day, as people who could have been cured or people who could have had the onset of the disease be delayed have suffered and have been in the hospital and have been on the taxpayer dime. Of course we are going to take care of them, but there are so many other things this money could be used for.

The Advisory Council on Alzheimer's Research, Care, and Services—which is led by Dr. Ronald Petersen, a Minnesotan and a leading researcher on Alzheimer's—has acknowledged that in order to reach the goal of effectively treating Alzheimer's disease by 2025, our country must invest $2 billion per year. It sounds like a lot of money but not with these other figures I just put out there; that $1.2 trillion in treatment, the doubling of the number of seniors whom we are seeing by 2030—$2 billion per year.

That is why Senator COLLINS and I have joined together to submit this resolution which resolves that the Senate will strive to double the funding the United States spends on Alzheimer's research in 2015 and develop a plan to meet the target of $2 billion a year over the next 5 years.

Today we spend approximately $500 million per year on Alzheimer's, as noted by my colleague. So we have a long way to go to meet this goal. It is not easy. But in the long term, it will save us money, it will save lives, and it will make for a better world for literally millions of people in this country and around the world.

I urge my colleagues to join Senator COLLINS and me in supporting this important resolution.

SENATE RESOLUTION 304—RECOGNIZING THE 30TH ANNIVERSARY OF THE DATE OF THE RESTORATION BY THE FEDERAL GOVERNMENT OF FEDERAL RECOGNITION TO THE CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY OF OREGON, NOVEMBER 22, 1983

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

S. RES. 304

Whereas the Grand Ronde Restoration Act (25 U.S.C. 713 et seq.), which was signed by the President on November 22, 1983, restored Federal recognition to the Confederated Tribes of the Grand Ronde Community of Oregon;

Whereas the Confederated Tribes of the Grand Ronde Community of Oregon historically inhabited land that extended from the summit of the Cascade Range, west along the shores of the Columbia River to the summit of the Coast Range, and south to the California border;

Whereas in addition to restoring Federal recognition, that Act and other Federal Indian statutes have provided the means for the Confederated Tribes to achieve the goals of cultural restoration, economic self-sufficiency, and the attainment of a standard of living equivalent to that enjoyed by other citizens of the United States;

Whereas by enacting the Grand Ronde Restoration Act (25 U.S.C. 713 et seq.), the Federal Government—

(1) declared that the Confederated Tribes of the Grand Ronde Community of Oregon were eligible for all Federal services and benefits provided to federally recognized tribes;

(2) called for the establishment of a tribal reservation; and

(3) granted the Confederated Tribes of the Grand Ronde Community of Oregon self-government for the betterment of tribal members, including the ability to set tribal rolls;

Whereas the Confederated Tribes of the Grand Ronde Community of Oregon have embraced Federal recognition and self-sufficiency statutes and are actively working to better the lives of tribal members; and

Whereas economic self-sufficiency, which was the goal of restoring Federal recognition for the Confederated Tribes of the Grand Ronde Community of Oregon, is being realized through many projects: Now, therefore, be it

Resolved, That the Senate recognizes the 30th anniversary of November 22, 1983, the date on which the Federal Government restored Federal recognition to the Confederated Tribes of the Grand Ronde Community of Oregon.

SENATE RESOLUTION 305—RECOGNIZING NATIONAL NATIVE AMERICAN HERITAGE MONTH AND CELEBRATING THE HERITAGES AND CULTURES OF NATIVE AMERICANS AND THE CONTRIBUTIONS OF NATIVE AMERICANS TO THE UNITED STATES

Ms. CANTWELL (for herself, Ms. BALDWIN, Mr. BARRASSO, Mr. BEGICH, Mr. COCHRAN, Mr. CRAPO, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HEINRICH, Ms. HEITKAMP, Ms. HIRONO, Mr. HOEVEN, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Mr. MARKEY, Mr. MERKLEY, Mr. MORAN, Mr. REID, Mr. SCHATZ, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 305

Whereas from November 1, 2013, through November 30, 2013, the United States celebrates National Native American Heritage Month;

Whereas Native Americans are descendants of the original, indigenous inhabitants of what is now the United States;

Whereas the United States Bureau of the Census estimated in 2010 that there were more than 5,000,000 individuals in the United States of Native American descent;

Whereas Native Americans maintain vibrant cultures and traditions and hold a deeply rooted sense of community;

Whereas Native Americans have moving stories of tragedy, triumph, and perseverance that need to be shared with future generations;

Whereas Native Americans speak and preserve indigenous languages, which have contributed to the English language by being used as names of individuals and locations throughout the United States;

Whereas Congress has consistently reaffirmed its support of tribal self-governance and its commitment to improving the lives of all Native Americans by enhancing health care and law enforcement resources, improving the housing and socioeconomic status of Native Americans, and approving settlements of litigation involving Indian tribes and the United States;

Whereas the United States is committed to strengthening the government-to-government relationship that it has maintained with the various Indian tribes;

Whereas Congress has recognized the contributions of the Iroquois Confederacy, and its influence on the Founding Fathers in the drafting of the Constitution of the United States with the concepts of freedom of speech, the separation of governmental powers, and the system of checks and balances between the branches of government;

Whereas with the enactment of the Native American Heritage Day Act of 2009 (Public Law 111–33; 123 Stat. 1922), Congress—

(1) reaffirmed the government-to-government relationship between the United States and Native American governments; and

(2) recognized the important contributions of Native Americans to the culture of the United States;

Whereas Native Americans have made distinct and important contributions to the United States and the rest of the world in many fields, including the fields of agriculture, medicine, music, language, and art, and Native Americans have distinguished themselves as inventors, entrepreneurs, spiritual leaders, and scholars;

Whereas Native Americans have served with honor and distinction in the Armed Forces of the United States, and continue to serve in the Armed Forces in greater numbers per capita than any other group in the United States;

Whereas the United States has recognized the contribution of the Native American code talkers in World War I and World War II, who used indigenous languages as an unbreakable military code, saving countless American lives; and

Whereas the people of the United States have reason to honor the great achievements and contributions of Native Americans and their ancestors: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the month of November 2013 as National Native American Heritage Month;

(2) recognizes the Friday after Thanksgiving as ''Native American Heritage Day'' in accordance with the Native American Heritage Day Act of 2009 (Public Law 111–33; 123 Stat. 1922); and

(3) urges the people of the United States to observe National Native American Heritage Month and Native American Heritage Day with appropriate programs and activities.

SENATE RESOLUTION 306—DESIGNATING THURSDAY, NOVEMBER 21, 2013, AS ''FEED AMERICA DAY''

Mr. HATCH (for himself, Mr. RUBIO, Mr. BEGICH, Mr. CRAPO, Mr. CASEY, Mr. COCHRAN, Mr. LEE, and Mr. LEAHY) submitted the following resolution; which was considered and agreed to:

S. RES. 306

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends;

Whereas the spirit of Thanksgiving Day is a virtue upon which the United States was founded;

Whereas according to the Department of Agriculture, approximately 50,000,000 people in the United States, including 16,700,000 children, continue to live in households that do not have an adequate supply of food; and

Whereas selfless sacrifice breeds a genuine spirit of thanksgiving, both affirming and restoring fundamental principles in our society: Now, therefore, be it

Resolved, That the Senate—

(1) designates Thursday, November 21, 2013, as ''Feed America Day''; and

(2) encourages the people of the United States to sacrifice 2 meals on Thursday, November 21, 2013, and to donate the money that would have been spent on that food to the religious or charitable organization of their choice for the purpose of feeding the hungry.

SENATE RESOLUTION 307—PERMITTING THE COLLECTION OF CLOTHING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLIDAY SEASON FOR CHARITABLE PURPOSES IN SENATE BUILDINGS

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

S. RES. 307

Resolved,

SECTION 1. COLLECTION OF CLOTHING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLIDAY SEASON FOR CHARITABLE PURPOSES IN SENATE BUILDINGS.

(a) IN GENERAL.—Notwithstanding any other provision of the rules or regulations of the Senate—

(1) a Senator, officer of the Senate, or employee of the Senate may collect from another Senator, officer of the Senate, or employee of the Senate within Senate buildings nonmonetary donations of clothing, toys, food, and housewares for charitable purposes related to serving persons in need or members of the Armed Forces and the families of those members during the holiday season, if the charitable purposes do not otherwise violate any rule or regulation of the Senate or of Federal law; and

(2) a Senator, officer of the Senate, or employee of the Senate may work with a nonprofit organization with respect to the delivery of donations described under paragraph (1).

(b) EXPIRATION.—The authority provided by this resolution shall expire at the end of the first session of the 113th Congress.

SENATE RESOLUTION 308—RECOGNIZING AND SUPPORTING THE GOALS AND IDEALS OF NATIONAL RUNAWAY PREVENTION MONTH

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

S. RES. 308

Whereas the prevalence of runaway and homelessness among youth is staggering, with studies suggesting that every year, between 1,600,000 and 2,800,000 youth live on the streets of the United States;

Whereas the problem of youth running away from home or a foster care placement is widespread, and youth aged 12 to 17 are at a higher risk of homelessness than adults;

Whereas runaway youth most often are youth who have been expelled from their homes by their families; physically, sexually, and emotionally abused at home; discharged by State custodial systems without adequate transition plans; separated from their parents by death and divorce; too poor to secure their own basic needs; and ineligible or unable to access adequate medical or mental health resources;

Whereas children and youth in foster care, particularly those in groups home are especially vulnerable to running away;

Whereas, children and youth who run away are at increased risk for domestic sex trafficking;

Whereas effective programs supporting runaway youth and assisting youth and their families in remaining at home or in a safe foster home, succeed because of partnerships created among families, youth based advocacy organizations, community-based human service agencies, law enforcement agencies, schools, faith-based organizations, and businesses;

Whereas preventing youth from running away from home or from foster care and supporting youth in high-risk situations is a family, community, and national priority;

Whereas the future well-being of the Nation is dependent on the opportunities provided for youth and families to acquire the knowledge, skills, and abilities needed to help youth successfully transition to a safe, healthy and productive adulthood, as well as having opportunities for youth to make connections to caring adults and to engage in age-appropriate activities;

Whereas the National Network for Youth and its members advocate on behalf of runaway and homeless youth, and provide an array of community-based support to address their critical needs;

Whereas the National Runaway Safeline provides crisis intervention and referrals to reconnect runaway youth to their families and link youth to local resources that provide positive alternatives to running away from home; and

Whereas the National Network for Youth and National Runaway Safeline are cosponsoring National Runaway Prevention Month in November to increase public awareness of the life circumstances of youth in high-risk situations, and the need for safe, healthy, and productive alternatives, resources, and support for youth, families, and communities: Now, therefore, be it

Resolved, That the Senate recognizes and supports the goals and ideals of National Runaway Prevention Month.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2349. Mr. PRYOR (for himself, Ms. COLLINS, Mr. JOHNSON of South Dakota, Mr. DONNELLY, 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.

SA 2350. 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 2351. 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 2352. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2353. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2354. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2355. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2356. Mr. UDALL, of Colorado (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 2357. Mr. COONS (for himself and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2358. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2359. 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 2360. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2361. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2362. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2363. Mr. ISAKSON (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2364. Mr. TOOMEY (for himself, Mr. MCCONNELL, Mr. BURR, 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 2365. Mr. MORAN (for himself, Mr. COONS, Ms. HEITKAMP, Mr. ROBERTS, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2366. Mr. RUBIO (for himself and 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 2367. 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 2368. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2369. 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 2370. Mr. WHITEHOUSE (for himself, Mrs. GILLIBRAND, Mr. MARKEY, Mr. FRANKEN, Mr. KING, Mr. SCHATZ, Mr. SANDERS, Mr. UDALL of New Mexico, Mrs. BOXER, 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 2371. Mr. REED (for himself, Mr. JOHANNS, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2372. Mr. KAINE submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2373. 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 2374. Mr. WYDEN (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 2375. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2376. 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 2377. Mr. COCHRAN (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 2378. 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 2379. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2380. 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 2381. Mr. CARDIN (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2382. 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 2383. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2384. Mr. CORNYN (for himself, Mr. SCHUMER, Mr. BLUNT, Mr. WARNER, Mr. WICKER, Mr. BROWN, Mr. MORAN, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2385. 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 2386. 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 2387. 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 2388. Mr. WYDEN (for himself, Mr. UDALL of Colorado, Ms. MIKULSKI, Mr. HEINRICH, Mr. MARKEY, 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 2389. 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 2390. 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 2391. Mrs. HAGAN (for herself, Mrs. FISCHER, and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2392. Mr. CORNYN (for himself, Mr. CRUZ, Mr. BOOZMAN, Mr. PRYOR, Mr. MORAN, Mr. HELLER, 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 2393. Mr. ENZI (for himself 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 2394. Mr. ENZI (for himself, Mr. HOEVEN, and 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 2395. 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 2396. Mrs. MURRAY (for herself and Mr. KAINE) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2397. Mr. MCCAIN (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2398. 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 2399. Ms. STABENOW (for herself, Ms. COLLINS, and Mr. KING) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2400. Mrs. FEINSTEIN (for herself, Mr. LEE, Mr. COONS, Mr. PAUL, and Mr. CRUZ) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2401. 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 2402. 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 2403. 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 2404. Mr. KING submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2405. 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 2406. 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 2407. 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 2408. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2409. Mr. BOOZMAN (for himself, Mr. WARNER, 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 2410. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2411. Mr. PRYOR (for himself, Mr. DURBIN, Mr. GRASSLEY, Mr. KIRK, Mr. HARKIN, 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 2412. 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 2413. 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 2414. Mr. WARNER (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 2415. 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 2416. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2417. 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 2418. Ms. COLLINS (for herself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2419. Mr. UDALL of New Mexico (for himself, Mr. MORAN, and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2420. Mr. COCHRAN (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 2421. Mr. MCCAIN (for himself, Mr. CASEY, Mr. BLUNT, Mr. FLAKE, 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 2422. 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 2423. 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 2424. Mr. KAINE (for himself, Mr. CHAMBLISS, 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 2425. Ms. LANDRIEU (for herself 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 2426. 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 2427. Mr. SCHATZ (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 2428. Mr. BENNET (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2429. Mr. WARNER (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2430. Ms. MURKOWSKI (for herself 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 2431. Mr. BLUNT (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 2432. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2433. 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 2434. Mrs. FISCHER (for herself and Mr. HOEVEN) submitted an amendment intended to be proposed by her to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2435. Mr. RUBIO (for himself and 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 2436. Mr. BLUNT (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 1197, supra; which was ordered to lie on the table.

SA 2437. 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 2438. 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 2439. 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 2440. 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 2441. 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.

TEXT OF AMENDMENTS

SA 2349. Mr. PRYOR (for himself, Ms. COLLINS, Mr. JOHNSON of South Dakota, Mr. DONNELLY, 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 appropriate place, insert the following:

SEC. _____. TREATMENT OF MILITARY TECHNICIANS (DUAL STATUS).

(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 new sentence: ''For purposes of this paragraph, military technicians (dual status) shall be included in military personnel accounts.''.

(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.

SA 2350. 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 X, insert the following:

SECTION 1003. EXEMPTION FROM SEQUESTRATION FOR FISCAL YEAR 2014.

(a) IN GENERAL.—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—

''(I) shall not implement a reduction to such discretionary appropriations and direct spending accounts in the amount allocated under paragraph (4); and

''(II) shall reduce such discretionary appropriations and direct spending by a total amount of $15,000,000,000;

''(ii) for fiscal year 2015, OMB—

''(I) shall not implement a reduction to such discretionary appropriations and direct spending accounts in the amount allocated under paragraph (4); and

''(II) shall reduce such discretionary appropriations and direct spending by a total amount of $30,000,000,000;

''(iii) for fiscal year 2016, OMB shall increase the otherwise applicable amount of the reduction to such discretionary appropriations and direct spending accounts by $2,000,000,000;

''(iv) for fiscal year 2017, OMB shall increase the otherwise applicable amount of the reduction to such discretionary appropriations and direct spending accounts by $9,000,000,000;

''(v) for fiscal year 2018, OMB shall increase the otherwise applicable amount of the reduction to such discretionary appropriations and direct spending accounts by $9,000,000,000;

''(vi) for fiscal year 2019, OMB shall increase the otherwise applicable amount of the reduction to such discretionary appropriations and direct spending accounts by $12,000,000,000;

''(vii) for fiscal year 2020, OMB shall increase the otherwise applicable amount of the reduction to such discretionary appropriations and direct spending accounts by $15,000,000,000;

''(viii) for fiscal year 2021, OMB shall increase the otherwise applicable amount of the reduction to such discretionary appropriations and direct spending accounts by $17,400,000,000; 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)''.

(b) REVISED SEQUESTRATION PREVIEW REPORT.—Not later than 10 days after the date of enactment of this Act—

(1) the Office of Management and Budget shall issue a revised sequestration preview report for fiscal year 2014, pursuant to section 254(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904(c)), and a revised report on the Joint Committee reductions for fiscal year 2014, pursuant to section 251A(11) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(11)), to reflect the amendments made by subsection (a); and

(2) the President shall issue a revised sequestration order of direct spending budgetary reductions for fiscal year 2014 pursuant to section 251A(8) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(8)).

SA 2351. 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 E of title I, add the following:

SEC. 153. SUSTAINMENT PLAN FOR THE AUTONOMIC LOGISTICS INFORMATION SYSTEM FOR THE F–35 JOINT STRIKE FIGHTER AIRCRAFT.

(a) SUSTAINMENT PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall, acting through the Joint Strike Fighter Program office, develop a comprehensive plan for the sustainment of the Autonomic Logistics Information System (ALIS) of the F–35 joint strike fighter weapon system.

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1) The status of the Autonomic Logistics Information System, including functionality and workarounds, a detailed timeline to resolve outstanding issues with the system, and a description of risk and cost reduction efforts in connection with the system

(2) The manner in which the Government will secure access to and the rights in technical data needed for the sustainment of the Autonomic Logistics System (ALS), of which the Autonomic Logistics Information System is a component, as well as all the interfaces (including logistics and maintenance data, production data, performance measurement, enterprise resource planning, and other interfaces) from the air vehicle through the Autonomic Logistics Information System, and out of the Autonomic Logistics Information System, in order to sustain the F–35 joint strike fighter weapon system throughout its entire lifecycle.

(3) The manner in which long–term sustainment (including design, architecture, and integration) of the software of the Autonomic Logistics Information System will be established and achieved through public-private partnerships authorized by section 2474 of title 10, United States Code, including schedules for actions necessary for such sustainment.

(4) The selection, designation, movement, and activation of Government-owned and Government-controlled sites for the Autonomic Logistics Operating Unit (ALOU).

(5) The designation and sustainment of the Autonomic Logistics Information System within the architecture of the Autonomic Logistics System, including total asset visibility and accountability (including asset valuation and tracking) and incorporation of the Autonomic Logistics Information System into existing Government-owned and Government-controlled systems.

(c) ADDITIONAL REQUIREMENTS.—

(1) COMPLIANCE WITH APPLICABLE LAW.—The plan required by subsection (a) shall comply with applicable provisions of law.

(2) CONFORMITY WITH COST-REDUCTION POLICIES.—The plan shall also conform to the cost-reduction policies of the Department of Defense.

(d) IMPLEMENTATION.—The Under Secretary shall implement the plan required by subsection (a) with the concurrence of the Program Executive Officer of the Joint Strike Fighter Program.

SA 2352. Ms. LANDRIEU 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 302, lines 7 and 8, strike ''and the Commander of the United States Cyber Command'' and insert '', the Commander of the United States Cyber Command, and the commanders of the reserve components''.

SA 2353. Ms. LANDRIEU 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 294, line 19, add ''Adaptation of an existing cyber range shall include expansion of a node to an area with adequate accredited space to conduct necessary training exercises in conjunction with research and development for the United States Cyber Command.'' after ''operations.''.

SA 2354. Ms. LANDRIEU 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 296, line 8, insert after ''Defense.'' the following: ''The Secretary shall ensure that each training facility established under this subsection contains such accredited space as the Secretary considers adequate to conduct full scope training exercises. In establishing a facility under this subsection, the Secretary shall consider leasing space and spaces that are located near military installations to reduce overhead costs and military construction costs.''.

SA 2355. Ms. LANDRIEU 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 307, between lines 6 and 7, insert the following:

(2) CONTENTS.—In addition to the integrated policy developed pursuant to subsection (a), the report submitted under paragraph (1) shall include the following:

(A) An assessment of the feasibility and advisability of establishing a center focused on ongoing legal and policy matters concerning interagency integration efforts required to carrying out the integrated policy.

(B) An outline of the role of public sector, private sector, and academic institutions with respect to the evolution of such interagency integration efforts.

SA 2356. Mr. UDALL of Colorado (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. SENSE OF CONGRESS ON COMMERCIAL IMAGERY CAPABILITIES.

(a) FINDINGS.—Congress makes the following findings:

(1) In the current constrained budget environment, leveraging the commercial satellite imaging industry by sharing investment and operating costs with the private sector helps reduce the costs of acquiring electro-optical satellite imagery to satisfy the requirements of the leaders, intelligence agencies, and Armed Forces of the United States, while supporting United States industry in a competitive international market.

(2) Commercial imagery can be easily and securely used by the Armed Forces, shared readily with allies of the United States, and provided quickly to first-responders during natural disasters.

(3) The United States Commercial Remote Sensing Policy states that the United States Government will rely ''to the maximum practical extent on U.S. commercial remote sensing space capabilities for filling imagery and geospatial needs for military, intelligence, foreign policy, homeland security, and civil users''.

(4) The National Space Policy directs the executive branch to ''[p]urchase and use commercial space capabilities and services to the maximum practical extent when such capabilities and services are available in the marketplace and meet United States Government requirements'' and to ''[m]odify commercial space capabilities and services

to meet government requirements when existing commercial capabilities and services do not fully meet these requirements and the potential modification represents a more cost-effective and timely acquisition approach for the government''.

(5) Since regulations on commercial imagery providers were put into place in 1999, the global marketplace for space-based imagery has been transformed by—

(A) the growth of foreign competition;

(B) the emergence of unclassified commercial imagery as a critical element of support for the Armed Forces, coalition intelligence sharing, and civil and humanitarian missions; and

(C) the availability of high-resolution aerial images.

(6) Airborne imaging companies and foreign providers have no restrictions on the image resolution they can offer, including on images anywhere in the United States, and the market share such companies and providers are capturing will continue to fuel advancements in their capabilities.

(7) Foreign commercial imagery providers may soon be able to provide imagery at or better than the currently allowed commercial United States resolution limit of 0.5 meters. As foreign companies approach or surpass that level of resolution, current restrictions on United States satellite-based commercial imagery data providers put the United States at a competitive disadvantage and may harm an industrial base that is important to national security.

(8) The congressionally mandated GEOINT Commission recommended that the United States Government increase its use of commercial imagery for intelligence missions and urged relaxation of current resolution restrictions.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) United States commercial imagery providers have the ability to contribute more substantially to the national security mission at a lower cost and in a manner consistent with the policy of the United States to enable United States companies to maintain a leadership position in the commercial satellite imaging industry;

(2) the United States Government should relax restrictions on the resolution of images that can be sold on the commercial market, without abandoning prudent limits on the sale of images that could compromise sensitive sites or operations; and

(3) relaxing those restrictions while maintaining appropriate protections safeguards the investment the United States has made to support the commercial satellite imaging industry at a time when the United States must maximize every resource to meet emerging threats.

SA 2357. Mr. COONS (for himself and Mr. BOOKER) 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 II, add the following:

SEC. 252. REPORT ON SCIENCE, MATHEMATICS AND RESEARCH FOR TRANSFORMATION SCHOLARSHIP PROGRAM AND RELATED PROGRAMS.

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 report setting forth the following:

(1) An assessment whether the Science, Mathematics and Research for Transformation (SMART) scholarship program, and related scholarship and fellowship programs within the Department of Defense, are providing the necessary number of undergraduate and graduate students in the fields of science, technology, engineer, and mathematics to address the recommendations contained in the report of the Commission on Research and Development in the United States Intelligence Community.

(2) Recommendations for improvements to the programs referred to in paragraph (1) to better address the recommendations described in that paragraph.

SA 2358. Mr. LEVIN 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. REVISION OF COMPENSATION OF MEMBERS OF THE NATIONAL COMMISSION ON THE STRUCTURE OF THE AIR FORCE.

(a) REVISION.—Section 365(a) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat.1705) is amended—

(1) by striking ''shall be compensated'' and inserting ''may be compensated'';

(2) by striking ''equal to'' and inserting ''not to exceed''; and

(3) by striking ''annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code,'' and inserting ''annual rate of $155,400''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to compensation for a duty performed on or after April 2, 2013.

SA 2359. 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) of this title) 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 or activities carried out under the authority of section 2805 of this title.

''(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.''.

SA 2360. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1220. DEVELOPMENT OF A COMPREHENSIVE ANTI-CORRUPTION STRATEGY IN AFGHANISTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) According to the Special Inspector General for Afghanistan Reconstruction, as of September 30, 2013, the United States had appropriated approximately $96,600,000,000 for relief and reconstruction assistance in Afghanistan since 2002 without the benefit of a comprehensive anti-corruption strategy.

(2) To date, the Department of State and the Government of Afghanistan remain unable to assess the overall progress the United States Government has made to improve the capacity of the Government of Afghanistan to combat corruption.

(b) COMPREHENSIVE STRATEGY AND PLAN.—

(1) RESTRICTION ON REQUEST FOR PROPOSAL AGREEMENTS.—No funds may be obligated or expended by the Department of State or the Department of Defense to enter into any new request for proposal agreements (RFPs) with the Government of Afghanistan or any third party in Afghanistan until the Secretary of State and the Secretary of Defense, in coordination with the Government of Afghanistan, submit to the appropriate congressional committees—

(A) a comprehensive, coordinated strategy for United States anti-corruption efforts in Afghanistan, including goals, objectives, and measurable outcomes; and

(B) an updated operational plan for the implementation of the anti-corruption goals and objectives that identifies benchmarks and timelines for the accomplishment of these goals and accounts for the needed funding and personnel resources.

(2) NATIONAL SECURITY WAIVER.—The Secretary of Defense and the Secretary of State may jointly waive the restriction under paragraph (1) on a case-by-case basis if the Secretaries determine that it is in the national security interest of the United States to do so.

(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.

SA 2361. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

Subtitle E—Other Matters

SEC. 3141. CONVEYANCE OF BANNISTER FEDERAL COMPLEX, KANSAS CITY, MISSOURI.

(a) CONSOLIDATION OF TITLE TO BANNISTER FEDERAL COMPLEX.—The Administrator of General Services and the Administrator for Nuclear Security may take such actions as are necessary to consolidate all right, title, and interest in and to certain real property, including any improvements thereon, consisting of the Bannister Federal Complex in Kansas City, Missouri, in the National Nuclear Security Administration.

(b) AUTHORITIES RELATING TO CONVEYANCE OF BANNISTER FEDERAL COMPLEX.—After the consolidation of all right, title, and interest in and to the real property described in subsection (a) in the National Nuclear Security Administration, the Administrator for Nuclear Security may—

(1) negotiate an agreement to convey to an eligible entity all right, title, and interest of the United States in and to the property; and

(2) enter into an agreement, on a reimbursable basis or otherwise, with the eligible entity to provide funding for the costs of—

(A) the negotiation of the agreement described in paragraph (1);

(B) planning for the disposition of the property; and

(C) carrying out the responsibilities of the Administrator under section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) with respect to the property, including—

(i) identification, investigation, and clean up of, and research and development with respect to, contamination from a hazardous substance or pollutant or contaminant;

(ii) correction of other environmental damage that creates an imminent and substantial endangerment to the public health or welfare or to the environment; and

(iii) demolition and removal of buildings and structures as required to clean up contamination or as required for completion of the responsibilities of the Administrator under that section.

(c) LIMITATIONS.—

(1) PRICE.—The Administrator for Nuclear Security shall select, through a public process provided for under the regulations of the Department of Energy, the eligible entity to which the real property described in subsection (a) is to be conveyed under subsection (b). The Administrator shall use good faith efforts to ensure the greatest possible return on such conveyance considering the conditions described in paragraph (2).

(2) CONDITIONS ON CONVEYANCE.—The conveyance under subsection (b) shall be subject to—

(A) the requirements relating to transfer of property by the Federal Government under section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)); and

(B) except to the extent inconsistent those requirements, the condition that the eligible entity to which the real property described in subsection (a) is conveyed accepts the property in its condition at the time of the conveyance, commonly known as conveyance ''as is'', and agrees to indemnify and hold the United States harmless from any liability resulting from the period of ownership of the property by the United States.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) REIMBURSEMENT OF COSTS OF CONVEYANCE.—The Administrator for Nuclear Security shall use any funds received from the conveyance under subsection (b) to reimburse the Administrator for costs (other than costs referred to in subsection (b)(2)) incurred by the Administrator to carry out the conveyance, including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance.

(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 the costs referred to in that paragraph. 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) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under this section shall be determined by a survey satisfactory to the Administrator for Nuclear Security.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Administrator for Nuclear Security may require such additional terms and conditions in connection with the conveyance under subsection (b) as the Administrator considers appropriate to protect the interests of the United States.

(g) ELIGIBLE ENTITY DEFINED.—In this section, the term ''eligible entity'' means a nongovernmental entity that has demonstrated to the Administrator for Nuclear Security, in the Administrator's sole discretion, that the entity has the capability to operate and maintain the real property described in subsection (a).

SA 2362. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII, add the following:

SEC. 804. INAPPLICABILITY OF REQUIREMENT TO REVIEW AND JUSTIFY CERTAIN CONTRACTS.

Section 802 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1824; 10 U.S.C. 2304 note) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''Not later than'' and inserting the following:

''(a) IN GENERAL.—Not later than''; and

(B) by inserting '', except as provided in subsection (b),'' after ''to ensure that''; and

(2) by adding at the end the following:

''(b) EXCEPTION.—Subsection (a) shall not apply to a contract to which section 46 of the Small Business Act (15 U.S.C. 657s) applies.''.

SA 2363. Mr. ISAKSON (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1237. AMERICAN HOSTAGES IN IRAN COMPENSATION FUND.

(a) ESTABLISHMENT.—There is established in the Treasury a fund, to be known as the ''American Hostages in Iran Compensation Fund'' (in this section referred to as the ''Fund'') for the purpose of making payments to the 52 Americans held hostage in the United States embassy in Tehran, Iran, between November 3, 1979, and January 20, 1981 (in this section referred to as the ''former hostages'').

(b) FUNDING.—

(1) IMPOSITION OF SURCHARGE.—

(A) IN GENERAL.—Except as provided in subparagraph (C), there is imposed a surcharge equal to 30 percent of the amount of—

(i) any fine or monetary penalty assessed, in whole or in part, on a person for a violation of a law or regulation specified in subparagraph (B) related to activities undertaken on or after the date of the enactment of this Act; or

(ii) the monetary amount of a settlement entered into by a person with respect to a suspected violation of a law or regulation specified in subparagraph (B) related to activities undertaken on or after such date of enactment.

(B) LAWS AND REGULATIONS SPECIFIED.—A law or regulation specified in this subparagraph is any law or regulation that provides for a civil or criminal fine or other monetary penalty for any economic activity relating to Iran that is administered by the Department of the Treasury, the Department of Justice, or the Department of Commerce.

(C) EXCEPTIONS.—The surcharge imposed under subparagraph (A) shall not apply to the amount of—

(i) any property of Iran or any agency or instrumentality of Iran recovered by the United States through forfeiture; or

(ii) any judgment or settlement in any action brought pursuant to—

(I) section 1605A of title 28, United States Code; or

(II) section 1605(a)(7) of such title (as in effect on the day before the date of the enactment of National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 3)).

(D) TERMINATION OF DEPOSITS.—The imposition of the surcharge under subparagraph (A) shall terminate on the date on which all amounts described in subsection (c)(2) have been distributed to all recipients as specified in that subsection.

(2) DEPOSITS INTO FUND; AVAILABILITY OF AMOUNTS.—

(A) DEPOSITS.—All surcharges collected pursuant to paragraph (1)(A) shall be deposited into the Fund.

(B) PAYMENT OF SURCHARGE.—A person on whom a surcharge is imposed under paragraph (1)(A) shall pay the surcharge to the Fund without regard to whether the fine, penalty, or settlement to which the surcharge applies—

(i) is paid directly to the Federal agency that administers the relevant law or regulation specified in paragraph (1)(B); or

(ii) is deemed satisfied by a payment to another Federal agency.

(C) CONTRIBUTIONS.—The Secretary of State is authorized to accept such amounts as may be contributed by individuals, business concerns, foreign governments, or other entities for payments under this Act. Such amounts shall be deposited directly into the Fund.

(D) AVAILABILITY OF AMOUNTS IN FUND.—Amounts in the Fund shall be available, without further appropriation, to make payments under subsection (c).

(c) DISTRIBUTION OF FUNDS.—

(1) ADMINISTRATION OF FUND.—Payments from the Fund shall be administered by the Secretary of State, pursuant to such rules and processes as the Secretary, in the Secretary's sole discretion, may establish.

(2) PAYMENTS.—Subject to paragraphs (3) and (4), payments shall be made from the Fund to the following recipients in the following amounts:

(A) To each living former hostage, $150,000, plus $10,000 for each day of captivity of the former hostage.

(B) To the estate of each deceased former hostage, $150,000, plus $10,000 for each day of captivity of the former hostage.

(3) PRIORITY.—Payments from the Fund shall be distributed under paragraph (2) in the following order:

(A) First, to each living former hostage described in paragraph (2)(A).

(B) Second, to the estate of each deceased former hostage described in paragraph (2)(B).

(4) CONSENT OF RECIPIENT.—A payment to a recipient from the Fund under paragraph (2) shall be made only after receiving the consent of the recipient.

(d) WAIVER.—A recipient of a payment under subsection (c) shall waive and forever release all existing claims against Iran and the United States arising out of the events described in subsection (a).

(e) NOTIFICATION OF CLAIMANTS; LIMITATION ON REVIEW.—

(1) NOTIFICATION.—The Secretary of State shall notify, in a reasonable manner, each individual qualified to receive a payment under subsection (c) of the status of the individual's claim for such a payment.

(2) SUBMISSION OF ADDITIONAL INFORMATION.—If the claim of an individual to receive a payment under subsection (c) is denied, or is approved for payment of less than the full amount of the claim, the individual shall be entitled to submit to the Secretary additional information with respect to the claim. Upon receipt and consideration of that information, the Secretary may affirm, modify, or revise the former action of the Secretary with respect to the claim.

(3) LIMITATION ON REVIEW.—The actions of the Secretary in identifying qualifying claimants and in disbursing amounts from the Fund shall be final and conclusive on all questions of law and fact and shall not be subject to review by any other official, agency, or establishment of the United States or by any court by mandamus or otherwise.

(f) DEPOSIT OF REMAINING FUNDS INTO THE TREASURY.—

(1) IN GENERAL.—Any amounts remaining in the Fund after the date specified in paragraph (2) shall be deposited in the general fund of the Treasury.

(2) DATE SPECIFIED.—The date specified in this paragraph is the later of—

(A) the date on which all amounts described in subsection (c)(2) have been made to all recipients described in that subsection; or

(B) the date that is 5 years after the date of the enactment of this Act.

(g) PLAN FOR ENSURING SATISFACTION OF CLAIMS.—

(1) IN GENERAL.—The President shall submit to Congress a plan to ensure that all recipients described in subsection (c)(2) receive all payments as specified in that subsection by the end of the 1-year period beginning on the date of the submission of the plan if the President determines that—

(A) the scope or effect of any law or regulation specified in subsection (b)(1)(B) is reduced; or

(B) all amounts described in subsection (c)(2) cannot be distributed to all recipients as specified in that subsection from funds deposited into the Fund under subsection (b) by the date that is 2 years after the date of the enactment of this Act.

(2) SPECIFICATION OF NEED FOR CONGRESSIONAL ACTION.—The President shall specify in the plan required by paragraph (1) if action by Congress is required to implement the plan.

(h) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, and annually thereafter until the date specified in subsection (f)(2), the Secretary of State shall submit to the appropriate congressional committees a report on the status of the Fund, including—

(1) the amounts and sources of money deposited into the Fund;

(2) the rules and processes established to administer the Fund; and

(3) the distribution of payments from the Fund.

(i) DEFINITIONS.—In this section:

(1) 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.

(2) PERSON.—The term ''person'' includes any individual or entity subject to the civil or criminal jurisdiction of the United States.

SA 2364. Mr. TOOMEY (for himself, Mr. MCCONNELL, Mr. BURR, 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 H of title X, add the following:

SEC. 1082. SENSE OF SENATE THAT THE UNITED STATES SHOULD LEAVE NO MEMBER OF THE ARMED FORCES UNACCOUNTED FOR DURING THE DRAWDOWN OF FORCES IN AFGHANISTAN.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States is a country of great honor and integrity.

(2) The United States has made a sacred promise to members of the Armed Forces who are deployed overseas in defense of this country that their sacrifice and service will never be forgotten.

(3) The United States can never thank the proud members of the Armed Forces enough for what they do for this country on a daily basis.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the United States should undertake every reasonable effort to find and repatriate members of the Armed forces who are missing;

(2) the Senate believes that the United States should undertake every reasonable effort to repatriate members of the Armed Forces who are captured;

(3) the Senate believes that the United States has a responsibility to keep the promises made to members of the Armed Forces who risk their lives on a daily basis on behalf of the people of the United States;

(4) the Senate supports the United States Soldier's Creed and the Warrior Ethos, which state that ''I will never leave a fallen comrade''; and

(5) the Senate believes that, while the United States continues to transition leadership roles in combat operations in Afghanistan to the people of Afghanistan, the United States must continue to fulfill these important promises to any member of the Armed Forces who is in a missing status or captured as a result of service in Afghanistan now or in the future.

SA 2365. Mr. MORAN (for himself, Mr. COONS, Ms. HEITKAMP, Mr. ROBERTS, and Ms. LANDRIEU) 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 945 and insert the following:

SEC. 945. STRATEGY ON USE OF THE RESERVE COMPONENTS OF THE ARMED FORCES TO SUPPORT DEPARTMENT OF DEFENSE CYBER MISSIONS.

(a) STRATEGY REQUIRED.—In developing the force structure to accomplish the cyber missions of the Department of Defense through United States Cyber Command, the Secretary of Defense shall develop a strategy for integrating the reserve components of the Armed Forces into the total force to support the cyber missions of the United States Cyber Command, including support for civil authorities, in the discharge of such missions.

(b) ACTIONS REQUIRED DURING DEVELOPMENT.—In developing the strategy, the Secretary shall do the following:

(1) In consultation with the Secretaries of the military departments and the Commander of the United States Cyber Command, identify the Department of Defense cyber mission requirements that could be discharged by members of the reserve components.

(2) In consultation with the Secretary of Homeland Security, ensure that the Governors of the several States, through the Council of Governors, as appropriate, have an opportunity to provide the Secretary of Defense and the Secretary of Homeland Security an independent evaluation of State cyber capabilities, and State cyber needs that cannot be fulfilled through the private sector.

(3) Identify the existing capabilities, facilities, and plans for cyber activities of the reserve components, including by the following:

(A) An inventory of the existing cyber skills of reserve component personnel, including the skills of units and elements in the reserve components that are transitioning to cyber missions.

(B) An inventory of the existing infrastructure of the reserve components that contributes to the cyber missions of the United States Cyber Command, including the infrastructure available to units and elements in

the reserve components that are transitioning to such missions.

(C) An assessment of the manner in which the military departments plan to use the reserve components to meet total force resource requirements, and the effect of such plans on the potential ability of members of the reserve components to support the cyber missions of the United States Cyber Command.

(4) Assess whether the National Guard, when activated in a State status (either State Active Duty or in a duty status under title 32, United States Code) can operate under unique and useful authorities to support cyber missions and requirements of the Department or the United States Cyber Command.

(5) Assess the appropriateness of hiring on a part-time basis non-dual status technicians who possess appropriate cyber expertise for purposes of assisting the National Guard in protecting critical infrastructure and carrying out cyber missions.

(6) Assess the current and potential ability of the reserve components to—

(A) attract and retain personnel with substantial, relevant cyber technical expertise who use those skills in the private sector;

(B) organize such personnel into units at the State, regional, or national level under appropriate command and control arrangements for Department cyber missions;

(C) meet and sustain the training standards of the United States Cyber Command; and

(D) establish and manage career paths for such personnel.

(7) Determine how the reserve components could contribute to total force solutions to cyber operations requirements of the United States Cyber Command.

(8) Develop an estimate of the personnel, infrastructure, and training required, and the costs that would be incurred, in connection with implementing the strategy for integrating the reserve components into the total force for support of the cyber missions of the Department and United States Cyber Command, including by taking into account the potential savings under the strategy through use of the personnel referred to in paragraph (3)(A). For specific cyber units that already exist or are transitioning to a cyber mission, the estimate shall examine whether there are misalignments in current plans between unit missions and facility readiness to support such missions.

(c) LIMITATIONS ON CERTAIN ACTIONS.—

(1) REDUCTION IN PERSONNEL OF AIR NATIONAL GUARD CYBER UNITS.—No reduction in personnel of a cyber unit of the Air National Guard of the United States may be implemented or carried out in fiscal year 2014 before the submittal of the report required by subsection (d).

(2) REDUCTION IN PERSONNEL AND CAPACITY OF AIR NATIONAL GUARD RED TEAMS.—No reduction in the personnel or capacity of a Red Team of the Air National Guard of the United States may be implemented or carried out unless the report required by subsection (d) includes a certification that the capabilities to be reduced are not required.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the strategy developed under this section. The report shall include a comprehensive description of the strategy, including the results of the actions required by subsection (b), and such other matters on the strategy as the Secretary considers appropriate.

SA 2366. Mr. RUBIO (for himself and 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 subtitle H of title X, add the following:

SEC. 1082. SENSE OF CONGRESS ON BENEFITS OF USING SIMULATORS.

(a) FINDINGS.—Congress makes the following findings:

(1) The use of technologies such as virtual reality and modeling and simulation tools provides cutting-edge, cost-effective training and technology development for members of the Armed Forces.

(2) Leveraging such technologies is an especially relevant supplement to live training given the future of declining defense budgets.

(3) The implementation by the Air Force Agency for Modeling and Simulation of virtual reality centers is part of a coordinated effort to broaden the use of virtual training methods.

(4) Those centers use of a variety of training tools that give members of the Armed Forces and developers alike a realistic training experience that contributes to improved readiness and system effectiveness.

(5) Organizations like the United States Army Program Executive Office for Simulation, Training, and Instrumentation would benefit from increased utilization of virtual reality and modeling and simulations tools.

(6) Modeling and simulation tools can provide powerful planning and training capabilities to expose a member of the Armed Forces to the complexities and uncertainties of combat before ever leaving the member's home station. For example, the Naval Air Warfare Center Training Systems Division integrates the science of learning with performance-based training focused on improving the performance of members of the Army and Marine Corps and measures the effectiveness of such training. The Naval Air Warfare Center Training Systems Division continually engages members of the Army and Marine Corps to understand challenges, solve problems, create new capabilities, and provide essential support.

(7) The use of simulation training has yielded military units that are better trained, more capable, and more confident when compared to units that do not have access to modern simulation training devices.

(8) Simulation training can be a cost-effective means for units to improve combat readiness and tactical decisionmaking skills and ultimately to save lives.

(9) The Department of Defense could meet the training challenges of the future in a fiscally austere environment by leveraging simulation training that uses simulators owned and operated by the Federal Government combined with simulation training services provided by universities and industry.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the use of simulators offers cost savings and provides members of the Armed Forces exceptional preparation for combat; and

(2) existing synergies between the Department of Defense and entities in the private sector should be maintained and cultivated to provide members of the Armed Forces with the best simulation experience possible.

SA 2367. 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 D of title VIII, add the following:

SEC. 864. REPORT ON USE OF SOFTWARE-BASED OPTIMIZATION TOOLS BY THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Not later than February 15, 2014, the Secretary of Defense shall, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics, provide to the congressional defense committees a written report and briefing on the current use by the Department of Defense of commercially available software-based cost optimization, systems engineering, and logistics management tools.

(b) ELEMENTS.—The report and briefing required by subsection (a) shall include information on the software programs that are presently used across the defense enterprise to identify the optimal balance between cost and capability throughout the lifecycle of military aircraft, vehicles, vessels, and weapon systems. The report shall also identify opportunities for expanding the use by the Department of software-based optimization tools to enhance readiness, increase efficiency, and reduce expenditures.

SA 2368. Ms. LANDRIEU 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. AVAILABILITY OF FUNDS FOR FULL PAYMENT OF PRIVATE SCIENTIFIC AND FORENSIC LABORATORIES FOR SERVICES PROVIDED THE DEPARTMENT OF DEFENSE ON CRIMINAL INVESTIGATIONS AND TRAINING.

Amounts available to the Department of Defense for payments to private scientific and forensic laboratories for services provided to the Department of Defense with respect to criminal investigations and training may be used to fully reimburse such laboratories for the costs of such services.

SA 2369. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XXVIII, add the following new section:

SEC. 2842. CONDITIONS ON DEPARTMENT OF DEFENSE EXPANSION OF PIÑON CANYON MANEUVER SITE, FORT CARSON, COLORADO.

The Secretary of Defense and the Secretary of the Army may not acquire, by purchase, condemnation, or other means, any

land to expand the size of the Piñon Canyon Maneuver Site near Fort Carson, Colorado, unless each of the following occurs:

(1) The land acquisition is specifically authorized in an Act of Congress enacted after the date of the enactment of this Act.

(2) Funds are specifically appropriated for the land acquisition.

(3) The Secretary of Defense and the Secretary of the Army comply with the environmental review requirements of section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) with respect to the land acquisition.

SA 2370. Mr. WHITEHOUSE (for himself, Mrs. GILLIBRAND, Mr. MARKEY, Mr. FRANKEN, Mr. KING, Mr. SCHATZ, Mr. SANDERS, Mr. UDALL of New Mexico, Mrs. BOXER, 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 subtitle H of title X, add the following:

SEC. 1082. SENSE OF CONGRESS ON NATIONAL SECURITY IMPLICATIONS OF CLIMATE CHANGE.

(a) FINDINGS.—Congress makes the following findings:

(1) Former National Security Advisor to the President, Tom Donilon, stated in April 2013 there is ''a transformation in the global climate, driven by the world's use of energy, that is presenting not just a transcendent challenge for the world but a present-day national security threat to the United States''.

(2) The Director of National Intelligence, James Clapper, testified before the Select Committee on Intelligence of the Senate in March 2013 that—

(A) shifts in human geography, climate, disease, and competition for natural resources have national security implications; and

(B) ''there will most assuredly be security concerns with respect to health and pandemics, energy and climate change. Environmental stresses are not just humanitarian issues. They legitimately threaten regional stability.''.

(3) Leading United States national security experts, including 17 former Senators and Representatives, nine retired generals and admirals, both the Chair and Vice Chair of the 9/11 Commission, and Cabinet and Cabinet-level officials from the Nixon, Ford, Carter, Reagan, George H.W. Bush, Clinton, and George W. Bush administrations, signed an open letter in February 2013, stating, ''The effects of climate change in the world's most vulnerable regions present a serious threat to American national security interests. As a matter of risk management, the United States must work with international partners, public and private, to address this impending crisis. Potential consequences are undeniable, and the cost of inaction, paid for in lives and valuable U.S. resources, will be staggering. Washington must lead on this issue now.''.

(4) The Commander of the United States Pacific Command, Admiral Samuel J. Locklear, stated in March 2013 that, when the effects of climate change start to impact massive populations, ''you could have hundreds of thousands or millions of people displaced and then security will start to crumble pretty quickly''.

(5) A January 2013 report prepared by the Strategic Environmental Research and Development Program for the Department of Defense states, ''The effects of climate change will adversely impact military readiness and Department of Defense (DoD) natural and built infrastructure unless these risks are considered in DoD decisions. Considerations of future climate conditions need to be incorporated into the planning, design, and operations of military facilities, as well as into the strategic infrastructure decisions facing the military Services and DoD as a whole.''.

(6) Former Secretary of Defense Leon Panetta stated in May 2012 that ''[t]he area of climate change has a dramatic impact on national security''.

(7) The Defense Science Board issued a report in October 2011 entitled, ''Trends and Implications of Climate Change for National and International Security'', which stated that ''the effectiveness of adaptation will have significant national and international security implications''.

(8) The Department of Defense FY2012 Climate Change Adaptation Roadmap interprets the 2010 Quadrennial Defense Review as recognizing that climate change—

(A) will shape the operating environment, roles, and missions that the Department undertakes;

(B) may have significant geopolitical impacts around the world, contributing to greater competition for more limited and critical life-sustaining resources like food and water; and

(C) may also lead to increased demands for defense support to civil authorities for humanitarian assistance or disaster response, both within the United States and overseas.

(9) The 2010 Quadrennial Defense Review describes long-term strategies and initiatives for the Department of Defense and states that ''[c]limate change and energy are two key issues that will play a significant role in shaping the future security environment''.

(10) The 2010 Quadrennial Defense Review also notes that a 2008 assessment by the National Intelligence Council found ''more than 30 U.S. military installations were already facing elevated levels of risk from rising sea levels''.

(11) The 2010 National Security Strategy states that ''the danger from climate change is real, urgent and severe''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is in the national security interests of the United States to assess, plan for, and mitigate the security and strategic implications of climate change.

SA 2371. Mr. REED (for himself, Mr. JOHANNS, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1082. PILOT PROGRAM TO REHABILITATE AND MODIFY HOMES OF DISABLED AND LOW-INCOME VETERANS.

(a) DEFINITIONS.—In this section:

(1) DISABLED.—The term ''disabled'' means an individual with a disability, as defined by section 12102 of title 42, United States Code.

(2) ELIGIBLE VETERAN.—The term ''eligible veteran'' means a disabled or low-income veteran.

(3) ENERGY EFFICIENT FEATURES OR EQUIPMENT.—The term ''energy efficient features or equipment'' means features of, or equipment in, a primary residence that help reduce the amount of electricity used to heat, cool, or ventilate such residence, including insulation, weatherstripping, air sealing, heating system repairs, duct sealing, or other measures.

(4) LOW-INCOME VETERAN.—The term ''low-income veteran'' means a veteran whose income does not exceed 80 percent of the median income for an area, as determined by the Secretary.

(5) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means an organization that is—

(A) described in section 501(c)(3) or 501(c)(19) of the Internal Revenue Code of 1986; and

(B) exempt from tax under section 501(a) of such Code.

(6) PRIMARY RESIDENCE.—

(A) IN GENERAL.—The term ''primary residence'' means a single family house, a duplex, or a unit within a multiple-dwelling structure that is the principal dwelling of an eligible veteran and is owned by such veteran or a family member of such veteran.

(B) FAMILY MEMBER DEFINED.—For purposes of this paragraph, the term ''family member'' includes—

(i) a spouse, child, grandchild, parent, or sibling;

(ii) a spouse of such a child, grandchild, parent, or sibling; or

(iii) any individual related by blood or affinity whose close association with a veteran is the equivalent of a family relationship.

(7) QUALIFIED ORGANIZATION.—The term ''qualified organization'' means a nonprofit organization that provides nationwide or statewide programs that primarily serve veterans or low-income individuals.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(9) VETERAN.—The term ''veteran'' has the meaning given the term in section 101 of title 38, United States Code.

(10) VETERANS SERVICE ORGANIZATION.—The term ''veterans service organization'' means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

(b) ESTABLISHMENT OF A PILOT PROGRAM.—

(1) GRANT.—

(A) IN GENERAL.—The Secretary shall establish a pilot program to award grants to qualified organizations to rehabilitate and modify the primary residence of eligible veterans.

(B) COORDINATION.—The Secretary shall work in conjunction with the Secretary of Veterans Affairs to establish and oversee the pilot program and to ensure that such program meets the needs of eligible veterans.

(C) MAXIMUM GRANT.—A grant award under the pilot program to any one qualified organization shall not exceed $1,000,000 in any one fiscal year, and such an award shall remain available until expended by such organization.

(2) APPLICATION.—

(A) IN GENERAL.—Each qualified organization that desires a grant under the pilot program shall submit an application to the Secretary at such time, in such manner, and, in addition to the information required under subparagraph (B), accompanied by such information as the Secretary may reasonably require.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall include—

(i) a plan of action detailing outreach initiatives;

(ii) the approximate number of veterans the qualified organization intends to serve using grant funds;

(iii) a description of the type of work that will be conducted, such as interior home modifications, energy efficiency improvements, and other similar categories of work; and

(iv) a plan for working with the Department of Veterans Affairs and veterans service organizations to identify veterans who are not eligible for programs under chapter 21 of title 38, United States Code, and meet their needs.

(C) PREFERENCES.—In awarding grants under the pilot program, the Secretary shall give preference to a qualified organization—

(i) with experience in providing housing rehabilitation and modification services for disabled veterans; or

(ii) that proposes to provide housing rehabilitation and modification services for eligible veterans who live in rural, including tribal, areas (the Secretary, through regulations, shall define the term ''rural areas'').

(3) CRITERIA.—In order to receive a grant award under the pilot program, a qualified organization shall meet the following criteria:

(A) Demonstrate expertise in providing housing rehabilitation and modification services for disabled or low-income individuals for the purpose of making the homes of such individuals accessible, functional, and safe for such individuals.

(B) Have established outreach initiatives that—

(i) would engage eligible veterans and veterans service organizations in projects utilizing grant funds under the pilot program;

(ii) ensure veterans who are disabled receive preference in selection for assistance under this program; and

(iii) identify eligible veterans and their families and enlist veterans involved in skilled trades, such as carpentry, roofing, plumbing, or HVAC work.

(C) Have an established nationwide or statewide network of affiliates that are—

(i) nonprofit organizations; and

(ii) able to provide housing rehabilitation and modification services for eligible veterans.

(D) Have experience in successfully carrying out the accountability and reporting requirements involved in the proper administration of grant funds, including funds provided by private entities or Federal, State, or local government entities.

(4) USE OF FUNDS.—A grant award under the pilot program shall be used—

(A) to modify and rehabilitate the primary residence of an eligible veteran, and may include—

(i) installing wheelchair ramps, widening exterior and interior doors, reconfigurating and re-equipping bathrooms (which includes installing new fixtures and grab bars), removing doorway thresholds, installing special lighting, adding additional electrical outlets and electrical service, and installing appropriate floor coverings to—

(I) accommodate the functional limitations that result from having a disability; or

(II) if such residence does not have modifications necessary to reduce the chances that an elderly, but not disabled person, will fall in their home, reduce the risks of such an elderly person from falling;

(ii) rehabilitating such residence that is in a state of interior or exterior disrepair; and

(iii) installing energy efficient features or equipment if—

(I) an eligible veteran's monthly utility costs for such residence is more than 5 percent of such veteran's monthly income; and

(II) an energy audit of such residence indicates that the installation of energy efficient features or equipment will reduce such costs by 10 percent or more; and

(B) in connection with modification and rehabilitation services provided under the pilot program, to provide technical, administrative, and training support to an affiliate of a qualified organization receiving a grant under such pilot program.

(5) OVERSIGHT.—The Secretary shall direct the oversight of the grant funds for the pilot program so that such funds are used efficiently until expended to fulfill the purpose of addressing the adaptive housing needs of eligible veterans.

(6) MATCHING FUNDS.—

(A) IN GENERAL.—A qualified organization receiving a grant under the pilot program shall contribute towards the housing modification and rehabilitation services provided to eligible veterans an amount equal to not less than 50 percent of the grant award received by such organization.

(B) IN-KIND CONTRIBUTIONS.—In order to meet the requirement under subparagraph (A), such organization may arrange for in-kind contributions.

(7) LIMITATION COST TO THE VETERANS.—A qualified organization receiving a grant under the pilot program shall modify or rehabilitate the primary residence of an eligible veteran at no cost to such veteran (including application fees) or at a cost such that such veteran pays no more than 30 percent of his or her income in housing costs during any month.

(8) REPORTS.—

(A) ANNUAL REPORT.—The Secretary shall submit to Congress, on an annual basis, a report that provides, with respect to the year for which such report is written—

(i) the number of eligible veterans provided assistance under the pilot program;

(ii) the socioeconomic characteristics of such veterans, including their gender, age, race, and ethnicity;

(iii) the total number, types, and locations of entities contracted under such program to administer the grant funding;

(iv) the amount of matching funds and in-kind contributions raised with each grant;

(v) a description of the housing rehabilitation and modification services provided, costs saved, and actions taken under such program;

(vi) a description of the outreach initiatives implemented by the Secretary to educate the general public and eligible entities about such program;

(vii) a description of the outreach initiatives instituted by grant recipients to engage eligible veterans and veteran service organizations in projects utilizing grant funds under such program;

(viii) a description of the outreach initiatives instituted by grant recipients to identify eligible veterans and their families; and

(ix) any other information that the Secretary considers relevant in assessing such program.

(B) FINAL REPORT.—Not later than 6 months after the completion of the pilot program, the Secretary shall submit to Congress a report that provides such information that the Secretary considers relevant in assessing the pilot program.

(C) INSPECTOR GENERAL REPORT.—Not later than March 31, 2019, the Inspector General of the Department of Housing and Urban Development shall submit to the Chairmen and Ranking Members of the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report containing a review of—

(i) the use of appropriated funds by the Secretary and by grantees under the pilot program; and

(ii) oversight and accountability of grantees under the pilot program.

(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for carrying out this section $4,000,000 for each of fiscal years 2015 through 2019.

SA 2372. Mr. KAINE submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1003. SENSE OF THE SENATE REGARDING REPORTING ON THE LONG-TERM BUDGETARY EFFECTS OF SEQUESTRATION.

(a) FINDINGS.—Congress finds that—

(1) the reductions in discretionary appropriations and direct spending accounts under section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a) (in this section referred to as ''sequestration'') were never intended to take effect;

(2) the readiness of the Nation's military is weakened by sequestration;

(3) sequestration has budgetary and cost impacts beyond the programmatic level; and

(4) there is limited information about these indirect costs to the Federal Government.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Government Accountability Office should report on the long-term budgetary costs and effects of sequestration, including on procurement activities and contracts with the Federal Government.

SA 2373. 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 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.

SA 2374. Mr. WYDEN (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 D of title VIII, add the following:

SEC. 864. MODIFICATION OF LIMITATIONS ON PROCUREMENT OF PHOTOVOLTAIC DEVICES BY THE DEPARTMENT OF DEFENSE.

(a) CONTRACTS COVERED BY LIMITATIONS.—Subsection (b)(1) of section 846 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4285; 10 U.S.C. 2534 note) is amended by striking ''and'' at the end and inserting ''or''.

(b) PROHIBITION ON TREATMENT OF DEVICES AS COMMERCIALLY AVAILABLE OFF THE SHELF.—Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) PROHIBITION ON TREATMENT OF DEVICES AS COMMERCIALLY AVAILABLE OFF THE SHELF.—The Secretary may not treat any photovoltaic device as a device commercially available off the shelf for the purposes of the applicability of subsection (a) to contracts described in subsection (b).''.

SA 2375. Mr. LEVIN 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. MILITARY COMPENSATION AND RETIREMENT MODERNIZATION COMMISSION MATTERS.

(a) SCOPE OF MILITARY COMPENSATION SYSTEM.—Section 671(c)(5) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1788) is amended by inserting before the period the following '', and includes any other laws, policies, or practices of the Federal Government that result in any direct payment of authorized or appropriated funds to the persons specified in subsection (b)(1)(A)''.

(b) COMMISSION AUTHORITIES.—Section 673 of that Act (126 Stat. 1790) is amended by adding at the end the following new subsections:

''(g) USE OF GOVERNMENT INFORMATION.—The Commission may secure directly from any department or agency of the Federal Government such information as the Commission considers necessary to carry out its duties. Upon such request of the Chair of the Commission, the head of such department or agency shall furnish such information to the Commission.

''(h) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

''(i) AUTHORITY TO ACCEPT GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services, goods, and property from non-Federal entities for the purposes of aiding and facilitating the work of the Commission. The authority in this subsection does not extend to gifts of money.

''(j) PERSONAL SERVICES.—

''(1) AUTHORITY TO PROCURE.—The Commission may—

''(A) procure the services of experts or consultants (or of organizations of experts or consultants) in accordance with the provisions of section 3109 of title 5, United States Code; and

''(B) pay in connection with such services travel expenses of individuals, including transportation and per diem in lieu of subsistence, while such individuals are traveling from their homes or places of business to duty stations.

''(2) LIMITATION.—The total number of experts or consultants procured pursuant to paragraph (1) may not exceed five experts or consultants.

''(3) MAXIMUM DAILY PAY RATES.—The daily rate paid an expert or consultant procured pursuant to paragraph (1) may not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.''.

(c) COMMISSION RECOMMENDATIONS.—Section 674(f) of that Act (126 Stat. 1792) is amended—

(1) in paragraph (1), by inserting ''and recommendations for administrative actions'' after ''legislative language''; and

(2) in paragraph (6), by inserting '', and shall publish a copy of that report on an Internet website available to the public,'' after ''its report to Congress''.

(d) TERMINATION OF COMMISSION UNDER CERTAIN CIRCUMSTANCES.—Section 675 of that Act (126 Stat. 1793) is amended by striking subsection (d).

(e) COMMISSION STAFF.—

(1) DETAILEES RECEIVING MILITARY RETIRED PAY.—Subsection (b)(3) of section 677 of that Act (126 Stat. 1794) is amended—

(A) in the paragraph heading, by striking ''ELIGIBLE FOR'' and inserting ''RECEIVING''; and

(B) by striking ''eligible for or receiving military retired pay'' and inserting ''who are receiving military retired pay or who, but for being under the eligibility age applicable under section 12731 of title 10, United States Code, would be eligible to receive retired pay''.

(2) PERFORMANCE REVIEWS.—Subsection (c) of that section is amended—

(A) in the matter preceding paragraph (1), by inserting ''other than a member of the uniformed services or officer or employee who is detailed to the Commission,'' after ''executive branch department,''; and

(B) in paragraph (2), by inserting ''(other than for administrative accuracy)'' before the semicolon.

(f) EXTENSION OF CERTAIN DEADLINES.—That Act is further amended as follows:

(1) SECRETARY OF DEFENSE RECOMMENDATIONS.—In section 674(d)(1) (126 Stat. 1792), by striking ''nine months'' and inserting ''one year''.

(2) COMMISSION REPORT.—In section 674(f)(1), by striking ''15 months'' and inserting ''24 months''.

(3) COMMISSION TERMINATION.—In section 679 (126 Stat. 1795), by striking ''26 months'' and inserting ''35 months''.

SA 2376. 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) 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.

(e) CONTINUATION OF LAND USE PERMIT.—The conveyance of the structures under subsection (a) shall not affect the validity and continued applicability of the land use permit, in effect on the date of the enactment of this Act, that was issued by the Forest Service for placement and use of the structures.

(f) 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.

SA 2377. Mr. COCHRAN (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 B of title XIV, add the following:

SEC. 1423. NATIONAL GUARD COUNTERDRUG PROGRAM.

(a) ADDITIONAL AMOUNT FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—The amount authorized to be appropriated for fiscal year 2014 by section 1404 and available for Drug Interdiction and Counter-Drug Activities, Defense-wide for the National Guard Counterdrug Program as specified in the funding table in section 4501 is hereby increased by $130,000,000, with the amount of the increase to be available for activities at the National Guard counter-drug training centers.

(b) USE OF AMOUNTS.—

(1) UNIFORM ALLOCATION.—The amount available under subsection (a) shall be allocated evenly among the National Guard counter-drug training centers.

(2) TRAINING OF LAW ENFORCEMENT OFFICERS.—Not less than an amount equal to 50 percent of the amount available under subsection (a) shall be used for training of State and local law enforcement officers at the National Guard counter-drug training centers, including subsistence for officers undergoing such training.

(3) CIVILIAN EXPERTS.—The amount available under subsection (a) may be used for the costs of civilian experts in the provision of training by the National Guard counter-drug training centers.

(4) USE OF EXCHANGE STORES.—Any law enforcement officer undergoing training described in paragraph (2), and any civilian support staff and experts engaged in the provision of such training, may use the exchange store of the National Guard counter-drug training center concerned in the same manner as members of the National Guard may use such exchange store.

(c) OFFSET.—The amount authorized to be appropriated for fiscal year 2014 by section 301 and available for Operation and Maintenance, Defense-wide as specified in the funding table in section 4301 is hereby reduced by $130,000,000, with the amount of the reduction to be applied to amounts otherwise available for civilian employees of the Department of Defense.

SA 2378. 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, in consultation with the Secretary of State, 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.

SA 2379. Mr. MARKEY 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. CONSUMER FINANCIAL PRODUCTS PILOT PROGRAM.

(a) IN GENERAL.—The Under Secretary of Defense (Comptroller) shall carry out a 5-year pilot program to develop innovative consumer financial products that encourage savings and wealth-creation among members of the Armed Forces on active duty.

(b) OBJECTIVES.—Financial products developed under this section may be designed to—

(1) increase the rate of savings among members of the Armed Forces on active duty by providing automatic deposit into a savings account of special pay and allowances received by such a member, including special pay and allowances received on account of the deployment of the member;

(2) reduce the need for high-cost short-term lending services by providing alternatives to members of the Armed Forces on active duty, such as financial institutions providing an option for such members to receive advances on their salary payments—

(A) in a manner that permits such members to receive pay in more frequent installments; and

(B) under which any interest or fees on such advances—

(i) does not exceed the rate described in section 987(b) of title 10, United States Code; and

(ii) adheres to the Affordable Small-Dollar Loan Guidelines of the Federal Deposit Insurance Corporation;

(3) address obstacles to traditional consumer banking and lending for members of the Armed Forces with limited credit history; and

(4) otherwise encourage savings and wealth-creation among members of the Armed Forces on active duty.

(c) NO EXACERBATION OF CREDIT OVEREXTENSION.—The pilot program carried out under this section shall be carried out in a manner that does not exacerbate the incidence of credit overextension among members of the Armed Forces.

(d) IMPLEMENTATION.—

(1) SELECTION OF MILITARY INSTALLATIONS.—The Under Secretary shall select at

least 10 military installations on which to implement the pilot program.

(2) INCORPORATION INTO OPERATING AGREEMENTS.—A financial institution seeking to begin operating on a military installation selected by the Under Secretary under paragraph (1), or seeking to renew an agreement to operate on such an installation, shall—

(A) agree to offer the consumer financial products developed under this section; and

(B) notify members of the Armed Forces that are customers of the institution about the availability of the consumer financial products developed under this section.

(e) CONSULTATION.—In developing consumer financial products under this section, the Under Secretary shall consult with Federal banking regulators with expertise in depository institutions, Federal agencies with experience regulating financial products, and consumer and military service organizations with relevant financial expertise.

(f) INDEPENDENT EVALUATION.—

(1) IN GENERAL.—Not later than the date that is 2 years after the date of the enactment of this Act, and annually thereafter until the end of the pilot program, the Under Secretary shall contract for an independent evaluation of the pilot program carried out under this section. Such evaluation shall—

(A) include the degree to which the pilot program succeeded in the goals of increasing usage of savings products, programs, and tools among members of the Armed Forces on active duty; and

(B) be conducted by a contractor with knowledge of consumer financial products and experience in the evaluation of such products.

(2) REPORT.—After each evaluation carried out pursuant to paragraph (1), the Under Secretary shall submit to the Committees on Armed Services and Banking, Housing, and Urban Affairs of the Senate and the Committees on Armed Services and Financial Services of the House of Representatives a report containing all findings and conclusions made by the contractor in conducting the evaluation.

(g) EXPANSION OF PILOT PROGRAM.—Notwithstanding subsection (a), the Under Secretary may expand the pilot program, including extending the duration of the program and expanding the program to make it a nationwide program, to the extent determined appropriate by the Under Secretary, if the Under Secretary determines that such expansion is expected to—

(1) improve the rates of savings among members of the Armed Forces and their families; or

(2) decrease the need for members of the Armed Forces and their families to rely on payday lenders without exacerbating credit overextension.

(h) FINANCIAL INSTITUTION DEFINED.—In this section, the term ''financial institution'' means an insured depository institution (as defined in section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2))) or a credit union.

SA 2380. 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:

On page 471, insert after line 24, the following:

SEC. 2803. DEVELOPMENT OF MASTER PLANS FOR MAJOR MILITARY INSTALLATIONS.

Section 2864 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''At a time'' and inserting ''(1) At a time''; and

(B) by adding at the end the following new paragraph:

''(2) To address the requirements under paragraph (1), each installation master plan shall include consideration of—

''(A) planning for redevelopment and infill development to reduce consumption of undeveloped land on installations;

''(B) horizontal and vertical mixed-use development;

''(C) the full lifecycle costs of planning decisions; and

''(D) capacity planning through the establishment of growth boundaries around cantonment areas to focus development towards the core and preserve range and training space.''.

(2) in subsection (b)—

(A) by striking ''The transportation'' and inserting ''(1) The transportation''; and

(B) by adding at the end the following new paragraph:

''(2) To address the requirements under subsection (a) and paragraph (1), each installation master plan shall include consideration of ways to diversify and connect transit systems and increase safety for all road users.'';

(3) by redesignating subsection (c) as subsection (d); and

(4) by inserting after subsection (b) the following new subsection:

''(c) SAVINGS CLAUSE.—Nothing in this section shall supersede the requirements of section 2859(a) of this title.''.

SA 2381. Mr. CARDIN (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII, add the following:

SEC. 804. EXTENSION OF LIMITATION ON AGGREGATE ANNUAL AMOUNT AVAILABLE FOR CONTRACT SERVICES.

Section 808 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1489) is amended—

(1) in subsections (a) and (b), by striking ''fiscal year 2012 or 2013'' and inserting ''fiscal year 2012, 2013, or 2014'';

(2) in subsection (c)—

(A) by striking ''during fiscal years 2012 and 2013'' in the matter preceding paragraph (1);

(B) by striking paragraphs (1) and (2) and redesignating paragraphs (3), (4), and (5) as paragraphs (1), (2), and (3), respectively; and

(C) in paragraph (3), as so redesignated, by striking ''fiscal years 2012 and 2013'' and inserting ''fiscal years 2012, 2013, and 2014''; and

(3) in subsection (d)(4), by striking ''fiscal year 2012 or 2013'' and inserting ''fiscal year 2012, 2013, or 2014''.

SA 2382. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XXVIII, add the following:

SEC. 2842. SENSE OF CONGRESS REGARDING ESTABLISHMENT OF A MEMORIAL TO THE VICTIMS OF THE SHOOTING AT THE WASHINGTON NAVY YARD ON SEPTEMBER 16, 2013.

It is the sense of Congress that the Secretary of the Navy should provide an appropriate site at the Washington Navy Yard for a memorial to honor the victims of the shooting at the Washington Navy Yard on September 16, 2013, subject to the conditions that—

(1) the construction and maintenance of the memorial be paid for with private funds; and

(2) the Secretary of the Navy retain exclusive authority to approve the design and site of the memorial.

SA 2383. Ms. LANDRIEU 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. AUTHORIZATION AND BUDGETARY TREATMENT OF MAJOR MEDICAL FACILITY LEASES.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the following major medical facility leases at the locations specified, and in an amount for each lease not to exceed the amount shown for such location (not including any estimated cancellation costs):

(1) For a clinical research and pharmacy coordinating center, Albuquerque, New Mexico, an amount not to exceed $9,560,000.

(2) For a community-based outpatient clinic, Brick, New Jersey, an amount not to exceed $7,280,000.

(3) For a new primary care and dental clinic annex, Charleston, South Carolina, an amount not to exceed $7,070,250.

(4) For the Cobb County community-based Outpatient Clinic, Cobb County, Georgia, an amount not to exceed $6,409,000.

(5) For the Leeward Outpatient Healthcare Access Center, Honolulu, Hawaii, including a co-located clinic with the Department of Defense and the co-location of the Honolulu Regional Office of the Veterans Benefits Administration and the Kapolei Vet Center of the Department of Veterans Affairs, an amount not to exceed $15,887,370.

(6) For a community-based outpatient clinic, Johnson County, Kansas, an amount not to exceed $2,263,000.

(7) For a replacement community-based outpatient clinic, Lafayette, Louisiana, an amount not to exceed $2,996,000.

(8) For a community-based outpatient clinic, Lake Charles, Louisiana, an amount not to exceed $2,626,000.

(9) For outpatient clinic consolidation, New Port Richey, Florida, an amount not to exceed $11,927,000.

(10) For an outpatient clinic, Ponce, Puerto Rico, an amount not to exceed $11,535,000.

(11) For lease consolidation, San Antonio, Texas, an amount not to exceed $19,426,000.

(12) For a community-based outpatient clinic, San Diego, California, an amount not to exceed $11,946,100.

(13) For an outpatient clinic, Tyler, Texas, an amount not to exceed $4,327,000.

(14) For the Errera Community Care Center, West Haven, Connecticut, an amount not to exceed $4,883,000.

(15) For the Worcester community-based Outpatient Clinic, Worcester, Massachusetts, an amount not to exceed $4,855,000.

(16) For the expansion of a community-based outpatient clinic, Cape Girardeau, Missouri, an amount not to exceed $4,232,060.

(17) For a multispecialty clinic, Chattanooga, Tennessee, an amount not to exceed $7,069,000.

(18) For the expansion of a community-based outpatient clinic, Chico, California, an amount not to exceed $4,534,000.

(19) For a community-based outpatient clinic, Chula Vista, California, an amount not to exceed $3,714,000.

(20) For a new research lease, Hines, Illinois, an amount not to exceed $22,032,000.

(21) For a replacement research lease, Houston, Texas, an amount not to exceed $6,142,000.

(22) For a community-based outpatient clinic, Lincoln, Nebraska, an amount not to exceed $7,178,400.

(23) For a community-based outpatient clinic, Lubbock, Texas, an amount not to exceed $8,554,000.

(24) For a community-based outpatient clinic consolidation, Myrtle Beach, South Carolina, an amount not to exceed $8,022,000.

(25) For a community-based outpatient clinic, Phoenix, Arizona, an amount not to exceed $20,757,000.

(26) For the expansion of a community-based outpatient clinic, Redding, California, an amount not to exceed $8,154,000.

(27) For the expansion of a community-based outpatient clinic, Tulsa, Oklahoma, an amount not to exceed $13,269,200.

(b) BUDGETARY TREATMENT OF DEPARTMENT OF VETERANS AFFAIRS MAJOR MEDICAL FACILITIES LEASES.—

(1) FINDINGS.—Congress finds the following:

(A) Title 31, United States Code, requires the Department of Veterans Affairs to record the full cost of its contractual obligation against funds available at the time a contract is executed.

(B) Office of Management and Budget Circular A–11 provides guidance to agencies in meeting the statutory requirements under title 31, United States Code, with respect to leases.

(C) For operating leases, Office of Management and Budget Circular A–11 requires the Department of Veterans Affairs to record upfront budget authority in an ''amount equal to total payments under the full term of the lease or [an] amount sufficient to cover first year lease payments plus cancellation costs''.

(2) REQUIREMENT FOR OBLIGATION OF FULL COST.—Subject to the availability of appropriations provided in advance, in exercising the authority of the Secretary of Veterans Affairs to enter into leases under subsection (a), the Secretary shall record, pursuant to section 1501 of title 31, United States Code, as the full cost of the contractual obligation at the time a contract is executed, either—

(A) an amount equal to total payments under the full term of the lease; or

(B) if the lease specifies payments to be made in the event the lease is terminated before the full term of the lease, an amount sufficient to cover the first year lease payments plus the specified cancellation costs.

(3) TRANSPARENCY.—

(A) COMPLIANCE.—Subsection (b) of section 8104 of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(7) In the case of a prospectus proposing funding for a major medical facility lease, a detailed analysis of how the lease is expected to comply with Office of Management and Budget Circular A–11 and section 1341 of title 31 (commonly referred to as the 'Anti-Deficiency Act'). Any such analysis shall include the following:

''(A) An analysis of the classification of the lease as a 'lease-purchase', 'capital lease', or 'operating lease' as those terms are defined in Office of Management and Budget Circular A–11.

''(B) An analysis of the obligation of budgetary resources associated with the lease.

''(C) An analysis of the methodology used in determining the asset cost, fair market value, and cancellation costs of the lease.''.

(B) SUBMITTAL TO CONGRESS.—Such section 8104 is further amended by adding at the end the following new subsection:

''(h)(1) Not later than 30 days before entering into a major medical facility lease, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives—

''(A) notice of the intention of the Secretary to enter into the lease;

''(B) a copy of the proposed lease;

''(C) a description and analysis of any differences between the prospectus submitted pursuant to subsection (b) and the proposed lease; and

''(D) a scoring analysis demonstrating that the proposed lease fully complies with Office of Management and Budget Circular A–11.

''(2) Each committee described in paragraph (1) shall ensure that any information submitted to the committee under such paragraph is treated by the committee with the same level of confidentiality as is required of the Secretary by law and subject to the same statutory penalties for unauthorized disclosure or use to which the Secretary is subject.

''(3) Not later than 30 days after entering into a major medical facility lease, the Secretary shall submit to each committee described in paragraph (1) a report on any material differences between the lease that was entered into and the proposed lease described under such paragraph, including how the lease that was entered into changes the previously submitted scoring analysis described in subparagraph (D) of such paragraph.''.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection, or the amendments made by this subsection, shall be construed to relieve the Department of Veterans Affairs from any statutory or regulatory obligations or requirements existing prior to the date of the enactment of this Act.

SA 2384. Mr. CORNYN (for himself, Mr. SCHUMER, Mr. BLUNT, Mr. WARNER, Mr. WICKER, Mr. BROWN, Mr. MORAN, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVI—MILITARY VOTING

SEC. 1601. SHORT TITLE.

This title may be cited as the ''Safeguarding Elections for our Nation's Troops through Reforms and Improvements (SENTRI) Act''.

Subtitle A—Amendments Related to the Uniformed and Overseas Citizens Absentee Voting Act

SEC. 1611. 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. 1612. 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. 1613. 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. 1614. 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. 1615. 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. 1616. 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. 1617. EFFECTIVE DATE.

The amendments made by this subtitle shall apply with respect to the regularly scheduled general election for Federal office held in November 2014 and each succeeding election for Federal office.

Subtitle B—Provision of Voter Assistance to Members of the Armed Forces

SEC. 1621. 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 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 1621(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 applicable 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.

Subtitle C—Electronic Voting Systems

SEC. 1631. 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.

Subtitle D—Residency of Military Family Members

SEC. 1641. 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.

SA 2385. 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:

Beginning on page 401, strike line 14 and all that follows through page 409, line 15, and insert the following:

SEC. 1218. TERMINATION OF THE AFGHAN ALLIES PROTECTION ACT OF 2009.

The Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; title VI of division F of Public Law 111–8) is amended by adding at the end the following:

''SEC. 603. SUNSET.

''This title shall be repealed on the earlier of—

''(1) 90 days after the date on which the United States enters into a bilateral security agreement with Afghanistan; or

''(2) September 30, 2014.''.

SA 2386. 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 B of title XII, add the following:

SEC. 1220. CONSULTATION ON BILATERAL SECURITY AGREEMENT WITH AFGHANISTAN.

(a) CONSULTATIONS REQUIRED.—If, on the date of the enactment of this Act, a bilateral security agreement between the United States of America and the Islamic Republic of Afghanistan has not been entered into and negotiations between the two governments continue, the President shall consult periodically with the appropriate committees of Congress on the status of those negotiations. Such consultations shall include a briefing summarizing the purpose, objectives, and key issues relating to the agreement.

(b) AVAILABILITY OF AGREEMENT TEXT.—Before entering into any bilateral security agreement with Afghanistan, the President shall make available to the appropriate committees of Congress the text of such agreement.

(c) TERMINATION OF CONSULTATIONS.—The requirements of this section shall terminate on the date on which the United States and Afghanistan enter into a bilateral security agreement or the President notifies Congress that negotiations on such an agreement have been terminated.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SA 2387. 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:

Strike section 1217.

SA 2388. Mr. WYDEN (for himself, Mr. UDALL of Colorado, Ms. MIKULSKI, Mr. HEINRICH, Mr. MARKEY, 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 H of title X, add the following:

SEC. 1082. PUBLIC DISCLOSURE OF INFORMATION REGARDING SURVEILLANCE ACTIVITIES UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) DEFINITIONS.—In this section:

(1) FISA COURT.—The term ''FISA Court'' means a court established under section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803).

(2) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

(b) REQUIREMENT TO DISCLOSE.—

(1) IN GENERAL.—If a FISA Court issues a decision that determines that surveillance activities conducted by the Government of the United States have violated the laws or Constitution of the United States, the Attorney General shall publicly disclose the decision in a manner consistent with the protection of the national security of the United States.

(2) DISCLOSURE DESCRIBED.—For each disclosure required by paragraph (1), the Attorney General shall make available to the public documents sufficient to identify with particularity the statutory or constitutional provision that was determined to have been violated.

(3) DOCUMENTS DESCRIBED.—The Attorney General shall satisfy the disclosure requirements in paragraph (2) by—

(A) releasing a FISA Court decision in its entirety or as redacted; or

(B) releasing a summary of a FISA Court decision.

(4) EXTENSIVE DISCLOSURE.—The Attorney General shall release as much information regarding the facts and analysis contained in a decision described in paragraph (1) or documents described in paragraph (3) as is consistent with legitimate national security concerns.

(5) TIMING OF DISCLOSURE.—A decision that is required to be disclosed under paragraph (1) shall be disclosed not later than 60 days after the decision is issued.

(c) DIRECTOR OF NATIONAL INTELLIGENCE DISCLOSURES TO CONGRESS AND THE PUBLIC.—

(1) REQUIREMENT FOR DISCLOSURES TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to Congress, in writing, the following information:

(A) Whether the National Security Agency or any other element of the intelligence community has ever collected the cell-site location information of a large number of United States persons with no known connection to suspicious activity, or made plans to collect such information.

(B) A description of the type and amount of evidence the Director of National Intelligence believes is required to permit the collection of cell-site location information of United States persons for intelligence purposes.

(C) Whether the National Security Agency or any other element of the intelligence community has ever conducted a warrantless search of a collection of communications collected under section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a) in an effort to find the communications of a particular United States person (other than a corporation).

(D) If the National Security Agency or any other element of the intelligence community has conducted a search described in subparagraph (C), the number of such searches that have been conducted or an estimate of such number if it is not possible to provide a precise count.

(E) A specific description of when the United States Government first began relying on authorities under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) to justify the collection of records pertaining to large numbers of United States persons with no known connection to suspicious activity.

(F) Whether representations made to the Supreme Court of the United States by the Department of Justice in the case of Clapper v. Amnesty International USA accurately described the use of authorities under the Foreign Intelligence Surveillance Act of 1978 by the United States Government, and if any representations were inaccurate, which representations were inaccurate and how such representations have been corrected.

(G) A listing of FISA Court opinions that identified violations of the law, the Constitution, or FISA Court orders with regard to collection carried out pursuant to section 402, 501, or 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842, 1861, and 1881a) and a description of the violations identified by a FISA Court.

(2) FORM OF DISCLOSURES.—

(A) DISCLOSURES TO THE PUBLIC.—The written submission required by paragraph (1) shall be made available to the public not later than 15 days after the date it is submitted to Congress.

(B) REDACTIONS.—If the Director of National Intelligence believes that public disclosure of information in the written submission required by paragraph (1) could cause significant harm to national security, the Director may redact such information from the version made available to the public.

(C) SUBMISSION TO CONGRESS.—If the Director redacts information under subparagraph (B), not later than 30 days after the date the written submission required by paragraph (1) is made available to the public under subparagraph (A), the Director shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a statement explaining the specific harm to national security that the disclosure of such information could cause.

(d) ASSESSMENT OF ECONOMIC IMPACT OF SURVEILLANCE ACTIVITIES.—

(1) REQUIREMENT FOR ASSESSMENT.—The Comptroller General of the United States, in consultation with the United States International Trade Commission, shall conduct an assessment of the economic impact of bulk collection programs conducted under title IV and title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1841 et seq.), as modified by the USA PATRIOT Act (Public Law 107–56; 115 Stat. 272), and of surveillance programs conducted under section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a), in light of the fact that such programs are now public.

(2) EVALUATION.—The assessment required by paragraph (1) shall include an evaluation of the impact of these disclosures on United States communication service providers' ability to compete in foreign markets.

(3) SUBMISSION TO CONGRESS.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress the findings of the assessment required by paragraph (1).

SA 2389. 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, add the following:

DIVISION E—FEDERAL INFORMATION TECHNOLOGY ACQUISITION REFORM ACT

SEC. 5001. SHORT TITLE.

This division may be cited as the ''Federal Information Technology Acquisition Reform Act''.

SEC. 5002. TABLE OF CONTENTS.

The table of contents for this division is as follows:

Sec. 5001. Short title.
Sec. 5002. Table of contents.
Sec. 5003. Definitions.

TITLE LI—MANAGEMENT OF INFORMATION TECHNOLOGY WITHIN FEDERAL GOVERNMENT
Sec. 5101. Increased authority of agency Chief Information Officers over information technology.
Sec. 5102. Lead coordination role of Chief Information Officers Council.
Sec. 5103. Reports by Government Accountability Office.
TITLE LII—ELIMINATION OF DUPLICATION AND WASTE IN INFORMATION TECHNOLOGY ACQUISITION
Sec. 5201. Inventory of information technology assets.
Sec. 5202. Website consolidation and transparency.
Sec. 5203. Transition to the cloud.
Sec. 5204. Elimination of unnecessary duplication of contracts by requiring business case analysis.
TITLE LIII—STRENGTHENING AND STREAMLINING INFORMATION TECHNOLOGY ACQUISITION MANAGEMENT PRACTICES
Subtitle A—Strengthening and Streamlining IT Program Management Practices
Sec. 5301. Establishment of Federal infrastructure and common application collaboration center.
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Sec. 5311. Expansion of training and use of information technology acquisition cadres.
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Sec. 5313. Personnel awards for excellence in the acquisition of information systems and information technology.
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Sec. 5401. Maximizing the benefit of the Federal Strategic Sourcing Initiative.
Sec. 5402. Promoting transparency of blanket purchase agreements.
Sec. 5403. Additional source selection technique in solicitations.
Sec. 5404. Enhanced transparency in information technology investments.
Sec. 5405. Enhanced communication between Government and industry.
Sec. 5406. Clarification of current law with respect to technology neutrality in acquisition of software.

SEC. 5003. DEFINITIONS.

In this division:

(1) CHIEF ACQUISITION OFFICERS COUNCIL.—The term ''Chief Acquisition Officers Council'' means the Chief Acquisition Officers Council established by section 1311(a) of title 41, United States Code.

(2) CHIEF INFORMATION OFFICER.—The term ''Chief Information Officer'' means a Chief Information Officer (as designated under section 3506(a)(2) of title 44, United States Code) of an agency listed in section 901(b) of title 31, United States Code.

(3) CHIEF INFORMATION OFFICERS COUNCIL.—The term ''Chief Information Officers Council'' or ''CIO Council'' means the Chief Information Officers Council established by section 3603(a) of title 44, United States Code.

(4) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(5) FEDERAL AGENCY.—The term ''Federal agency'' means each agency listed in section 901(b) of title 31, United States Code.

(6) FEDERAL CHIEF INFORMATION OFFICER.—The term ''Federal Chief Information Officer'' means the Administrator of the Office of Electronic Government established under section 3602 of title 44, United States Code.

(7) INFORMATION TECHNOLOGY OR IT.—The term ''information technology'' or ''IT'' has the meaning provided in section 11101(6) of title 40, United States Code.

(8) RELEVANT CONGRESSIONAL COMMITTEES.—The term ''relevant congressional committees'' means each of the following:

(A) The Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives.

(B) The Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate.

TITLE LI—MANAGEMENT OF INFORMATION TECHNOLOGY WITHIN FEDERAL GOVERNMENT

SEC. 5101. INCREASED AUTHORITY OF AGENCY CHIEF INFORMATION OFFICERS OVER INFORMATION TECHNOLOGY.

(a) PRESIDENTIAL APPOINTMENT OF CIOS OF CERTAIN AGENCIES.—

(1) IN GENERAL.—Section 11315 of title 40, United States Code, is amended—

(A) by redesignating subsection (a) as subsection (e) and moving such subsection to the end of the section; and

(B) by inserting before subsection (b) the following new subsection (a):

''(a) PRESIDENTIAL APPOINTMENT OR DESIGNATION OF CERTAIN CHIEF INFORMATION OFFICERS.—

''(1) IN GENERAL.—There shall be within each agency listed in section 901(b)(1) of title 31, other than the Department of Defense, an agency Chief Information Officer. Each agency Chief Information Officer shall—

''(A)(i) be appointed by the President; or

''(ii) be designated by the President, in consultation with the head of the agency; and

''(B) be appointed or designated, as applicable, from among individuals who possess demonstrated ability in general management of, and knowledge of and extensive practical experience in, information technology management practices in large governmental or business entities.

''(2) RESPONSIBILITIES.—An agency Chief Information Officer appointed or designated under this section shall report directly to the head of the agency and carry out, on a full-time basis, responsibilities as set forth in this section and in section 3506(a) of title 44 for Chief Information Officers designated under paragraph (2) of such section.''.

(2) CONFORMING AMENDMENT.—Section 3506(a)(2)(A) of title 44, United States Code, is amended by inserting after ''each agency'' the following: '', other than an agency with a Presidentially appointed or designated Chief Information Officer as provided in section 11315(a)(1) of title 40,''.

(b) AUTHORITY RELATING TO BUDGET AND PERSONNEL.—Section 11315 of title 40, United States Code, is further amended by inserting after subsection (c) the following new subsection:

''(d) ADDITIONAL AUTHORITIES FOR CERTAIN CIOS.—

''(1) BUDGET-RELATED AUTHORITY.—

''(A) PLANNING.—The head of each agency listed in section 901(b)(1) or 901(b)(2) of title 31, other than the Department of Defense, shall ensure that the Chief Information Officer of the agency has the authority to participate in decisions regarding the budget planning process related to information technology or programs that include significant information technology components.

''(B) ALLOCATION.—Amounts appropriated for any agency listed in section 901(b)(1) or 901(b)(2) of title 31, other than the Department of Defense, for any fiscal year that are available for information technology shall be allocated within the agency, consistent with the provisions of appropriations Acts and budget guidelines and recommendations from the Director of the Office of Management and Budget, in such manner as may be specified by, or approved by, the Chief Information Officer of the agency in consultation with the Chief Financial Officer of the agency and budget officials.

''(2) PERSONNEL-RELATED AUTHORITY.—The head of each agency listed in section 901(b)(1) or 901(b)(2) of title 31, other than the Department of Defense, shall ensure that the Chief Information Officer of the agency has the authority necessary to approve the hiring of personnel who will have information technology responsibilities within the agency and to require that such personnel have the obligation to report to the Chief Information Officer in a manner considered sufficient by the Chief Information Officer.''.

(c) SINGLE CHIEF INFORMATION OFFICER IN EACH AGENCY.—

(1) REQUIREMENT.—Section 3506(a)(3) of title 44, United States Code, is amended—

(A) by inserting ''(A)'' after ''(3)''; and

(B) by adding at the end the following new subparagraph:

''(B) Each agency shall have only one individual with the title and designation of 'Chief Information Officer'. Any bureau, office, or subordinate organization within the agency may designate one individual with the title 'Deputy Chief Information Officer', 'Associate Chief Information Officer', or 'Assistant Chief Information Officer'.''.

(2) EFFECTIVE DATE.—Section 3506(a)(3)(B) of title 44, United States Code, as added by paragraph (1), shall take effect as of October 1, 2014. Any individual serving in a position affected by such section before such date may continue in that position if the requirements of such section are fulfilled with respect to that individual.

SEC. 5102. LEAD COORDINATION ROLE OF CHIEF INFORMATION OFFICERS COUNCIL.

(a) LEAD COORDINATION ROLE.—Subsection (d) of section 3603 of title 44, United States Code, is amended to read as follows:

''(d) LEAD INTERAGENCY FORUM.—

''(1) IN GENERAL.—The Council is designated the lead interagency forum for improving agency coordination of practices related to the design, development, modernization, use, operation, sharing, performance, and review of Federal Government information resources investment. As the lead interagency forum, the Council shall develop cross-agency portfolio management practices to allow and encourage the development of cross-agency shared services and shared platforms. The Council shall also issue guidelines and practices for infrastructure and common information technology applications, including expansion of the Federal Enterprise Architecture process if appropriate. The guidelines and practices may address broader transparency, common inputs, common outputs, and outcomes achieved. The guidelines and practices shall be used as a basis for comparing performance across diverse missions and operations in various agencies.

''(2) REPORT.—Not later than December 1 in each of the 6 years following the date of the enactment of this paragraph, the Council shall submit to the relevant congressional committees a report (to be known as the 'CIO Council Report') summarizing the Council's activities in the preceding fiscal year and containing such recommendations for further congressional action to fulfill its mission as the Council considers appropriate.

''(3) RELEVANT CONGRESSIONAL COMMITTEES.—For purposes of the report required by

paragraph (2), the relevant congressional committees are each of the following:

''(A) The Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives.

''(B) The Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate.''.

(b) ADDITIONAL FUNCTION.—Subsection (f) of section 3603 of such title is amended by adding at the end the following new paragraph:

''(8) Assist the Administrator in developing and providing guidance for effective operations of the Federal Infrastructure and Common Application Collaboration Center established under section 11501 of title 40.''.

(c) REFERENCES TO ADMINISTRATOR OF E-GOVERNMENT AS FEDERAL CHIEF INFORMATION OFFICER.—

(1) REFERENCES.—Section 3602(b) of title 44, United States Code, is amended by adding at the end the following: ''The Administrator may also be referred to as the Federal Chief Information Officer.''.

(2) DEFINITION.—Section 3601(1) of such title is amended by inserting ''or 'Federal Chief Information Officer''' before ''means''.

SEC. 5103. REPORTS BY GOVERNMENT ACCOUNTABILITY OFFICE.

(a) REQUIREMENT TO EXAMINE EFFECTIVENESS.—The Comptroller General of the United States shall examine the effectiveness of the Chief Information Officers Council in meeting its responsibilities under section 3603(d) of title 44, United States Code, as added by section 5102, with particular focus on—

(1) whether agencies are actively participating in the Council and heeding the Council's advice and guidance; and

(2) whether the Council is actively using and developing the capabilities of the Federal Infrastructure and Common Application Collaboration Center created under section 11501 of title 40, United States Code, as added by section 5301.

(b) REPORTS.—Not later than 1 year, 3 years, and 5 years after the date of the enactment of this Act, the Comptroller General shall submit to the relevant congressional committees a report containing the findings and recommendations of the Comptroller General from the examination required by subsection (a).

TITLE LII—ELIMINATION OF DUPLICATION AND WASTE IN INFORMATION TECHNOLOGY ACQUISITION

SEC. 5201. INVENTORY OF INFORMATION TECHNOLOGY ASSETS.

(a) PLAN.—The Director shall develop a plan for conducting a Governmentwide inventory of information technology assets.

(b) MATTERS COVERED.—The plan required by subsection (a) shall cover the following:

(1) The manner in which Federal agencies can achieve the greatest possible economies of scale and cost savings in the procurement of information technology assets, through measures such as reducing hardware or software products or services that are duplicative or overlapping and reducing the procurement of new software licenses until such time as agency needs exceed the number of existing and unused licenses.

(2) The capability to conduct ongoing Governmentwide inventories of all existing software licenses on an application-by-application basis, including duplicative, unused, overused, and underused licenses, and to assess the need of agencies for software licenses.

(3) A Governmentwide spending analysis to provide knowledge about how much is being spent for software products or services to support decisions for strategic sourcing under the Federal strategic sourcing program managed by the Office of Federal Procurement Policy.

(c) OTHER INVENTORIES.—In developing the plan required by subsection (a), the Director shall review the inventory of information systems maintained by each agency under section 3505(c) of title 44, United States Code, and the inventory of information resources maintained by each agency under section 3506(b)(4) of such title.

(d) AVAILABILITY.—The inventory of information technology assets shall be available to Chief Information Officers and such other Federal officials as the Chief Information Officers may, in consultation with the Chief Information Officers Council, designate.

(e) DEADLINE AND SUBMISSION TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Director shall complete and submit to Congress the plan required by subsection (a).

(f) IMPLEMENTATION.—Not later than two years after the date of the enactment of this Act, the Director shall complete implementation of the plan required by subsection (a).

(g) REVIEW BY COMPTROLLER GENERAL.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall review the plan required by subsection (a) and submit to the relevant congressional committees a report on the review.

SEC. 5202. WEBSITE CONSOLIDATION AND TRANSPARENCY.

(a) WEBSITE CONSOLIDATION.—The Director shall—

(1) in consultation with Federal agencies, and after reviewing the directory of public Federal Government websites of each agency (as required to be established and updated under section 207(f)(3) of the E-Government Act of 2002 (Public Law 107–347; 44 U.S.C. 3501 note)), assess all the publicly available websites of Federal agencies to determine whether there are duplicative or overlapping websites; and

(2) require Federal agencies to eliminate or consolidate those websites that are duplicative or overlapping.

(b) WEBSITE TRANSPARENCY.—The Director shall issue guidance to Federal agencies to ensure that the data on publicly available websites of the agencies are open and accessible to the public.

(c) MATTERS COVERED.—In preparing the guidance required by subsection (b), the Director shall—

(1) develop guidelines, standards, and best practices for interoperability and transparency;

(2) identify interfaces that provide for shared, open solutions on the publicly available websites of the agencies; and

(3) ensure that Federal agency Internet home pages, web-based forms, and web-based applications are accessible to individuals with disabilities in conformance with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

(d) DEADLINE FOR GUIDANCE.—The guidance required by subsection (b) shall be issued not later than 180 days after the date of the enactment of this Act.

SEC. 5203. TRANSITION TO THE CLOUD.

(a) SENSE OF CONGRESS.—It is the sense of Congress that transition to cloud computing offers significant potential benefits for the implementation of Federal information technology projects in terms of flexibility, cost, and operational benefits.

(b) GOVERNMENTWIDE APPLICATION.—In assessing cloud computing opportunities, the Chief Information Officers Council shall define policies and guidelines for the adoption of Governmentwide programs providing for a standardized approach to security assessment and operational authorization for cloud products and services.

(c) ADDITIONAL BUDGET AUTHORITIES FOR TRANSITION.—In transitioning to the cloud, a Chief Information Officer of an agency listed in section 901(b) of title 31, United States Code, may establish such cloud service Working Capital Funds, in consultation with the Chief Financial Officer of the agency, as may be necessary to transition to cloud-based solutions. Notwithstanding any other provision of law, such cloud service Working Capital Funds may preserve funding for cloud service transitions for a period not to exceed 5 years per appropriation. Any establishment of a new Working Capital Fund under this subsection shall be reported to the Committees on Appropriations of the House of Representatives and the Senate and relevant Congressional committees.

SEC. 5204. ELIMINATION OF UNNECESSARY DUPLICATION OF CONTRACTS BY REQUIRING BUSINESS CASE ANALYSIS.

(a) PURPOSE.—The purpose of this section is to leverage the Government's buying power and achieve administrative efficiencies and cost savings by eliminating unnecessary duplication of contracts.

(b) REQUIREMENT FOR BUSINESS CASE APPROVAL.—

(1) IN GENERAL.—Effective on and after 180 days after the date of the enactment of this Act, an executive agency may not issue a solicitation for a covered contract vehicle unless the agency performs a business case analysis for the contract vehicle and obtains an approval of the business case analysis from the Administrator for Federal Procurement Policy.

(2) REVIEW OF BUSINESS CASE ANALYSIS.—

(A) IN GENERAL.—With respect to any covered contract vehicle, the Administrator for Federal Procurement Policy shall review the business case analysis submitted for the contract vehicle and provide an approval or disapproval within 60 days after the date of submission. Any business case analysis not disapproved within such 60-day period is deemed to be approved.

(B) BASIS FOR APPROVAL OF BUSINESS CASE.—The Administrator for Federal Procurement Policy shall approve or disapprove a business case analysis based on the adequacy of the analysis submitted. The Administrator shall give primary consideration to whether an agency has demonstrated a compelling need that cannot be satisfied by existing Governmentwide contract vehicles in a timely and cost-effective manner.

(3) CONTENT OF BUSINESS CASE ANALYSIS.—The Administrator for Federal Procurement Policy shall issue guidance specifying the content for a business case analysis submitted pursuant to this section. At a minimum, the business case analysis shall include details on the administrative resources needed for such contract vehicle, including an analysis of all direct and indirect costs to the Federal Government of awarding and administering such contract vehicle and the impact such contract vehicle will have on the ability of the Federal Government to leverage its purchasing power.

(c) DEFINITIONS.—

(1) COVERED CONTRACT VEHICLE.—The term ''covered contract vehicle'' has the meaning provided by the Administrator for Federal Procurement Policy in guidance issued pursuant to this section and includes, at a minimum, any Governmentwide contract vehicle , whether for acquisition of information technology or other goods or services, in an amount greater than $50,000,000 (or $10,000,000, determined on an average annual basis, in the case of such a contract vehicle performed over more than one year). The term does not include a multiple award schedule contract awarded by the General

Services Administration, a Governmentwide acquisition contract for information technology awarded pursuant to sections 11302(e) and 11314(a)(2) of title 40, United States Code, or orders against existing Governmentwide contract vehicles.

(2) GOVERNMENTWIDE CONTRACT VEHICLE AND EXECUTIVE AGENCY.—The terms ''Governmentwide contract vehicle'' and ''executive agency'' have the meanings provided in section 11501 of title 40, United States Code, as added by section 5301.

(d) REPORT.—Not later than June 1 in each of the next 6 years following the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall submit to the relevant congressional committees a report on the implementation of this section, including a summary of the submissions, reviews, approvals, and disapprovals of business case analyses pursuant to this section.

(e) GUIDANCE.—The Administrator for Federal Procurement Policy shall issue guidance for implementing this section.

(f) REVISION OF FAR.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to implement this section.

TITLE LIII—STRENGTHENING AND STREAMLINING INFORMATION TECHNOLOGY ACQUISITION MANAGEMENT PRACTICES

Subtitle A—Strengthening and Streamlining IT Program Management Practices

SEC. 5301. ESTABLISHMENT OF FEDERAL INFRASTRUCTURE AND COMMON APPLICATION COLLABORATION CENTER.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Chapter 115 of title 40, United States Code, is amended to read as follows:

''CHAPTER 115—INFORMATION TECHNOLOGY ACQUISITION MANAGEMENT PRACTICES

''Sec.
''11501. Federal infrastructure and common application collaboration center.

''§ 11501. Federal infrastructure and common application collaboration center

''(a) ESTABLISHMENT AND PURPOSES.—The Director of the Office of Management and Budget shall establish a Federal Infrastructure and Common Application Collaboration Center (hereafter in this section referred to as the 'Collaboration Center') within the Office of Electronic Government established under section 3602 of title 44 in accordance with this section. The purposes of the Collaboration Center are to serve as a focal point for coordinated program management practices and to develop and maintain requirements for the acquisition of IT infrastructure and common applications commonly used by various Federal agencies.

''(b) ORGANIZATION OF CENTER.—

''(1) MEMBERSHIP.—The Center shall consist of the following members:

''(A) An appropriate number, as determined by the CIO Council, but not less than 12, full-time program managers or cost specialists, all of whom have appropriate experience in the private or Government sector in managing or overseeing acquisitions of IT infrastructure and common applications.

''(B) At least 1 full-time detailee from each of the Federal agencies listed in section 901(b) of title 31, nominated by the respective agency chief information officer for a detail period of not less than 2 years.

''(2) WORKING GROUPS.—The Collaboration Center shall have working groups that specialize in IT infrastructure and common applications identified by the CIO Council. Each working group shall be headed by a separate dedicated program manager appointed by the Federal Chief Information Officer.

''(c) CAPABILITIES AND FUNCTIONS OF THE COLLABORATION CENTER.—For each of the IT infrastructure and common application areas identified by the CIO Council, the Collaboration Center shall perform the following roles, and any other functions as directed by the Federal Chief Information Officer:

''(1) Develop, maintain, and disseminate requirements suitable to establish contracts that will meet the common and general needs of various Federal agencies as determined by the Center. In doing so, the Center shall give maximum consideration to the adoption of commercial standards and industry acquisition best practices, including opportunities for shared services, consideration of total cost of ownership, preference for industry-neutral functional specifications leveraging open industry standards and competition, and use of long-term contracts, as appropriate.

''(2) Develop, maintain, and disseminate reliable cost estimates that are accurate, comprehensive, well-documented, and credible.

''(3) Lead the review of significant or troubled IT investments or acquisitions as identified by the CIO Council.

''(4) Provide expert aid to troubled IT investments or acquisitions.

''(d) GUIDANCE.—The Director, in consultation with the Chief Information Officers Council, shall issue guidance addressing the scope and operation of the Collaboration Center. The guidance shall require that the Collaboration Center report to the Federal Chief Information Officer.

''(e) REPORT TO CONGRESS.—

''(1) IN GENERAL.—The Director shall annually submit to the relevant congressional committees a report detailing the organization, staff, and activities of the Collaboration Center, including—

''(A) a list of IT infrastructure and common applications the Center assisted;

''(B) an assessment of the Center's achievement in promoting efficiency, shared services, and elimination of unnecessary Government requirements that are contrary to commercial best practices; and

''(C) the use and expenditure of amounts in the Fund established under subsection (i).

''(2) INCLUSION IN OTHER REPORT.—The report may be included as part of the annual E-Government status report required under section 3606 of title 44.

''(f) IMPROVEMENT OF THE GOVERNMENTWIDE SOFTWARE PURCHASING PROGRAM.—

''(1) IN GENERAL.—The Collaboration Center, in collaboration with the Office of Federal Procurement Policy, the Department of Defense, and the General Services Administration, shall identify and develop a strategic sourcing initiative to enhance Governmentwide acquisition, shared use, and dissemination of software, as well as compliance with end user license agreements.

''(2) EXAMINATION OF METHODS.—In developing the initiative under paragraph (1), the Collaboration Center shall examine the use of realistic and effective demand aggregation models supported by actual agency commitment to use the models, and supplier relationship management practices, to more effectively govern the Government's acquisition of information technology.

''(3) GOVERNMENTWIDE USER LICENSE AGREEMENT.—The Collaboration Center, in developing the initiative under paragraph (1), shall allow for the purchase of a license agreement that is available for use by all executive agencies as one user to the maximum extent practicable and as appropriate.

''(g) GUIDELINES FOR ACQUISITION OF IT INFRASTRUCTURE AND COMMON APPLICATIONS.—

''(1) GUIDELINES.—The Collaboration Center shall establish guidelines that, to the maximum extent possible, eliminate inconsistent practices among executive agencies and ensure uniformity and consistency in acquisition processes for IT infrastructure and common applications across the Federal Government.

''(2) CENTRAL WEBSITE.—In preparing the guidelines, the Collaboration Center, in consultation with the Chief Acquisition Officers Council, shall offer executive agencies the option of accessing a central website for best practices, templates, and other relevant information.

''(h) PRICING TRANSPARENCY.—The Collaboration Center, in collaboration with the Office of Federal Procurement Policy, the Chief Acquisition Officers Council, the General Services Administration, and the Assisted Acquisition Centers of Excellence, shall compile a price list and catalogue containing current pricing information by vendor for each of its IT infrastructure and common applications categories. The price catalogue shall contain any price provided by a vendor for the same or similar good or service to any executive agency. The catalogue shall be developed in a fashion ensuring that it may be used for pricing comparisons and pricing analysis using standard data formats. The price catalogue shall not be made public, but shall be accessible to executive agencies.

''(i) FEDERAL IT ACQUISITION MANAGEMENT IMPROVEMENT FUND.—

''(1) ESTABLISHMENT AND MANAGEMENT OF FUND.—There is a Federal IT Acquisition Management Improvement Fund (in this subsection referred to as the 'Fund'). The Administrator of General Services shall manage the Fund through the Collaboration Center to support the activities of the Collaboration Center carried out pursuant to this section. The Administrator of General Services shall consult with the Director in managing the Fund.

''(2) CREDITS TO FUND.—Five percent of the fees collected by executive agencies under the following contracts shall be credited to the Fund:

''(A) Governmentwide task and delivery order contracts entered into under sections 4103 and 4105 of title 41.

''(B) Governmentwide contracts for the acquisition of information technology and multiagency acquisition contracts for that technology authorized by section 11314 of this title.

''(C) Multiple-award schedule contracts entered into by the Administrator of General Services.

''(3) REMITTANCE BY HEAD OF EXECUTIVE AGENCY.—The head of an executive agency that administers a contract described in paragraph (2) shall remit to the General Services Administration the amount required to be credited to the Fund with respect to the contract at the end of each quarter of the fiscal year.

''(4) AMOUNTS NOT TO BE USED FOR OTHER PURPOSES.—The Administrator of General Services, through the Office of Management and Budget, shall ensure that amounts collected under this subsection are not used for a purpose other than the activities of the Collaboration Center carried out pursuant to this section.

''(5) AVAILABILITY OF AMOUNTS.—Amounts credited to the Fund remain available to be expended only in the fiscal year for which they are credited and the 4 succeeding fiscal years.

''(j) DEFINITIONS.—In this section:

''(1) EXECUTIVE AGENCY.—The term 'executive agency' has the meaning provided that term by section 105 of title 5.

''(2) FEDERAL CHIEF INFORMATION OFFICER.—The term 'Federal Chief Information Officer' means the Administrator of the Office of

Electronic Government established under section 3602 of title 44.

''(3) GOVERNMENTWIDE CONTRACT VEHICLE.—The term 'Governmentwide contract vehicle' means any contract, blanket purchase agreement, or other contractual instrument that allows for an indefinite number of orders to be placed within the contract, agreement, or instrument, and that is established by one executive agency for use by multiple executive agencies to obtain supplies and services.

''(4) RELEVANT CONGRESSIONAL COMMITTEES.—The term 'relevant congressional committees' means each of the following:

''(A) The Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives.

''(B) The Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate.

''(k) REVISION OF FAR.—The Federal Acquisition Regulation shall be amended to implement this section.''.

(2) CLERICAL AMENDMENT.—The item relating to chapter 115 in the table of chapters at the beginning of subtitle III of title 40, United States Code, is amended to read as follows:

''115. Information Technology Acquisition Management Practices ..... 11501''.

(b) DEADLINES.—

(1) Not later than 180 days after the date of the enactment of this Act, the Director shall issue guidance under section 11501(d) of title 40, United States Code, as added by subsection (a).

(2) Not later than 1 year after the date of the enactment of this Act, the Director shall establish the Federal Infrastructure and Common Application Collaboration Center, in accordance with section 11501(a) of such title, as so added.

(3) Not later than 2 years after the date of the enactment of this Act, the Federal Infrastructure and Common Application Collaboration Center shall—

(A) identify and develop a strategic sourcing initiative in accordance with section 11501(f) of such title, as so added; and

(B) establish guidelines in accordance with section 11501(g) of such title, as so added.

(c) CONFORMING AMENDMENT.—Section 3602(c) of title 44, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following new paragraph (3):

''(3) all of the functions of the Federal Infrastructure and Common Application Collaboration Center, as required under section 11501 of title 40; and''.

SEC. 5302. DESIGNATION OF ASSISTED ACQUISITION CENTERS OF EXCELLENCE.

(a) DESIGNATION.—Chapter 115 of title 40, United States Code, as amended by section 5301, is further amended by adding at the end the following new section:

''§ 11502. Assisted Acquisition Centers of Excellence

''(a) PURPOSE.—The purpose of this section is to develop specialized assisted acquisition centers of excellence within the Federal Government to promote—

''(1) the effective use of best acquisition practices;

''(2) the development of specialized expertise in the acquisition of information technology; and

''(3) Governmentwide sharing of acquisition capability to augment any shortage in the information technology acquisition workforce.

''(b) DESIGNATION OF AACEs.—Not later than 1 year after the date of the enactment of this section, and every 3 years thereafter, the Director of the Office of Management and Budget, in consultation with the Chief Acquisition Officers Council and the Chief Information Officers Council, shall designate, redesignate, or withdraw the designation of acquisition centers of excellence within various executive agencies to carry out the functions set forth in subsection (c) in an area of specialized acquisition expertise as determined by the Director. Each such center of excellence shall be known as an 'Assisted Acquisition Center of Excellence' or an 'AACE'.

''(c) FUNCTIONS.—The functions of each AACE are as follows:

''(1) BEST PRACTICES.—To promote, develop, and implement the use of best acquisition practices in the area of specialized acquisition expertise that the AACE is designated to carry out by the Director under subsection (b).

''(2) ASSISTED ACQUISITIONS.—To assist all Government agencies in the expedient and low-cost acquisition of the information technology goods or services covered by such area of specialized acquisition expertise by engaging in repeated and frequent acquisition of similar information technology requirements.

''(3) DEVELOPMENT AND TRAINING OF IT ACQUISITION WORKFORCE.—To assist in recruiting and training IT acquisition cadres (referred to in section 1704(j) of title 41).

''(d) CRITERIA.—In designating, redesignating, or withdrawing the designation of an AACE, the Director shall consider, at a minimum, the following matters:

''(1) The subject matter expertise of the host agency in a specific area of information technology acquisition.

''(2) For acquisitions of IT infrastructure and common applications covered by the Federal Infrastructure and Common Application Collaboration Center established under section 11501 of this title, the ability and willingness to collaborate with the Collaboration Center and adhere to the requirements standards established by the Collaboration Center.

''(3) The ability of an AACE to develop customized requirements documents that meet the needs of executive agencies as well as the current industry standards and commercial best practices.

''(4) The ability of an AACE to consistently award and manage various contracts, task or delivery orders, and other acquisition arrangements in a timely, cost-effective, and compliant manner.

''(5) The ability of an AACE to aggregate demands from multiple executive agencies for similar information technology goods or services and fulfill those demands in one acquisition.

''(6) The ability of an AACE to acquire innovative or emerging commercial and noncommercial technologies using various contracting methods, including ways to lower the entry barriers for small businesses with limited Government contracting experiences.

''(7) The ability of an AACE to maximize commercial item acquisition, effectively manage high-risk contract types, increase competition, promote small business participation, and maximize use of available Governmentwide contract vehicles.

''(8) The existence of an in-house cost estimating group with expertise to consistently develop reliable cost estimates that are accurate, comprehensive, well-documented, and credible.

''(9) The ability of an AACE to employ best practices and educate requesting agencies, to the maximum extent practicable, regarding critical factors underlying successful major IT acquisitions, including the following factors:

''(A) Active engagement by program officials with stakeholders.

''(B) Possession by program staff of the necessary knowledge and skills.

''(C) Support of the programs by senior department and agency executives.

''(D) Involvement by end users and stakeholders in the development of requirements.

''(E) Participation by end users in testing of system functionality prior to formal end user acceptance testing.

''(F) Stability and consistency of Government and contractor staff.

''(G) Prioritization of requirements by program staff.

''(H) Maintenance of regular communication with the prime contractor by program officials.

''(I) Receipt of sufficient funding by programs.

''(10) The ability of an AACE to run an effective acquisition intern program in collaboration with the Federal Acquisition Institute or the Defense Acquisition University.

''(11) The ability of an AACE to effectively and properly manage fees received for assisted acquisitions pursuant to this section.

''(e) FUNDS RECEIVED BY AACEs.—

''(1) AVAILABILITY.—Notwithstanding any other provision of law or regulation, funds obligated and transferred from an executive agency in a fiscal year to an AACE for the acquisition of goods or services covered by an area of specialized acquisition expertise of an AACE, regardless of whether the requirements are severable or non-severable, shall remain available for awards of contracts by the AACE for the same general requirements for the next 5 fiscal years following the fiscal year in which the funds were transferred.

''(2) TRANSITION TO NEW AACE.—If the AACE to which the funds are provided under paragraph (1) becomes unable to fulfill the requirements of the executive agency from which the funds were provided, the funds may be provided to a different AACE to fulfill such requirements. The funds so provided shall be used for the same purpose and remain available for the same period of time as applied when provided to the original AACE.

''(3) RELATIONSHIP TO EXISTING AUTHORITIES.—This subsection does not limit any existing authorities an AACE may have under its revolving or working capital funds authorities.

''(f) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF AACE.—

''(1) REVIEW.—The Comptroller General of the United States shall review and assess—

''(A) the use and management of fees received by the AACEs pursuant to this section to ensure that an appropriate fee structure is established and enforced to cover activities addressed in this section and that no excess fees are charged or retained; and

''(B) the effectiveness of the AACEs in achieving the purpose described in subsection (a), including review of contracts.

''(2) REPORTS.—Not later than 1 year after the designation or redesignation of AACES under subsection (b), the Comptroller General shall submit to the relevant congressional committees a report containing the findings and assessment under paragraph (1).

''(g) DEFINITIONS.—In this section:

''(1) ASSISTED ACQUISITION.—The term 'assisted acquisition' means a type of interagency acquisition in which the parties enter into an interagency agreement pursuant to which—

''(A) the servicing agency performs acquisition activities on the requesting agency's behalf, such as awarding, administering, or

closing out a contract, task order, delivery order, or blanket purchase agreement; and

''(B) funding is provided through a franchise fund, the Acquisition Services Fund in section 321 of this title, sections 1535 and 1536 of title 31, or other available methods.

''(2) EXECUTIVE AGENCY.—The term 'executive agency' has the meaning provided that term by section 133 of title 41.

''(3) RELEVANT CONGRESSIONAL COMMITTEES.—The term 'relevant congressional committees' has the meaning provided that term by section 11501 of this title.

''(h) REVISION OF FAR.—The Federal Acquisition Regulation shall be amended to implement this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 115 of title 40, United States Code, as amended by section 5301, is further amended by adding at the end the following new item:

''11502. Assisted Acquisition Centers of Excellence.''.

Subtitle B—Strengthening IT Acquisition Workforce

SEC. 5311. EXPANSION OF TRAINING AND USE OF INFORMATION TECHNOLOGY ACQUISITION CADRES.

(a) PURPOSE.—The purpose of this section is to ensure timely progress by Federal agencies toward developing, strengthening, and deploying personnel with highly specialized skills in information technology acquisition, including program and project managers, to be known as information technology acquisition cadres.

(b) REPORT TO CONGRESS.—Section 1704 of title 41, United States Code, is amended by adding at the end the following new subsection:

''(j) STRATEGIC PLAN ON INFORMATION TECHNOLOGY ACQUISITION CADRES.—

''(1) FIVE-YEAR STRATEGIC PLAN TO CONGRESS.—Not later than June 1 following the date of the enactment of this subsection, the Director shall submit to the relevant congressional committees a 5-year strategic plan (to be known as the 'IT Acquisition Cadres Strategic Plan') to develop, strengthen, and solidify information technology acquisition cadres. The plan shall include a timeline for implementation of the plan and identification of individuals responsible for specific elements of the plan during the 5-year period covered by the plan.

''(2) MATTERS COVERED.—The plan shall address, at a minimum, the following matters:

''(A) Current information technology acquisition staffing challenges in Federal agencies, by previous year's information technology acquisition value, and by the Federal Government as a whole.

''(B) The variety and complexity of information technology acquisitions conducted by each Federal agency covered by the plan, and the specialized information technology acquisition workforce needed to effectively carry out such acquisitions.

''(C) The development of a sustainable funding model to support efforts to hire, retain, and train an information technology acquisition cadre of appropriate size and skill to effectively carry out the acquisition programs of the Federal agencies covered by the plan, including an examination of interagency funding methods and a discussion of how the model of the Defense Acquisition Workforce Development Fund could be applied to civilian agencies.

''(D) Any strategic human capital planning necessary to hire, retain, and train an information acquisition cadre of appropriate size and skill at each Federal agency covered by the plan.

''(E) Governmentwide training standards and certification requirements necessary to enhance the mobility and career opportunities of the Federal information technology acquisition cadre within the Federal agencies covered by the plan.

''(F) New and innovative approaches to workforce development and training, including cross-functional training, rotational development, and assignments both within and outside the Government.

''(G) Appropriate consideration and alignment with the needs and priorities of the Infrastructure and Common Application Collaboration Center, Assisted Acquisition Centers of Excellence, and acquisition intern programs.

''(H) Assessment of the current workforce competency and usage trends in evaluation technique to obtain best value, including proper handling of tradeoffs between price and nonprice factors.

''(I) Assessment of the current workforce competency in designing and aligning performance goals, life cycle costs, and contract incentives.

''(J) Assessment of the current workforce competency in avoiding brand-name preference and using industry-neutral functional specifications to leverage open industry standards and competition.

''(K) Use of integrated program teams, including fully dedicated program managers, for each complex information technology investment.

''(L) Proper assignment of recognition or accountability to the members of an integrated program team for both individual functional goals and overall program success or failure.

''(M) The development of a technology fellows program that includes provisions for recruiting, for rotation of assignments, and for partnering directly with universities with well-recognized information technology programs.

''(N) The capability to properly manage other transaction authority (where such authority is granted), including ensuring that the use of the authority is warranted due to unique technical challenges, rapid adoption of innovative or emerging commercial or noncommercial technologies, or other circumstances that cannot readily be satisfied using a contract, grant, or cooperative agreement in accordance with applicable law and the Federal Acquisition Regulation.

''(O) The use of student internship and scholarship programs as a talent pool for permanent hires and the use and impact of special hiring authorities and flexibilities to recruit diverse candidates.

''(P) The assessment of hiring manager satisfaction with the hiring process and hiring outcomes, including satisfaction with the quality of applicants interviewed and hires made.

''(Q) The assessment of applicant satisfaction with the hiring process, including the clarity of the hiring announcement, the user-friendliness of the application process, communication from the hiring manager or agency regarding application status, and timeliness of the hiring decision.

''(R) The assessment of new hire satisfaction with the onboarding process, including the orientation process, and investment in training and development for employees during their first year of employment.

''(S) Any other matters the Director considers appropriate.

''(3) ANNUAL REPORT.—Not later than June 1 in each of the 5 years following the year of submission of the plan required by paragraph (1), the Director shall submit to the relevant congressional committees an annual report outlining the progress made pursuant to the plan.

''(4) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF THE PLAN AND ANNUAL REPORT.—

''(A) Not later than 1 year after the submission of the plan required by paragraph (1), the Comptroller General of the United States shall review the plan and submit to the relevant congressional committees a report on the review.

''(B) Not later than 6 months after the submission of the first, third, and fifth annual report required under paragraph (3), the Comptroller General shall independently assess the findings of the annual report and brief the relevant congressional committees on the Comptroller General's findings and recommendations to ensure the objectives of the plan are accomplished.

''(5) DEFINITIONS.—In this subsection:

''(A) The term 'Federal agency' means each agency listed in section 901(b) of title 31.

''(B) The term 'relevant congressional committees' means each of the following:

''(i) The Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives.

''(ii) The Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate.''.

SEC. 5312. PLAN ON STRENGTHENING PROGRAM AND PROJECT MANAGEMENT PERFORMANCE.

(a) PLAN ON STRENGTHENING PROGRAM AND PROJECT MANAGEMENT PERFORMANCE.—Not later than June 1 following the date of the enactment of this Act, the Director, in consultation with the Director of the Office of Personnel Management, shall submit to the relevant congressional committees a plan for improving management of IT programs and projects.

(b) MATTERS COVERED.—The plan required by subsection (a) shall include, at a minimum, the following:

(1) Creation of a specialized career path for program management.

(2) The development of a competency model for program management consistent with the IT project manager model.

(3) A career advancement model that requires appropriate expertise and experience for advancement.

(4) A career advancement model that is more competitive with the private sector and that recognizes both Government and private sector experience.

(5) Appropriate consideration and alignment with the needs and priorities of the Infrastructure and Common Application Collaboration Center, the Assisted Acquisition Centers of Excellence, and acquisition intern programs.

(c) COMBINATION WITH OTHER CADRES PLAN.—The Director may combine the plan required by subsection (a) with the IT Acquisition Cadres Strategic Plan required under section 1704(j) of title 41, United States Code, as added by section 411.

SEC. 5313. PERSONNEL AWARDS FOR EXCELLENCE IN THE ACQUISITION OF INFORMATION SYSTEMS AND INFORMATION TECHNOLOGY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Personnel Management shall develop policy and guidance for agencies to develop a program to recognize excellent performance by Federal Government employees and teams of such employees in the acquisition of information systems and information technology for the agency.

(b) ELEMENTS.—The program referred to in subsection (a) shall, to the extent practicable—

(1) obtain objective outcome measures; and

(2) include procedures for—

(A) the nomination of Federal Government employees and teams of such employees for eligibility for recognition under the program; and

(B) the evaluation of nominations for recognition under the program by 1 or more agency panels of individuals from Government, academia, and the private sector who have such expertise, and are appointed in such a manner, as the Director of the Office of Personal Management shall establish for purposes of the program.

(c) AWARD OF CASH BONUSES AND OTHER INCENTIVES.—In carrying out the program referred to in subsection (a), the Director of the Office of Personnel Management, in consultation with the Director of the Office of Management and Budget, shall establish policies and guidance for agencies to reward any Federal Government employee or teams of such employees recognized pursuant to the program—

(1) with a cash bonus, to the extent that the performance of such individual or team warrants the award of such bonus and is authorized by any provision of law;

(2) through promotions and other nonmonetary awards;

(3) by publicizing—

(A) acquisition accomplishments by individual employees; and

(B) the tangible end benefits that resulted from such accomplishments, as appropriate; and

(4) through other awards, incentives, or bonuses that the head of the agency considers appropriate.

TITLE LIV—ADDITIONAL REFORMS

SEC. 5401. MAXIMIZING THE BENEFIT OF THE FEDERAL STRATEGIC SOURCING INITIATIVE.

Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall prescribe regulations providing that when the Federal Government makes a purchase of services and supplies offered under the Federal Strategic Sourcing Initiative (managed by the Office of Federal Procurement Policy) but such Initiative is not used, the contract file for the purchase shall include a brief analysis of the comparative value, including price and nonprice factors, between the services and supplies offered under such Initiative and services and supplies offered under the source or sources used for the purchase.

SEC. 5402. PROMOTING TRANSPARENCY OF BLANKET PURCHASE AGREEMENTS.

(a) PRICE INFORMATION TO BE TREATED AS PUBLIC INFORMATION.—The final negotiated price offered by an awardee of a blanket purchase agreement shall be treated as public information.

(b) PUBLICATION OF BLANKET PURCHASE AGREEMENT INFORMATION.—Not later than 180 days after the date of the enactment of this Act, the Administrator of General Services shall make available to the public a list of all blanket purchase agreements entered into by Federal agencies under its Federal Supply Schedules contracts and the prices associated with those blanket purchase agreements. The list and price information shall be updated at least once every 6 months.

SEC. 5403. ADDITIONAL SOURCE SELECTION TECHNIQUE IN SOLICITATIONS.

Section 3306(d) of title 41, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (1);

(2) by striking the period and inserting ''; or'' at the end of paragraph (2); and

(3) by adding at the end the following new paragraph:

''(3) stating in the solicitation that the award will be made using a fixed price technical competition, under which all offerors compete solely on nonprice factors and the fixed award price is pre-announced in the solicitation.''.

SEC. 5404. ENHANCED TRANSPARENCY IN INFORMATION TECHNOLOGY INVESTMENTS.

(a) PUBLIC AVAILABILITY OF INFORMATION ABOUT IT INVESTMENTS.—Section 11302(c) of title 40, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) PUBLIC AVAILABILITY.—

''(A) IN GENERAL.—The Director shall make available to the public the cost, schedule, and performance data for at least 80 percent (by dollar value) of all information technology investments Governmentwide, and 60 percent (by dollar value) of all information technology investments in each Federal agency listed in section 901(b) of title 31, notwithstanding whether the investments are for new IT acquisitions or for operations and maintenance of existing IT. The Director shall ensure that the information is current, accurate, and reflects the risks associated with each covered information technology investment.

''(B) WAIVER OR LIMITATION AUTHORITY.—The applicability of subparagraph (A) may be waived or the extent of the information may be limited—

''(i) by the Director, with respect to IT investments Governmentwide; and

''(ii) by the Chief Information Officer of a Federal agency, with respect to IT investments in that agency;

if the Director or the Chief Information Officer, as the case may be, determines that such a waiver or limitation is in the national security interests of the United States.''.

(b) ADDITIONAL REPORT REQUIREMENTS.—Paragraph (3) of section 11302(c) of such title, as redesignated by subsection (a), is amended by adding at the end the following: ''The report shall include an analysis of agency trends reflected in the performance risk information required in paragraph (2).''.

SEC. 5405. ENHANCED COMMUNICATION BETWEEN GOVERNMENT AND INDUSTRY.

Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall prescribe a regulation making clear that agency acquisition personnel are permitted and encouraged to engage in responsible and constructive exchanges with industry, so long as those exchanges are consistent with existing law and regulation and do not promote an unfair competitive advantage to particular firms.

SEC. 5406. CLARIFICATION OF CURRENT LAW WITH RESPECT TO TECHNOLOGY NEUTRALITY IN ACQUISITION OF SOFTWARE.

(a) PURPOSE.—The purpose of this section is to establish guidance and processes to clarify that software acquisitions by the Federal Government are to be made using merit-based requirements development and evaluation processes that promote procurement choices—

(1) based on performance and value, including the long-term value proposition to the Federal Government;

(2) free of preconceived preferences based on how technology is developed, licensed, or distributed; and

(3) generally including the consideration of proprietary, open source, and mixed source software technologies.

(b) TECHNOLOGY NEUTRALITY.—Nothing in this section shall be construed to modify the Federal Government's long-standing policy of following technology-neutral principles and practices when selecting and acquiring information technology that best fits the needs of the Federal Government.

(c) GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Director, in consultation with the Chief Information Officers Council, shall issue guidance concerning the technology-neutral procurement and use of software within the Federal Government.

(d) MATTERS COVERED.—In issuing guidance under subsection (c), the Director shall include, at a minimum, the following:

(1) Guidance to clarify that the preference for commercial items in section 3307 of title 41, United States Code, includes proprietary, open source, and mixed source software that meets the definition of the term ''commercial item'' in section 103 of title 41, United States Code, including all such software that is used for non-Government purposes and is licensed to the public.

(2) Guidance regarding the conduct of market research to ensure the inclusion of proprietary, open source, and mixed source software options.

(3) Guidance to define Governmentwide standards for security, redistribution, indemnity, and copyright in the acquisition, use, release, and collaborative development of proprietary, open source, and mixed source software.

(4) Guidance for the adoption of available commercial practices to acquire proprietary, open source, and mixed source software for widespread Government use, including issues such as security and redistribution rights.

(5) Guidance to establish standard service level agreements for maintenance and support for proprietary, open source, and mixed source software products widely adopted by the Government, as well as the development of Governmentwide agreements that contain standard and widely applicable contract provisions for ongoing maintenance and development of software.

(6) Guidance on the role and use of the Federal Infrastructure and Common Application Collaboration Center, established pursuant to section 11501 of title 40, United States Code (as added by section 5301), for acquisition of proprietary, open source, and mixed source software.

(e) REPORT TO CONGRESS.—Not later than 2 years after the issuance of the guidance required by subsection (b), the Comptroller General of the United States shall submit to the relevant congressional committees a report containing—

(1) an assessment of the effectiveness of the guidance;

(2) an identification of barriers to widespread use by the Federal Government of specific software technologies; and

(3) such legislative recommendations as the Comptroller General considers appropriate to further the purposes of this section.

SA 2390. 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___. SENSE OF CONGRESS; REPORT ON STATUS OF PILOT PROGRAM FOR TECHNOLOGY COMMERCIALIZATION.

(a) SENSE OF CONGRESS ON APPOINTMENT OF TECHNOLOGY TRANSFER COORDINATOR.—It is the sense of Congress that the Secretary of Energy should appoint the Technology Transfer Coordinator authorized under section 1001(a) of the Energy Policy Act of 2005

(42 U.S.C. 16391(a)) not later than 30 days after the date of enactment of this Act.

(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).

SA 2391. Mrs. HAGAN (for herself, Mrs. FISCHER, and Mr. LEVIN) 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 XIII, add the following:

SEC. 1304. ENHANCED AUTHORITY UNDER COOPERATIVE THREAT REDUCTION PROGRAM FOR URGENT THREAT REDUCTION ACTIVITIES WITH RESPECT TO SYRIA.

(a) IN GENERAL.—The percentage limitation specified in subsection (a) of section 1305 of the National Defense Authorization Act for Fiscal Year 2010 (22 U.S.C. 5965) shall not apply with respect to amounts appropriated or otherwise made available for fiscal year 2014 or 2015 for the Cooperative Threat Reduction Program of the Department of Defense to the extent that amounts expended in excess of such percentage limitation for either such fiscal year are expended for activities undertaken under that section with respect to Syria.

(b) QUARTERLY BRIEFINGS.—

(1) INITIAL BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall provide to the appropriate committees of Congress a briefing on activities described in subsection (a) that includes the following:

(A) A plan for carrying out such activities.

(B) Estimated timelines and milestones for carrying out the plan.

(C) A discussion of the planned final disposition of equipment and facilities procured using funds authorized for such activities.

(2) SUBSEQUENT BRIEFINGS.—Not later than 90 days after providing the briefing required by paragraph (1), and every 90 days thereafter, the Secretary shall provide to the appropriate committees of Congress a briefing on the activities carried out under subsection (a) that includes the following:

(A) An accounting of the funds expended as of the date of the briefing to carry out such activities.

(B) An estimate of the funds that are expected to be expended for such activities in the 90-day period following the briefing.

(C) An identification of recipients of assistance pursuant to such activities.

(D) A description of the types of equipment and services procured in carrying out such activities.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SA 2392. Mr. CORNYN (for himself, Mr. CRUZ, Mr. BOOZMAN, Mr. PRYOR, Mr. MORAN, Mr. HELLER, 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 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 AN ATTACK PERPETRATED BY A HOMEGROWN VIOLENT EXTREMIST WHO WAS INSPIRED OR MOTIVATED BY A FOREIGN TERRORIST ORGANIZATION.

(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.

SA 2393. Mr. ENZI (for himself 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 C of title V, add the following:

SEC. 514. NOTICE AND REPORTS TO CONGRESS ON MEETINGS RELATING TO DEPARTMENT OF DEFENSE POLICIES ON RELIGIOUS LIBERTY.

(a) ADVANCE NOTICE.—

(1) IN GENERAL.—The Department of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives advance written notice of any meeting to be held between Department employees and civilians for the purpose of writing, revising, issuing, implementing, enforcing, or seeking advice, input, or counsel regarding military policy related to religious liberty.

(2) CONTENTS OF NOTICE.—Notice provided under paragraph (1) shall include information on the time, date, location, and anticipated attendees of the meeting and information on who initiated the meeting.

(3) VERBAL NOTICE.—If a meeting to which this subsection applies is scheduled less than

24 hours in advance of the meeting, the notice requirement under paragraph (1) may be satisfied by a phone call if Committee staff provide verbal confirmation of receipt of the notice.

(b) REPORT.—Not later than 72 hours after the conclusion of a meeting to which subsection (a) applies, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the meeting. The report shall include information on the time, date, location, duration, and attendees of the meeting and information on who initiated the meeting.

SA 2394. Mr. ENZI (for himself, Mr. HOEVEN, and 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 E of title X, add the following:

SEC. 1046. RESTRICTION ON REDUCTION OF NUCLEAR FORCES.

None of the amounts authorized to be appropriated by this Act or otherwise made available to the Department of Defense for fiscal year 2014 may be used to reduce United States nuclear forces below the levels specified under the New START Treaty except pursuant to the treaty-making power of the President under Article II, section 2, clause 2 of the Constitution of the United States or the Arms Control and Disarmament Act (Public Law 87–297).

SA 2395. 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 A of title X, add the following:

SEC. 1003. REDUCTION IN BUDGETS OF MAJOR DEPARTMENT OF DEFENSE HEADQUARTERS ACTIVITIES.

(a) IN GENERAL.—Commencing with fiscal year 2015, the Secretary of Defense shall provide for a reduction in the aggregate budget of the Department of Defense headquarters activities specified in subsection (b) such that the aggregate budget for such headquarters activities for fiscal year 2018 does not exceed an amount equal to—

(1) the aggregate amount requested for such headquarters activities in the budget of the Department of Defense for fiscal year 2013 (as included in the budget of the President for that fiscal year submitted pursuant to section 1105 of title 31, United States Code), minus

(2) an amount equal to 20 percent of the amount described in paragraph (1).

(b) HEADQUARTERS ACTIVITIES.—The Department of Defense headquarters activities specified in this subsection are as follows:

(1) The Office of the Secretary of Defense, including Principal Staff Assistants and their associated Defense Agency staffs and Department of Defense field activity staffs.

(2) The Joint Staff.

(3) The Office of the Secretary of the Army and Army Staff.

(4) The Office of the Secretary of the Air Force and Air Staff.

(5) The Office of the Secretary of the Navy, Office of the Chief of Naval Operations, and Headquarters, Marine Corps.

(6) The commands as follows:

(A) The United Sates Army Forces Command.

(B) The United States Army Materiel Command.

(C) United States Army Pacific.

(D) The United States Army Training and Doctrine Command.

(E) The United States Fleet Forces Command.

(F) United States Naval Forces Europe.

(G) United States Pacific Fleet.

(H) The Air Combat Command.

(I) The Air Education and Training Command.

(J) The Air Force Materiel Command.

(K) The Air Force Space Command.

(L) The Air Mobility Command.

(M) Pacific Air Forces.

(N) United States Air Forces in Europe.

(7) Reserve component commands, including the following:

(A) The National Guard Bureau, the Army National Guard Directorate, and the Air National Guard Readiness Center.

(B) The Office of the Chief of the Army Reserve and the Army Reserve Command.

(C) Headquarters, Air Force Reserve and the Air Force Reserve Command.

(D) Headquarters, Navy Reserve Force and the Marine Corps Forces Reserve.

(8) Unified combatant command staffs, including the following:

(A) The United States Africa Command.

(B) The United States Central Command.

(C) The United States European Command.

(D) The United States Northern Command.

(E) The United States Pacific Command.

(F) The United States Southern Command.

(G) The United States Special Operations Command.

(H) The United States Strategic Command.

(I) The United States Transportation Command.

(c) SCOPE OF REDUCTIONS.—The reduction in the budget of a headquarters activity to be achieved under subsection (a) shall be a reduction in the total budget of the headquarters activity (as specified in the future-years defense program accompanying the budget of the President for fiscal year 2013), including—

(1) costs of military and civilian personnel (whether regular or reserve component) assigned to the headquarters activity; and

(2) associated costs of the headquarters activity, including contract services, facilities, information technology, and other costs that support headquarters functions, including manpower and resources associated with the Military Intelligence Program (MIP).

(d) ADMINISTRATION OF REDUCTION.—

(1) UNIFORM ALLOCATION OF REDUCTION ACROSS FISCAL YEARS.—The Secretary shall, to the extent practicable, achieve the reduction in the aggregate budget required by subsection (a) by spreading the reduction evenly among the fiscal years during which the reduction occurs.

(2) UNIFORM APPLICATION OF PERCENTAGE REDUCTION AMONG COVERED HEADQUARTERS.—The Secretary shall, to the extent practicable, achieve the reduction in the aggregate budget required by subsection (a) by achieving the same percentage in the reduction of the budget for each headquarters activity to which the reduction applies.

(3) PROHIBITION ON ACHIEVEMENT THROUGH INCREASE IN BUDGETS OF HEADQUARTERS OF SUBORDINATE COMMANDS.—The Secretary may not achieve the reduction in the aggregate budget required by subsection (a) through an increase in the budgets of subordinate commands, subordinate headquarters activities, or other associated activities.

(4) AUTHORITY TO CONSOLIDATE CERTAIN COMMANDS.—Notwithstanding paragraph (2), the Secretary may restructure, consolidate, or combine any of the headquarters activities listed in paragraphs (1), (6), (7), and (8) of subsection (b) as may be needed to support operational or strategic objectives, so long as such restructuring, consolidation, or combination is consistent with the achievement of the reduction in the aggregate budget required by subsection (a).

(e) REPORTS.—The Secretary shall submit to the congressional defense committees, at the same time the budget of the President for each of fiscal years 2016, 2017, 2018, and 2019 is submitted to Congress pursuant to section 1105 of title 31, United States Code, a report setting forth a description of the progress of the Secretary in achieving the reduction in the aggregate budget required by subsection (a) during the prior fiscal year. Each report shall include a certification by the Secretary whether the Secretary will achieve, or has achieved, the reduction required.

SA 2396. Mrs. MURRAY (for herself and Mr. KAINE) 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 153, between lines 24 and 25, insert the following:

(4) STANDING TO APPEAR AND REPRESENTATION.—The Special Victims' Counsel provided to a member of the Armed Forces or dependent of a member of the Armed Forces under subsection (b) of section 1565b of title 10, United States Code (as amended by this section), shall be permitted to provide legal representation in connection with the reporting, investigation, and prosecution of a member of the Armed Forces for the offense for which the Special Victims' Counsel is provided. The representation shall include the right to appear and be heard, to the extent the victim has a right to be heard, at any proceeding under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

SA 2397. Mr. MCCAIN (for himself and Mrs. FEINSTEIN) 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. TRANSFER OF AIRCRAFT TO OTHER DEPARTMENTS FOR WILDFIRE SUPPRESSION PURPOSES.

(a) TRANSFER OF HC–130H AIRCRAFT.—

(1) TRANSFER BY DEPARTMENT OF HOMELAND SECURITY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation

with the Secretary of Agriculture, shall transfer, without reimbursement—

(A) 7 HC–130H aircraft to the Secretary of the Air Force; and

(B) initial spares and necessary ground support equipment for HC–130H aircraft to the Secretary of Agriculture for use by the Forest Service Director of Aviation and Fire Management as large air tanker wildfire suppression aircraft.

(2) AIR FORCE ACTIONS.—Subject to the availability of funds provided by the Undersecretary of Defense, Comptroller, to the Secretary of the Air Force for HC–130H modifications, the Secretary of the Air Force shall—

(A) accept the HC–130H aircraft transferred by the Secretary of Homeland Security under paragraph (1);

(B) at the first available opportunity, promptly schedule and serially synchronize with the Secretary of Homeland Security and the Secretary of Agriculture the induction of HC–130H aircraft to minimize maintenance induction on-ramp wait time of HC–130H aircraft, while also affording the Secretary of Homeland Security reasonable access to operational aircraft prior to the aircraft's induction into maintenance functions described in subparagraph (C);

(C) perform center and outer wingbox replacement modifications, progressive fuselage structural inspections, and configuration modifications necessary to convert each HC–130H aircraft as large air tanker wildfire suppression aircraft; and

(D) after modifications described in subparagraph (C) are completed for each HC–130H aircraft, the Secretary of the Air Force shall transfer each aircraft without reimbursement to the Secretary of Agriculture for use by the Forest Service Director of Aviation and Fire Management as large air tanker wildfire suppression aircraft.

(3) REIMBURSEMENT.—The Undersecretary of Defense, Comptroller, shall promptly reimburse the Secretary of the Air Force for all fiscal resources utilized by the Department of the Air Force to perform the HC–130H modifications described under paragraph (2).

(b) TRANSFER OF C–23B+ SHERPA AIRCRAFT.—The Secretary of the Army shall transfer, without reimbursement—

(1) up to 15 C–23B+ Sherpa aircraft in fiscal year 2014 to the Secretary of Agriculture, subject to the quantity of C–23B+ Sherpa aircraft that the Forest Service Director of Aviation and Fire Management determines are required to meet fire-fighting requirements; and

(2) initial spares and necessary ground support equipment for operation of C–23B+ Sherpa aircraft to the Secretary of Agriculture for use by the Forest Service Director of Aviation and Fire Management.

(c) CONDITIONS OF CERTAIN TRANSFERS.—Aircraft transferred to the Secretary of Agriculture under this section—

(1) may be used only for wildfire suppression purposes;

(2) may not be flown outside of, or otherwise removed from, the United States unless dispatched by the National Interagency Fire Center in support of an international agreement to assist in wildfire suppression efforts or for other purposes approved by the Secretary of Agriculture in writing in advance; and

(3) may not be sold by the Secretary of Agriculture after transfer.

(d) COSTS AFTER TRANSFER.—Any costs of operation, maintenance, sustainment, and disposal of excess aircraft, initial spares, and ground support equipment transferred to the Secretary of Agriculture under this section that are incurred after the date of transfer shall be borne by the Secretary of Agriculture.

(e) CERTIFICATION REQUIREMENT.—Notwithstanding any other law, neither the Secretary of Agriculture nor the Secretary of Homeland Security shall take possession of any C–27J aircraft unless the Secretary of Defense and the Director of the Office of Management and Budget certify to the congressional defense committees within 30 days after the enactment of this act that adequate funding has been obligated to modify 7 HC–130H aircraft as large air tanker wildfire suppression aircraft.

SA 2398. 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 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 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 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 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) REPORTS TO CONGRESS.—Not later than 30 days after the last day of each fiscal year, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of this section and any available results on investigational treatment clinical trials authorized under this section during such fiscal year.

(f) TERMINATION.—The authority of the Secretary to carry out the pilot program authorized by subsection (a) shall terminate on December 31, 2018.

SA 2399. Ms. STABENOW (for herself, Ms. COLLINS, and Mr. KING) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 410, strike lines 1 and 2, and insert the following:

Subtitle C—Domestic Refugee Resettlement

SEC. 1221. SHORT TITLE.

This subtitle may be cited as the ''Domestic Refugee Resettlement Reform and Modernization Act of 2013''.

SEC. 1222. DEFINITIONS.

In this subtitle:

(1) COMMUNITY-BASED ORGANIZATION.—The term ''community-based organization'' means a nonprofit organization providing a variety of social, health, educational and community services to a population that includes refugees resettled into the United States.

(2) DIRECTOR.—The term ''Director'' means the Director of the Office of Refugee Resettlement in the Department of Health and Human Services.

(3) NATIONAL RESETTLEMENT AGENCY.—The term ''national resettlement agency'' means voluntary agencies contracting with the Department of State to provide sponsorship and initial resettlement services to refugees entering the United States.

SEC. 1223. ASSESSMENT OF REFUGEE DOMESTIC RESETTLEMENT PROGRAMS.

(a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study regarding the effectiveness of the domestic refugee resettlement programs operated by the Office of Refugee Resettlement.

(b) MATTERS TO BE STUDIED.—In the study required under subsection (a), the Comptroller General shall determine and analyze—

(1) how the Office of Refugee Resettlement defines self-sufficiency and if this definition is adequate in addressing refugee needs in the United States;

(2) the effectiveness of Office of Refugee Resettlement programs in helping refugees to meet self-sufficiency and integration;

(3) the Office of Refugee Resettlement's budgetary resources and project the amount of additional resources needed to fully address the unmet needs of refugees with regard to self-sufficiency and integration;

(4) the role of community-based organizations in serving refugees in areas experiencing a high number of new refugee arrivals;

(5) how community based organizations can be better utilized and supported in the Federal domestic resettlement process; and

(6) recommended statutory changes to improve the Office of Refugee Resettlement and the domestic refugee program in relation to the matters analyzed under paragraphs (1) through (5).

(c) REPORT.—Not later than 2 years after the date of the enactment of this Act, the

Comptroller General shall submit to Congress the results of the study required under subsection (a).

SEC. 1224. REFUGEE ASSISTANCE.

(a) ASSISTANCE MADE AVAILABLE TO SECONDARY MIGRANTS.—Section 412(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1522(a)(1)) is amended by adding at the end the following:

''(C) The Director shall ensure that assistance under this section is provided to refugees who are secondary migrants and meet all other eligibility requirements for such assistance.''.

(b) REPORT ON SECONDARY MIGRATION.—Section 412(a)(3) of such Act (8 U.S.C. 1522(a)(3)) is amended—

(1) by inserting ''(A)'' after ''(3)'';

(2) by striking ''periodic'' and inserting ''annual''; and

(3) by adding at the end the following:

''(B) At the end of each fiscal year, the Director shall submit a report to Congress that includes—

''(i) States experiencing departures and arrivals due to secondary migration;

''(ii) likely reasons for migration;

''(iii) the impact of secondary migration on States hosting secondary migrants;

''(iv) the availability of social services for secondary migrants in those States; and

''(v) unmet needs of those secondary migrants.''.

(c) AMENDMENTS TO SOCIAL SERVICES FUNDING.—Section 412(c)(1)(B) of such Act (8 U.S.C. 1522(c)(1)(B)) is amended—

(1) by inserting ''a combination of—'' after ''based on'';

(2) by striking ''the total number'' and inserting the following:

''(i) the total number''; and

(3) by striking the period at the end and inserting the following:

''(ii) the total number of all other eligible populations served by the Office during the period described who are residing in the State as of the beginning of the fiscal year; and

''(iii) projections on the number and nature of incoming refugees and other populations served by the Office during the subsequent fiscal year.''.

(d) NOTICE AND RULEMAKING.—Not later than 90 days after the date of the enactment of this Act and not later than 30 days before the effective date set forth in subsection (e), the Director shall—

(1) issue a proposed rule for a new formula by which grants and contracts are to be allocated pursuant to the amendments made by subsection (c); and

(2) solicit public comment regarding such proposed rule.

(e) EFFECTIVE DATE.—The amendments made by this section shall become effective on the first day of the first fiscal year that begins after the date of the enactment of this Act.

SEC. 1225. RESETTLEMENT DATA.

(a) IN GENERAL.—The Director shall expand the Office of Refugee Resettlement's data analysis, collection, and sharing activities in accordance with the requirements set forth in subsections (b) through (e).

(b) DATA ON MENTAL AND PHYSICAL MEDICAL CASES.—The Director shall—

(1) coordinate with the Centers for Disease Control and Prevention, national resettlement agencies, community-based organizations, and State refugee health programs to track national and State trends on refugees arriving with Class A medical conditions and other urgent medical needs; and

(2) in collecting information under this subsection, utilize initial refugee health screening data, including—

(A) a history of severe trauma, torture, mental health symptoms, depression, anxiety, and posttraumatic stress disorder recorded during domestic and international health screenings; and

(B) Refugee Medical Assistance utilization rate data.

(c) DATA ON HOUSING NEEDS.—The Director shall partner with State refugee programs, community-based organizations, and national resettlement agencies to collect data relating to the housing needs of refugees, including—

(1) the number of refugees who have become homeless; and

(2) the number of refugees who are at severe risk of becoming homeless.

(d) DATA ON REFUGEE EMPLOYMENT AND SELF-SUFFICIENCY.—The Director shall gather longitudinal information relating to refugee self-sufficiency, integration, and employment status during the 2-year period beginning 1 year after the date on which the refugees arrived in the United States.

(e) AVAILABILITY OF DATA.—The Director shall annually—

(1) update the data collected under this section; and

(2) submit a report to Congress that contains the updated data.

SEC. 1226. GUIDANCE REGARDING REFUGEE PLACEMENT DECISIONS.

(a) CONSULTATION.—The Secretary of State shall provide guidance to national resettlement agencies and State refugee coordinators on consultation with local stakeholders pertaining to refugee resettlement.

(b) BEST PRACTICES.—The Secretary of Health and Human Services, in collaboration with the Secretary of State, shall collect best practices related to the implementation of the guidance on stakeholder consultation on refugee resettlement from voluntary agencies and State refugee coordinators and disseminate such best practices to such agencies and coordinators.

SEC. 1227. EFFECTIVE DATE.

This subtitle (except for the amendments made by section 1224) shall take effect on the date that is 90 days after the date of the enactment of this Act.

Subtitle D—Reports and Other Matters

SA 2400. Mrs. FEINSTEIN (for herself, Mr. LEE, Mr. COONS, Mr. PAUL, and Mr. CRUZ) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1035. PROHIBITION ON THE INDEFINITE DETENTION OF CITIZENS AND LAWFUL PERMANENT RESIDENTS.

Section 4001 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

''(a) No citizen shall be imprisoned or otherwise detained by the United States except consistent with the Constitution and pursuant to an act of Congress that expressly authorizes such detention.'';

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

''(b)(1) A general authorization to use military force, a declaration of war, or any similar authority, on its own, shall not be construed to authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States.

''(2) Paragraph (1) applies to an authorization to use military force, a declaration of war, or any similar authority enacted before, on, or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2014.

''(3) This section shall not be construed to authorize the detention of a citizen of the United States, a lawful permanent resident of the United States, or any other person who is apprehended in the United States.''.

SA 2401. 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 E of title XXVIII, add the following:

SEC. 2842. LIMITATION ON PHYSICAL RELOCATION OF ARMY RECRUITING AND RETENTION SCHOOL.

The Secretary of the Army shall not undertake any action, or use any funds available to the Army, to physically relocate the Army Recruiting and Retention School from Fort Jackson, South Carolina, until the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following:

(1) An independent cost-benefit analysis of the proposed relocation of the Army Recruiting and Retention School.

(2) A description of the projected Army trainee population at Fort Jackson in fiscal years 2015 through 2020.

(3) An analysis of the military construction requirements and costs for the erection of a structure at Fort Jackson adequate to house all trainees attending the Army Recruiting and Retention School.

SA 2402. 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 OF THE UNITED STATES REPORT ON AVAILABILITY OF COMPOUNDED PHARMACEUTICALS IN THE MILITARY HEALTH CARE SYSTEM.

(a) REPORT REQUIRED.—Not later than September 30, 2014, the Comptroller General of the United States shall submit to Congress a report on the availability of compounded pharmaceuticals in the military health care system.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the number of prescriptions for compounded pharmaceuticals processed, and the types of compounded pharmaceuticals dispensed, in military medical treatment facilities and through the mail order and retail venues of the pharmacy benefits program of the TRICARE program in fiscal year 2013.

(2) A description of the categories of eligible beneficiaries who received compounded pharmaceuticals in each pharmacy venue of the military health care system in fiscal year 2013.

(3) A description of the claims reimbursement methodology used by the manager of the pharmacy benefits program to reimburse pharmacy providers for compounded pharmaceuticals, and an assessment of the manner in which such methodology compares with reimbursement methodologies used by other major public programs and private insurers.

(4) An estimate of potential cost savings for the Department of Defense if the manager of the pharmacy benefits program used an alternative claims reimbursement methodology for compounded pharmaceuticals provided under the pharmacy benefits program.

(5) A review of the accreditation standards and options intended to assure the safety and efficacy of compounded pharmaceuticals available through the military health care system.

SA 2403. 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:

On page 157, between the matter before line 1 and line 1, insert the following:

(e) DISCHARGE AND ENFORCEMENT OF RIGHTS OF VICTIMS TO BE HEARD AT PROCEEDINGS RELATING TO OFFENSES.—

(1) REPRESENTATION THROUGH COUNSEL.—In any proceeding of the military justice process in which a member of the Armed Forces or dependent of a member who is the victim of a sexual assault committed by a member of the Armed Forces has the right to be heard, such member or dependent shall have the right to be heard through an attorney who represents such member or dependent.

(2) APPELLATE ENFORCEMENT OF RIGHTS.—

(A) COURT OF CRIMINAL APPEALS.—Section 866 of title 10, United States Code (article 66 of the Uniform Code of Military Justice), is amended—

(i) by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively; and

(ii) by inserting after subsection (e) the following new subsection (f):

''(f)(1) The Judge Advocate General may refer to a Court of Criminal Appeals each petition by a member of the armed forces or a dependent of a member for the enforcement of the following rights:

''(A) Any right available to the petitioning member or dependent to be heard at a proceeding of the military justice process in connection with a sexual assault committed by a member of the armed forces in which the petitioning member or dependent was the victim.

''(B) The right of the petitioning member or dependent to be represented by counsel at any such proceeding at which the member or dependent has the right to be heard.

''(2) In a petition referred to it under paragraph (1), the Court of Criminal Appeals may act only on the decision of the military judge not to enforce a right referred to in that paragraph.

''(3) If the Court of Criminal Appeals sets aside the decision of a military judge, it may order the military judge to enforce the rights of the member or dependent.''.

(B) COURT OF APPEALS FOR THE ARMED FORCES.—Section 867 of title 10, United States Code (article 67 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

''(f)(1) The Court of Appeals for the Armed Forces shall have the authority, in its discretion, to review each petition for review by a member of the armed forces or dependent of a member of a decision of the Court of Criminal Appeals under section 866(f) of this title (article 66(f)) not to enforce a right of the member or dependent under paragraph (1) of that section.

''(2) In a case reviewed by it under paragraph (1), the review of the Court of Appeals for the Armed Forces shall be limited to the decision of the Court of Criminal Appeals. The Court of Appeals for the Armed Forces shall only take action with respect to matters of law.

''(3) If the Court of Appeals for the Armed Forces sets aside the decision of a Court of Criminal Appeals, it may order the enforcement of the right of the member or dependent.''.

SA 2404. Mr. KING 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. RETROACTIVE APPLICATION OF AUTHORITY FOR RECOMPUTATION OF RETIRED PAY FOR RESERVE RETIREES FOR CERTAIN SERVICE IN ACTIVE STATUS AFTER RETIREMENT BEFORE OCTOBER 28, 2009.

(a) RECOMPUTATION REQUIRED FOR RESERVES MEETING TWO-YEAR SERVICE REQUIREMENT.—In the case of any Reserve who completed not less than two years of service on active status as described in subsection (e)(1) of section 12739 of title 10, United States Code, before October 28, 2009, the Secretary concerned shall recompute the retired pay of such Reserve under such section as if such subsection applied to such Reserve for such service.

(b) RECOMPUTATION AUTHORIZED FOR OTHER COVERED RESERVES.—In the case of any Reserve who served on active status as described in subsection (e)(2) of section 12739 of title 10, United States Code, before October 28, 2009, the Secretary concerned may recompute the retired pay of such Reserve under such section as if subsection (e)(1) of such section applied to such Reserve for such service.

(c) EFFECTIVE DATE OF RECOMPUTATION.—Any recomputation of retired pay under this section shall be effective only for retired pay payable for months beginning on or after the date of such recomputation.

(d) SECRETARY CONCERNED DEFINED.—In this section, the term ''Secretary concerned'' has the meaning given that term in section 101(a)(9) of title 10, United States Code.

SA 2405. 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:

On page 549, beginning with line 13, strike through line 15 on page 554 and insert the following:

TITLE XXXV—MARITIME ADMINISTRATION

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL SECURITY ASPECTS OF THE MERCHANT MARINE FOR FISCAL YEAR 2014.

Funds are hereby authorized to be appropriated for fiscal year 2014, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for Maritime Administration programs associated with maintaining national security aspects of the merchant marine, as follows:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, $81,268,000, of which—

(A) $67,268,000 shall remain available until expended for Academy operations; and

(B) $14,000,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, $17,100,000, of which—

(A) $2,400,000 shall remain available until expended for student incentive payments;

(B) $3,600,000 shall remain available until expended for direct payments to such academies; and

(C) $11,100,000 shall remain available until expended for maintenance and repair of State maritime academy training vessels.

(3) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, $2,000,000, to remain available until expended.

(4) For expenses to maintain and preserve a United States-flag merchant marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $186,000,000.

SEC. 3502. TREATMENT OF FUNDS FOR INTERMODAL TRANSPORTATION MARITIME FACILITY, PORT OF ANCHORAGE, ALASKA.

Section 10205 of Public Law 109–59 (119 Stat. 1934) is amended by striking ''shall'' and inserting ''may''.

SA 2406. 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 title XXXV, add the following:

SEC. 3502. REPORT ON THE READY RESERVE FORCE OF THE MARITIME ADMINISTRATION.

(a) FINDINGS.—Congress finds the following:

(1) It is in the interest of United States national security that the United States merchant marine, both ships and mariners, serve as a naval auxiliary in times of war or national emergency.

(2) It is important to augment the readiness of the United States merchant fleet with a Government-owned reserve fleet comprised of ships with national defense features that may not be available immediately in sufficient numbers or types in the active United States-owned, United States-flagged, and United States-crewed commercial industry.

(3) The Ready Reserve Force of the Maritime Administration, a component of the National Defense Reserve Fleet, plays an important role in United States national security by providing necessary readiness and efficiency in the form of a Government-owned sealift fleet.

(4) By 2025, 7 out of 27 standard-speed roll-on/roll-off vessels in the Ready Reserve Force will have reached their end of service life. Only 5 of such vessels will still be within their service life by 2030.

(5) The Ready Reserve Force could avoid at least $463,000,000 in costs over the next 20 years through a pilot program involving 5 dual-use vessels.

(6) A successful dual-use vessel program could provide—

(A) private sector benefits for the domestic shipbuilding and maritime freight industries; and

(B) an opportunity to outfit vessels with natural gas engines, lowering long-term fuel costs and emissions.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should maintain a shipbuilding base to meet United States national security requirements;

(2) the Ready Reserve Force of the Maritime Administration should remain capable, modern, and efficient in order to best serve the national security needs of the United States in times of war or national emergency;

(3) Federal agencies should consider investment options for replacing aging vessels within the Ready Reserve Force to meet future operational commitments; and

(4) investment in recapitalizing the Ready Reserve Force should include—

(A) construction of dual-use vessels, based on need, for use in the America's Marine Highway Program of the Department of Transportation, as a recent study performed under a cooperative agreement between the Maritime Administration and the Navy demonstrated that dual-use vessels transporting domestic freight between United States ports could be called upon to supplement sealift capacity;

(B) construction of tanker vessels to meet military transport needs; and

(C) construction of vessels for use in transporting potential new energy exports.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of the Navy, shall submit to the congressional defense committees a report on the cost-effectiveness of the recapitalizing methods for the Ready Reserve Force described under subsection (b)(4) that includes an assessment of the risks involved with Federal financing of dual-use vessels.

SA 2407. 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. SENSE OF SENATE THAT FUNDS FOR PLANNED OR SCHEDULED EXCAVATIONS IN FISCAL YEAR 2014 IN CONNECTION WITH POW/MIA ACCOUNTING ACTIVITIES SHOULD NOT BE SUBJECT TO ANNUAL APPROPRIATIONS.

It is the sense of the Senate that funds for planned or scheduled excavations in fiscal year 2014 in connection with POW/MIA accounting activities should not be subject to annual appropriations.

SA 2408. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1066. REPORT ON READINESS OF AIR FORCE COMBAT RESCUE HELICOPTER FLEET.

(a) REPORT REQUIRED.—Not later than April 1, 2014, the Secretary of the Air Force shall, in consultation with the Chief of the National Guard Bureau, submit to congressional defense committees a report setting forth an assessment of the readiness of the Air Force combat rescue helicopter fleet.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the readiness of the Air Force combat rescue helicopter fleet, including—

(A) the number and type of helicopters in the combat rescue helicopter fleet operated by each of the Air Force, the Air Force Reserve, and the Air National Guard;

(B) the Aircraft Availability Rate, and the number of hours flown for each of the preceding 12 months, for the portion of the fleet operated by each of the Air Force, the Air Force Reserve, and the Air National Guard; and

(C) the costs associated with sustaining and training the current fleet of Air Force combat rescue helicopters over the current five year defense plan.

(2) A plan for near-term, middle-term, and long-term modernization and recapitalization of the Air Force combat rescue helicopter fleet.

SA 2409. Mr. BOOZMAN (for himself, Mr. WARNER, 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 title XXXV, add the following:

SEC. 3502. UNITED STATES MERCHANT MARINE ACADEMY BOARD OF VISITORS.

Section 51312 of title 46, United States Code, is amended to read as follows:

"§ 51312. Board of Visitors

''(a) IN GENERAL.—A Board of Visitors to the United States Merchant Marine Academy (hereinafter referred to as the 'Board') shall be established to provide independent advice and recommendations on matters relating to the United States Merchant Marine Academy.

''(b) APPOINTMENT AND MEMBERSHIP.—

''(1) IN GENERAL.—Not later than 60 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2014, the Board shall be composed of—

''(A) 2 Senators appointed by the chairman, in consultation with the ranking member, of the Committee on Commerce, Science, and Transportation of the Senate;

''(B) 3 members of the House of Representatives appointed by the chairman, in consultation with the ranking member, of the Committee on Armed Services of the House of Representatives;

''(C) 1 Senator appointed by the Vice President, who shall be a member of the Committee on Appropriations of the Senate;

''(D) 2 members of the House of Representatives appointed by the Speaker of the House of Representatives, in consultation with the Minority Leader, at least 1 of whom shall be a member of the Committee on Appropriations of the House of Representatives;

''(E) the Commander of the United States Transportation Command;

''(F) the Commander of the Military Sealift Command;

''(G) the Assistant Commandant for Prevention Policy of the United States Coast Guard;

''(H) 4 individuals appointed by the President; and

''(I) as ex officio members—

''(i) the chairman of the Committee on Commerce, Science, and Transportation of the Senate;

''(ii) the chairman of the Committee on Armed Services of the House of Representatives; and

''(iii) the chairman of the Advisory Board to the United States Merchant Marine Academy established in section 51313.

''(2) PRESIDENTIAL APPOINTEES.—Of the individuals appointed by the President under paragraph (1)(H)—

''(A) at least 2 shall be graduates of the United States Merchant Marine Academy;

''(B) at least 1 shall be a senior corporate officer from a United States maritime shipping company that participates in the Maritime Security Program, and this appointment shall rotate biennially among the companies enrolled in the Maritime Security Program; and

''(C) at least 1 shall be a Commissioner of the Federal Maritime Commission.

''(3) TERM OF SERVICE.—Each member of the Board shall serve for a term of 2 years commencing at the beginning of each Congress, except that any member whose term on the Board has expired shall continue to serve until a successor is designated.

''(4) VACANCIES.—If a member of the Board dies or resigns, the Designated Federal Officer selected under subsection (g)(1)(B) shall immediately notify the official who appointed such member. Not later than 60 days after that notification, such official shall designate a replacement to serve the remainder of such member's term.

''(5) CURRENT MEMBERS.—Each member of the Board serving on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2014 shall continue to serve for the remainder of such member's term.

''(6) DESIGNATION AND RESPONSIBILITY OF SUBSTITUTE BOARD MEMBERS.—A member of the Board described in subparagraph (E), (F), or (G) of subsection (b)(1) or subparagraph (B) or (C) of subsection (b)(2) may, if unable to attend or participate in an activity described in subsection (d), (e), or (f), designate another individual to serve as a substitute member of the Board, on a temporary basis, to attend or participate in such activity. Such designee shall be permitted to fully participate in the proceedings and activities of the Board and shall report back to the member on the Board's activities not later than 15 days following the designee's participation in such activities.

''(c) CHAIRPERSON.—

''(1) IN GENERAL.—On a biennial basis, the Board shall select from among its members,

a member of the House of Representatives or a Senator to serve as the Chairperson.

''(2) ROTATION.—The Chairperson of the Board shall rotate on a biennial basis between a member of the Board who is a member of the House of Representatives and a member of the Senate.

''(3) TERM.—An individual may not serve as Chairperson for more than 1 consecutive term.

''(d) MEETINGS.—

''(1) IN GENERAL.—The Board shall meet several times each year as provided for in the Charter under paragraph (2)(B), including at least 1 meeting held at the Academy.

''(2) SELECTION AND CONSIDERATION.—Not later than 120 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2014, the Designated Federal Officer selected under subsection (g)(1)(B) shall organize a meeting of the Board for the purposes of—

''(A) selecting a Chairperson; and

''(B) consideration of an official Charter for the Board, which shall provide for the meeting of the Board at least 4 times each year.

''(e) VISITING THE ACADEMY.—

''(1) ANNUAL VISIT.—The Board shall visit the United States Merchant Marine Academy annually on a date selected by the Board, in consultation with the Secretary of Transportation and the Superintendent of the Academy.

''(2) OTHER VISITS.—In cooperation with the Superintendent, the Board or its members may make other visits to the Academy in connection with the duties of the Board.

''(3) ACCESS.—During a visit to the Academy under this subsection, the members of the Board shall have access to the grounds, facilities, midshipmen, faculty, staff, and other personnel of the Academy for the purposes of carrying out the duties of the Board.

''(f) RESPONSIBILITY.—The Board shall inquire into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the United States Merchant Marine Academy that the Board decides to consider.

''(g) DEPARTMENT OF TRANSPORTATION SUPPORT.—The Secretary of Transportation shall—

''(1) provide support as deemed necessary for the performance of the Board's functions;

''(2) not later than 60 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2014, select a Designated Federal Officer to support the performance of the Board's functions; and

''(3) in cooperation with the Maritime Administrator and the Superintendent of the Academy, provide the Board candid and complete disclosure, consistent with applicable laws concerning the disclosure of information, with respect to institutional problems.

''(h) STAFF.—Staff members may be designated to serve without reimbursement as staff for the Board by—

''(1) the Chairperson of the Board;

''(2) the chairman of the Committee on Commerce, Science, and Transportation of the Senate; and

''(3) the chairman of the Committee on Armed Services of the House of Representatives.

''(i) TRAVEL EXPENSES.—When serving away from home or regular place of business, a member of the Board or a staff member designated under subsection (h) shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

''(j) REPORTS.—

''(1) ANNUAL REPORT.—Not later than 60 days after each annual visit required by subsection (e)(1), the Board shall submit to the President a written report of its actions, views, and recommendations pertaining to the United States Merchant Marine Academy.

''(2) OTHER REPORTS.—If the members of the Board make a visit to the Academy under subsection (e)(2), the Board shall—

''(A) prepare a report on such visit; and

''(B) if approved by a majority of the members of the Board, submit such report to the President not later than 60 days after the date of the approval.

''(3) ADVISORS.—Upon approval by the Secretary of Transportation, the Board may call in advisers for consultation regarding the execution of the Board's responsibility under subsection (f) or to assist in preparation of a report under paragraph (1) or (2).

''(4) SUBMISSION.—A report submitted to the President under paragraph (1) or (2) shall be concurrently submitted to the following:

''(A) The Secretary of Transportation.

''(B) The Committee on Commerce, Science, and Transportation of the Senate.

''(C) The Committee on Armed Services of the House of Representatives.''.

SA 2410. Mr. MARKEY 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. MODIFICATION OF AUTHORITY TO CARRY OUT UNSPECIFIED MINOR MILITARY CONSTRUCTION.

(a) INCREASED THRESHOLD FOR APPLICATION OF SECRETARY APPROVAL AND CONGRESSIONAL NOTIFICATION REQUIREMENTS.—Subsection (b)(1) of section 2805 of title 10, United States Code, is amended by striking ''$750,000'' and inserting ''$1,000,000''.

(b) INCREASE IN MAXIMUM AMOUNT OF OPERATION AND MAINTENANCE FUNDS AUTHORIZED TO BE USED FOR CERTAIN PROJECTS.—Subsection (c)(1)(B) of such section is amended by striking ''$750,000'' and inserting ''$1,000,000''.

(c) ANNUAL LOCATION ADJUSTMENT OF DOLLAR LIMITATIONS.—Such section is further amended by adding at the end the following new subsection:

''(f) ADJUSTMENT OF DOLLAR LIMITATIONS FOR LOCATION.—Each fiscal year, the Secretary concerned shall adjust the dollar limitations specified in this section applicable to an unspecified minor military construction project to reflect the area construction cost index for military construction projects published by the Department of Defense during the prior fiscal year for the location of the project.''.

(d) MODIFICATION AND EXTENSION OF AUTHORITY FOR LABORATORY REVITALIZATION PROJECTS.—

(1) IN GENERAL.—Subsection (d) of section 2805 of title 10, United States Code, is amended—

(A) in paragraph (1)(A), by striking ''not more than $2,000,000'' and inserting ''not more than $4,000,000, notwithstanding subsection(c)'';

(B) in paragraph (2), by striking the first sentence and inserting the following: ''For purposes of this subsection, an unspecified minor military construction project is a military construction project that (notwithstanding subsection (a)) has an approved cost equal to or less than $4,000,000.''; and

(C) in paragraph (5), by striking ''2016'' and inserting ''2020''.

(2) APPLICATION TO CURRENT PROJECTS.—The amendments made by paragraph (1) do not apply to any laboratory revitalization project for which the design phase has been completed as of the date of the enactment of this Act.

SA 2411. Mr. PRYOR (for himself, Mr. DURBIN, Mr. GRASSLEY, Mr. KIRK, Mr. HARKIN, 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 B of title III, add the following:

SEC. 314. CONSIDERATION OF ARMY ARSENAL CAPABILITY TO FULFILL MANUFACTURING REQUIREMENTS.

(a) CONSIDERATION OF CAPABILITY OF ARSENALS.—When undertaking a make-or-buy analysis, a program executive officer or program manager of a military department or Defense Agency shall consider the capability of arsenals owned by the United States to fulfill a manufacturing requirement.

(b) NOTIFICATION OF SOLICITATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish and implement a system for ensuring that the arsenals owned by the United States are notified of any solicitation that fulfills a manufacturing requirement for which there is no or limited domestic commercial source and which may be appropriate for manufacturing within an arsenal owned by the United States.

SA 2412. 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 title XII, add the following:

Subtitle D—Somalia Stabilization

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the ''Somalia Stabilization Act of 2013''.

SEC. 1242. FINDINGS.

Congress makes the following findings:

(1) Since the collapse of the Siad Barre regime in 1991, Somalia has struggled to rebuild a government and assert order and control over warlords, clan militias, and extremist groups.

(2) The lack of functioning state and governing structures led to chronic humanitarian need within Somalia and enabled terrorist groups, maritime crime, illicit trafficking, and mass refugee flows to flourish.

(3) In 2007, the Ethiopian military ousted the Islamic Courts Union and the United Nations authorized the African Union to deploy a peacekeeping force to Somalia-the African Union Mission to Somalia (AMISOM), in order to support the Transitional Federal Government to establish order in Somalia. AMISOM currently consists of troops from Burundi, Djibouti, Kenya, Sierra Leone, and Uganda.

(4) In 2008, Harakat al-Shabaab al-Mujahideen (al-Shabaab) was designated a Foreign Terrorist Organization and a Specially Designated Global Terrorist entity by the United States Government.

(5) In 2010, al-Shabaab took control of southern and central Somalia and instituted strict Sharia law.

(6) In July 2010, Al-Shabaab retaliated against a contributor to AMISOM by carrying out an attack in Kampala, Uganda, which killed 74 people and injured 70 others.

(7) In 2010, in response to growing al-Shabaab dominance and brutality, the AMISOM mandate was expanded to directly target and counter al-Shabaab in Somalia.

(8) In 2011 and 2012, when many parts of the country were suffering from severe food insecurity and famine, al-Shabaab denied humanitarian access to its residents, resulting in the death of close to 260,000 people and acute food insecurity for millions.

(9) In 2011, the Kenyan Defense Force joined AMISOM, to help take control of urban areas like Mogadishu and Kismayo from al-Shabaab control.

(10) In 2012, improved security in much of urban Somalia enabled the Transitional Federal Government to complete a draft constitution and end its transitional term.

(11) In 2012 a regionally-representative Somali constituent assembly elected a new Federal parliament, which in turn elected President Hassan Sheikh Mohamud.

(12) The United States, Arab and European countries, the United Nations, and the African Union officially recognized the new Somali government, citing the process that created it as being the most credible and inclusive process to date.

(13) On March 6, 2013, the United Nations Security Council passed Resolution 2093, creating a new exemption to the 21 year-old arms embargo for a period of 12 months, to allow for ''deliveries of weapons or military equipment or the provision of advice, assistance or training, intended solely for the development of the National Security Forces of the Federal Government of Somalia'', and calling for the training, equipping, and capacity-building of Somalia Security Forces, including both its armed forces and police, with special focus on the development of infrastructure to ''ensure the safe storage, registration, maintenance and distribution of military equipment,'' and ''procedures and codes of conduct. . .for the registration, distribution, use, and storage of weapons''.

(14) On May 2, 2013, the United National Security Council passed Resolution 2102, establishing the United Nations Assistance Mission in Somalia (UNSOM) under the leadership of a Special Representative of the Secretary-General to support the Government of Somalia with peace-building, state-building and governance, as well as the coordination of international assistance.

(15) Though greeted with great optimism, the Government of Somalia has run into many challenges, which has stalled its efforts to finalize the constitution, guide the structure of the new state, or provide services to the population.

(16) President Hassan Sheikh Mohamud and his government have committed to the completion of these tasks and to holding a constitutional referendum and national election by 2016.

(17) On September 16, 2013, the international community and a high level Somali delegation endorsed a compact based on the ''New Deal Strategy for Engagement in Fragile States.'' Donors pledged $2,400,000,000 over three years to support Somali development priorities, including $69,000,000 from the United States.

(18) Al Shabaab continues to use terrorist tactics to attack soft targets. On September 21 through the 24, 2013, al-Shabaab perpetrated an attack on the Westgate mall in Nairobi, Kenya, killing at least 67 people.

SEC. 1243. SENSE OF CONGRESS.

It is the sense of Congress that the United States should—

(1) support the Somali Federal Government, regional administrations, Federal units, and people in their ongoing efforts to consolidate political gains and develop credible, transparent, and representative government systems and institutions, and foster complementary processes at the local, regional, and national levels;

(2) continue to support African-led regional efforts to improve security and stability in Somalia, including through the African Union Mission to Somalia (AMISOM) and the United Nations Assistance Mission in Somalia (UNSOM);

(3) support the people and Government of Somalia to develop professional and regionally and ethnically representative Somali security forces that are capable of maintaining and expanding security within Somalia, confronting international security threats such as terrorism, and preventing human rights abuses;

(4) continue to provide lifesaving humanitarian assistance as needed, while bolstering resilience and building a foundation for sustained, inclusive development for the people of Somalia; and

(5) carry out all diplomatic, economic, intelligence, military, and development activities in Somalia within the context of a comprehensive strategy coordinated through an interagency process.

SEC. 1244. REQUIREMENT OF A STRATEGY TO SUPPORT THE CONSOLIDATION OF SECURITY AND GOVERNANCE GAINS IN SOMALIA.

(a) REQUIREMENT FOR STRATEGY.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a strategy to guide future United States action in support of the Government and people of Somalia to foster economic growth and opportunity, counter armed threats to stability, and develop credible, transparent, and representative government systems and institutions.

(b) CONTENT OF STRATEGY.—The strategy required under subsection (a) should include the following elements:

(1) A clearly stated policy toward Somalia on supporting the consolidation of political gains at the national level, while also encouraging and supporting complementary processes at the local and regional levels.

(2) Measures to support the development goals identified by the people and Government of Somalia.

(3) Plans for strengthening efforts by the Government of Somalia, the African Union, and regional governments to stabilize the security situation within Somalia and further degrade al-Shabaab's capabilities, in order to enable the eventual transfer of security operations to Somali security forces capable of—

(A) maintaining and expanding security within Somalia;

(B) confronting international security threats; and

(C) preventing human rights abuses.

(4) Plans for supporting the development and professionalization of regionally and ethnically representative Somali security forces, including the infrastructure and procedures required to ensure chain of custody and the safe storage of military equipment and an assessment of the benefits and risks of the provision of weaponry to the Somali security forces by the United States.

(5) A description of United States national security objectives addressed through military-to-military cooperation activities with Somali security forces.

(6) A description of security risks to United States personnel conducting security cooperation activities within Somalia and plans to assist the Somali security forces in preventing infiltration and insider attacks, including through the application of lessons learned in United States military training efforts in Afghanistan.

(7) A description of United States tools for monitoring and responding to violations of the United Nations Security Council arms embargo, charcoal ban, and other international agreements affecting the stability of Somalia.

(8) A description of mechanisms for coordinating United States military and non-military assistance with other international donors, regional governments, and relevant multilateral organizations.

(9) Plans to increase United States diplomatic engagement with Somalia, including through the future establishment of an embassy or other diplomatic posts in Mogadishu.

(10) Any other element the President determines appropriate.

(c) REPORTS.—Not later than 180 days from the submission of the strategy required under subsection (a), and annually thereafter for three years, the President shall submit to the appropriate committees of Congress an update on implementation of the strategy and progress made in Somalia in security, stability, development, and governance.

(d) FORM.—The strategy under this section shall be submitted in unclassified form, but may include a classified annex. The reports may take the form of a briefing, unclassified report, or unclassified report with a classified annex.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee Intelligence of the Senate; and

(2) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 2413. 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 E of title I, add the following:

SEC. 153. SUSTAINMENT PLAN FOR THE AUTONOMIC LOGISTICS INFORMATION SYSTEM FOR THE F–35 JOINT STRIKE FIGHTER AIRCRAFT.

(a) SUSTAINMENT PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall in consultation with the Joint Strike Fighter Joint Program Office, acting through that Office, or both, develop a comprehensive plan for the sustainment of the Autonomic Logistics Information System (ALIS) of the F–35 Joint Strike Fighter weapon system.

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1) The status of the development of the Autonomic Logistics Information System,

including functionality and workarounds, a detailed timeline to resolve outstanding issues with the system, and a description of risk and cost reduction efforts in connection with sustaining the system.

(2) The manner in which the Government will secure access to and the rights in technical data needed for the Government to provide for competitive procurement of appropriate elements of the sustainment program of the Autonomic Logistics System (ALS), of which the Autonomic Logistics Information System is a component, as well as how the Government will control all the interfaces (including logistics and maintenance data, production data, performance measurement, enterprise resource planning, and other interfaces) from the air vehicle through the Autonomic Logistics Information System, and out of the Autonomic Logistics Information System, in order to allow competition for sustainment of the F–35 Joint Strike Fighter weapon system throughout its entire lifecycle.

(3) The manner in which long–term sustainment (including design, architecture, and integration) of the software of the Autonomic Logistics Information System may take advantage of public-private partnerships authorized by section 2474 of title 10, United States Code, including schedules for actions necessary for such sustainment.

(4) A plan to select, designate, and activate any Government-owned and Government-operated site to serve as the Autonomic Logistics Operating Unit (ALOU).

(5) A plan to ensure that the Autonomic Logistics Information System provides total asset visibility and accountability (including asset valuation and tracking) and will be incorporated into existing Government-owned and Government-controlled systems and any successor systems.

(c) ADDITIONAL REQUIREMENTS.—

(1) COMPLIANCE WITH APPLICABLE LAW.—The plan required by subsection (a) shall comply with applicable provisions of law.

(2) CONFORMITY WITH COST-REDUCTION POLICIES.—The plan shall also conform to the cost-reduction policies of the Department of Defense.

(d) IMPLEMENTATION.—The Under Secretary shall implement the plan required by subsection (a) with the concurrence of the Program Executive Officer of the Joint Strike Fighter Program.

SA 2414. Mr. WARNER (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 C of title V, add the following:

SEC. 514. VOLUNTARY RELEASE OF CERTAIN INFORMATION FOR SEPARATING MEMBERS OF THE ARMED FORCES TO STATE EMPLOYMENT AGENCIES.

(a) RELEASE BY DOD.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, carry out a program under which the Department of Defense shall, upon the request of a member undergoing discharge, separation, or release from the Armed Forces, provide information on the member described in subsection (c) to the State employment agency of each State designated by the member in the request. Such information shall be so provided not earlier than 90 days before the date of the separation, discharge, or release of the member concerned.

(b) RELEASE BY VA.—The Secretary of Veterans Affairs shall carry out a program under which the Department of Veterans Affairs shall, upon the request of a veteran made not later than 90 days after the date of the veteran's discharge, separation, or release from the Armed Forces, provide information on the veteran described in subsection (c) to the State employment agency of each State designated by the veteran in the request. A veteran may make a request under this subsection only if the veteran did not make a request under subsection (a) for the provision of such information to State employment agencies.

(c) COVERED INFORMATION.—Information described in this subsection on an individual making a request under subsection (a) or (b) is the following:

(1) The individual's name.

(2) The date, or anticipated date, of the individual's discharge, separation, or release from the Armed Forces.

(3) The characterization, or anticipated characterization, of the individual's discharge from the Armed Forces.

(4) The individual's sex.

(5) The individual's marital status.

(6) The individual's State of domicile.

(7) The individual's level of education.

(8) Appropriate contact information for the individual.

SA 2415. 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:

On page 284, between lines 20 and 21, insert the following:

(4) RISK-BASED MONITORING.—The strategy required by paragraph (1) shall—

(A) include the development of a risk-based approach to monitoring and reinvestigation that prioritizes which cleared individuals shall be subject to frequent reinvestigations and random checks, such as the personnel with the broadest access to classified information or with access to the most sensitive classified information, including information technology specialists or other individuals with such broad access commonly known as ''super users'';

(B) ensure that if the system of continuous monitoring for all cleared individuals described in paragraph (3)(D) is implemented in phases, such system shall be implemented on a priority basis for the individuals prioritized under subparagraph (A); and

(C) ensure that the activities of individuals prioritized under subparagraph (A) shall be monitored especially closely.

SA 2416. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 908. FIVE-YEAR REQUIREMENT FOR CERTIFICATION OF APPROPRIATE MANPOWER PERFORMANCE.

Section 2330a of title 10, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following new subsection (g):

''(g) CERTIFICATIONS OF APPROPRIATE MANPOWER PERFORMANCE.—(1) Beginning in fiscal year 2014 and continuing through fiscal year 2018, the Secretary of Defense, or an official designated personally by the Secretary, not later than February 1 of each reporting year, shall submit to the congressional defense committees the findings of the reviews required under subsection (e) and certify in writing that—

''(A) all Department of Defense contractor positions identified as being responsible for the performance of inherently governmental functions have been eliminated;

''(B) each Department of Defense contract that is a personal services contract has been entered into, and is being performed, in accordance with applicable laws and regulations; and

''(C) any contract for services that includes any functions that are closely associated with inherently governmental functions or designated as critical have been reviewed to determine if those activities should be—

''(i) subject to action pursuant to section 2463 of this title; or

''(ii) converted to an acquisition approach that would be more advantageous to the Department of Defense.

''(2) If the certifications required in paragraph (1) are not submitted by the date required in a reporting year, the Inspector General of the Department of Defense shall assess the Department's compliance with subsection (e) and determine why the Secretary could not make the certifications required in paragraph (1). The Inspector General shall submit to the congressional defense committees, not later than May 1 of the reporting year, a report on such assessment and determination.

''(3) Not later than May 1 of each reporting year, the Comptroller General of the United States shall submit to the congressional defense committees a report containing the Comptroller General's assessment of the reviews conducted under subsection (e) and the actions taken to resolve the findings of the reviews.''.

SA 2417. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 908. FIVE-YEAR REQUIREMENT FOR CERTIFICATION OF APPROPRIATE MANPOWER PERFORMANCE.

Section 2330a of title 10, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following new section (g):

''(g) CERTIFICATIONS OF APPROPRIATE MANPOWER PERFORMANCE.—(1) Beginning in fiscal year 2014 and continuing through fiscal year 2018, the Secretary of Defense, or an official designated personally by the Secretary, no

later than February 1 of each reporting year, shall submit to the congressional defense committees the findings of the reviews required under subsection (e) and certify in writing that—

''(A) all Department of Defense contractor positions identified as being responsible for the performance of inherently governmental functions have been eliminated;

''(B) each Department of Defense contract that is a personal services contract has been entered into, and is being performed, in accordance with applicable laws and regulations; and

''(C) any contract for services that includes any functions that are closely associated with inherently governmental functions or designated as critical have been reviewed to determine if those activities should be—

''(i) subject to action pursuant to section 2463 of this title; or

''(ii) converted to an acquisition approach that would be more advantageous to the Department of Defense.

''(2) If the certifications required in paragraph (1) are not submitted by the date required in a reporting year, the Inspector General of the Department of Defense shall assess the Department's compliance with subsection (e) and determine why the Secretary could not make the certifications required in paragraph (1). The Inspector General shall submit to the congressional defense committees, not later than May 1 of the reporting year, a report on such assessment and determination.

''(3) Not later than May 1 of each reporting year, the Comptroller General of the United States shall submit to the congressional defense committees a report containing the Comptroller General's assessment of the reviews conducted under subsection (e) and the actions taken to resolve the findings of the reviews.''.

SA 2418. Ms. COLLINS (for herself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 722. PRESCRIPTION DRUG TAKE-BACK PROGRAM FOR MEMBERS OF THE ARMED FORCES, THEIR DEPENDENTS, AND VETERANS.

Not later than April 1, 2014, the Attorney General shall, in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, prescribe regulations that allow for prescription drug take-back under which members of the Armed Forces and their dependents may deliver controlled substances to military medical treatment facilities, and veterans may deliver controlled substances to Department of Veterans Affairs medical facilities, in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)). The delivery of such substances shall be subject to such requirements as the Attorney General, after consultation with the Secretary of Defense and the Secretary of Veterans Affairs, shall specify in the regulations.

SA 2419. Mr. UDALL of New Mexico (for himself, Mr. MORAN, and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

Subtitle E—Federal Information Technology

SEC. 881. SHORT TITLE.

This title may be cited as the ''Federal Information Technology Savings, Accountability, and Transparency Act of 2013''.

SEC. 882. INCREASED AUTHORITY OF AGENCY CHIEF INFORMATION OFFICERS OVER INFORMATION TECHNOLOGY.

(a) PRESIDENTIAL APPOINTMENT OF CIOS OF CERTAIN AGENCIES.—

(1) IN GENERAL.—Section 11315 of title 40, United States Code, is amended—

(A) by redesignating subsection (a) as subsection (e) and moving such subsection to the end of the section; and

(B) by inserting before subsection (b) the following:

''(a) PRESIDENTIAL APPOINTMENT OR DESIGNATION OF CERTAIN CHIEF INFORMATION OFFICERS.—

''(1) IN GENERAL.—There shall be within each agency listed in section 901(b)(1) of title 31, other than the Department of Defense, an agency Chief Information Officer.

''(2) APPOINTMENT OR DESIGNATION.—Each agency Chief Information Officer shall—

''(A) be—

''(i) appointed by the President; or

''(ii) designated by the President, in consultation with the head of the agency; and

''(B) be appointed or designated, as applicable, from among individuals who possess demonstrated ability in general management of, and knowledge of and extensive practical experience in, information technology management practices in large governmental or business entities.

''(3) RESPONSIBILITIES.—An agency Chief Information Officer appointed or designated under this section shall report directly to the head of the agency and carry out, on a full-time basis—

''(A) the responsibilities under this section; and

''(B) the responsibilities under section 3506(a) of title 44 for Chief Information Officers designated under paragraph (2) of such section.''.

(2) CONFORMING AMENDMENT.—Section 3506(a)(2)(A) of title 44, United States Code, is amended by inserting after ''each agency'' the following: '', other than an agency with a Presidentially appointed or designated Chief Information Officer, as provided in section 11315(a)(1) of title 40,''.

(b) AUTHORITY RELATING TO BUDGET AND PERSONNEL.—Section 11315 of title 40, United States Code, is further amended by inserting after subsection (c) the following:

''(d) ADDITIONAL AUTHORITIES FOR CERTAIN CIOS.—

''(1) BUDGET-RELATED AUTHORITY.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the term 'commercial item' has the meaning given that term in section 103 of title 41, United States Code; and

''(ii) the term 'commercially available off-the-shelf item' has the meaning given that term in section 104 of title 41, United States Code.

''(B) PLANNING.—The head of each agency listed in section 901(b)(1) or 901(b)(2) of title 31, other than the Department of Defense, shall ensure that the Chief Information Officer of the agency has the authority to participate in decisions regarding the budget planning process related to—

''(i) information technology or programs that include significant information technology components; or

''(ii) the acquisition of an information technology product or service that is a commercial item.

''(C) ALLOCATION.—Amounts appropriated for an agency listed in section 901(b)(1) or 901(b)(2) of title 31, other than the Department of Defense, for any fiscal year that are available for information technology shall be allocated within the agency, consistent with the provisions of appropriations Acts and budget guidelines and recommendations from the Director of the Office of Management and Budget, in such manner as may be specified by, or approved by, the Chief Information Officer of the agency in consultation with the Chief Financial Officer of the agency and budget officials.

''(D) COTS.—The head of each agency listed in section 901(b)(1) or 901(b)(2) of title 31, other than the Department of Defense, shall ensure that the Chief Information Officer of the agency has authority over any acquisition of an information technology product or service that is a commercially available off-the-shelf item.

''(2) PERSONNEL-RELATED AUTHORITY.—The head of each agency listed in section 901(b)(1) or 901(b)(2) of title 31, other than the Department of Defense, shall ensure that the Chief Information Officer of the agency has the authority necessary to—

''(A) approve the hiring of personnel who will have information technology responsibilities within the agency; and

''(B) require that such personnel have the obligation to report to the Chief Information Officer in a manner considered sufficient by the Chief Information Officer.''.

(c) SINGLE CHIEF INFORMATION OFFICER IN EACH AGENCY.—

(1) REQUIREMENT.—Section 3506(a)(3) of title 44, United States Code, is amended—

(A) by inserting ''(A)'' after ''(3)''; and

(B) by adding at the end the following new subparagraph:

''(B) Each agency shall have only one individual with the title and designation of 'Chief Information Officer'. Any bureau, office, or subordinate organization within the agency may designate one individual with the title 'Deputy Chief Information Officer', 'Associate Chief Information Officer', or 'Assistant Chief Information Officer'.''.

(2) EFFECTIVE DATE.—Section 3506(a)(3)(B) of title 44, United States Code, as added by paragraph (1), shall take effect on October 1, 2014. Any individual serving in a position affected by such section before such date may continue in that position if the requirements of such section are fulfilled with respect to that individual.

SEC. 883. LEAD COORDINATION ROLE OF CHIEF INFORMATION OFFICERS COUNCIL.

(a) LEAD COORDINATION ROLE.—Subsection (d) of section 3603 of title 44, United States Code, is amended to read as follows:

''(d) LEAD INTERAGENCY FORUM.—

''(1) DESIGNATION.—

''(A) IN GENERAL.—The Council is designated the lead interagency forum for improving agency coordination of practices related to the design, development, modernization, use, operation, sharing, performance, and review of Federal Government information resources investment.

''(B) RESPONSIBILITIES.—As the lead interagency forum, the Council shall—

''(i) develop cross-agency portfolio management practices to allow and encourage the development of cross-agency shared services and shared platforms; and

''(ii) issue guidelines and practices for expansion of the Federal enterprise architecture process, if appropriate.

''(C) GUIDELINES AND PRACTICES.—The guidelines and practices issued under subparagraph (B)(ii)—

''(i) may address broader transparency, common inputs, common outputs, and outcomes achieved; and

''(ii) shall be used as a basis for comparing performance across diverse missions and operations in various agencies.

''(2) REPORTS.—

''(A) DEFINITION.—in this paragraph, the term 'relevant congressional committees' means each of the following:

''(i) The Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate.

''(ii) The Committee on Oversight and Government Reform and the Committee on Appropriations of the House of Representatives.

''(B) REQUIRED REPORTS.—Not later than December 1 in each of the 6 years following the date of the enactment of this paragraph, the Council shall submit to the relevant congressional committees a report (to be known as the 'CIO Council Report') summarizing the Council's activities in the preceding fiscal year and containing such recommendations for further congressional action to fulfill its mission as the Council considers appropriate.''.

(b) REFERENCES TO ADMINISTRATOR OF E-GOVERNMENT AS FEDERAL CHIEF INFORMATION OFFICER.—

(1) REFERENCES.—Section 3602(b) of title 44, United States Code, is amended by adding at the end the following: ''The Administrator may also be referred to as the Federal Chief Information Officer.''.

(2) DEFINITION.—Section 3601(1) of title 44, United States Code, is amended by inserting ''or 'Federal Chief Information Officer' '' before ''means''.

SEC. 884. REPORTS BY GOVERNMENT ACCOUNTABILITY OFFICE.

(a) DEFINITIONS.—In this section:

(1) CHIEF INFORMATION OFFICERS COUNCIL.—The term ''Chief Information Officers Council'' means the Chief Information Officers Council established by section 3603(a) of title 44, United States Code.

(2) RELEVANT CONGRESSIONAL COMMITTEES.—The term ''relevant congressional committees'' means each of the following:

(A) The Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate.

(B) The Committee on Oversight and Government Reform and the Committee on Appropriations of the House of Representatives.

(b) REQUIREMENT TO EXAMINE EFFECTIVENESS.—The Comptroller General of the United States shall examine the effectiveness of the Chief Information Officers Council in meeting its responsibilities under section 3603(d) of title 44, United States Code, as added by section 883, with particular focus whether agencies are actively participating in the Council and following the Council's advice and guidance.

(c) REPORTS.—Not later than 1 year, 3 years, and 5 years after the date of enactment of this Act, the Comptroller General shall submit to the relevant congressional committees a report containing the findings and recommendations of the Comptroller General from the examination required by subsection (b).

SEC. 885. ENHANCED TRANSPARENCY IN INFORMATION TECHNOLOGY INVESTMENTS.

(a) PUBLIC AVAILABILITY OF INFORMATION ABOUT IT INVESTMENTS.—Section 11302(c) of title 40, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) PUBLIC AVAILABILITY.—

''(A) IN GENERAL.—The Director shall make available to the public the cost, schedule, and performance data for at least 80 percent (by dollar value) of all information technology investments in each Federal agency listed in section 901(b) of title 31, without regard to whether the investments are for information technology acquisitions or for operations and maintenance of information technology. The Director shall ensure that the information is current, accurate, and reflects the risks associated with each covered information technology investment.

''(B) WAIVER OR LIMITATION AUTHORITY.—If the Director or the Chief Information Officer, as the case may be, determines that a waiver or limitation is in the national security interests of the United States, the applicability of subparagraph (A) may be waived or the extent of the information may be limited—

''(i) by the Director, with respect to information technology investments Governmentwide; and

''(ii) by the Chief Information Officer of a Federal agency listed in section 901(b) of title 31, with respect to information technology investments in that Federal agency.''.

(b) ADDITIONAL REPORT REQUIREMENTS.—Paragraph (3) of section 11302(c) title 40, United States Code, as redesignated by subsection (a), is amended by adding at the end the following: ''The report shall include an analysis of agency trends reflected in the performance risk information required in paragraph (2).''.

SA 2420. Mr. COCHRAN (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 B of title XIV, add the following:

SEC. 1423. NATIONAL GUARD COUNTERDRUG PROGRAM.

(a) ADDITIONAL AMOUNT FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—The amount authorized to be appropriated for fiscal year 2014 by section 1404 and available for Drug Interdiction and Counter-Drug Activities, Defense-wide for the National Guard Counterdrug Program as specified in the funding table in section 4501 is hereby increased by $130,000,000, with not less than $27,400,000 to be available for activities at the National Guard counter-drug training centers.

(b) USE OF AMOUNTS.—

(1) UNIFORM ALLOCATION.—The amount available under subsection (a) shall be allocated evenly among the National Guard counter-drug training centers.

(2) TRAINING OF LAW ENFORCEMENT OFFICERS.—Not less than an amount equal to 50 percent of the amount available under subsection (a) shall be used for training of State and local law enforcement officers at the National Guard counter-drug training centers, including subsistence for officers undergoing such training.

(3) CIVILIAN EXPERTS.—The amount available under subsection (a) may be used for the costs of civilian experts in the provision of training by the National Guard counter-drug training centers.

(4) USE OF EXCHANGE STORES.—Any law enforcement officer undergoing training described in paragraph (2), and any civilian support staff and experts engaged in the provision of such training, may use the exchange store of the National Guard counter-drug training center concerned in the same manner as members of the National Guard may use such exchange store.

(c) OFFSET.—The amount authorized to be appropriated for fiscal year 2014 by section 301 and available for Operation and Maintenance, Defense-wide as specified in the funding table in section 4301 is hereby reduced by $130,000,000, with the amount of the reduction to be applied to amounts otherwise available for civilian employees of the Department of Defense.

SA 2421. Mr. MCCAIN (for himself, Mr. CASEY, Mr. BLUNT, Mr. FLAKE, 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 subtitle H of title X, add the following:

SEC. 1082. TREATMENT OF THE KURDISTAN DEMOCRATIC PARTY AND THE PATRIOTIC UNION OF KURDISTAN UNDER THE IMMIGRATION AND NATIONALITY ACT.

(a) EXEMPTION OF THE KURDISTAN DEMOCRATIC PARTY AND THE PATRIOTIC UNION OF KURDISTAN FROM TREATMENT AS TERRORIST ORGANIZATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2) and for purposes of section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)), the Kurdistan Democratic Party and the Patriotic Union of Kurdistan shall not be considered to be terrorist organizations as defined in clause (vi)(III) of such section.

(2) EXCEPTION.—The Secretary of State, after consultation with the Secretary of Homeland Security and the Attorney General, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may suspend application of paragraph (1) for the Kurdistan Democratic Party or the Patriotic Union of Kurdistan in such Secretary's sole and unreviewable discretion.

(b) RELIEF REGARDING ADMISSIBILITY OF NONIMMIGRANT ALIENS ASSOCIATED WITH THE KURDISTAN DEMOCRATIC PARTY AND THE PATRIOTIC UNION OF KURDISTAN.—

(1) IN GENERAL.—Subject to paragraph (2), section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) shall not apply to an alien who is applying for a nonimmigrant visa, if the alien presents himself or herself for inspection to an immigration officer at a port of entry as a nonimmigrant or is applying in the United States for nonimmigrant status, with respect to the alien's activities undertaken in association with the Kurdistan Democratic Party or the Patriotic Union of Kurdistan, unless a consular officer or the Secretary of Homeland Security knows, or has reasonable grounds to believe, that the alien poses a threat to the safety and security of the United States or otherwise believes, in his or her discretion, that the alien does not warrant a visa, admission to the United States, or a grant of nonimmigrant status in the totality of the circumstances.

(2) EXCEPTION.—The Secretary of State, after consultation with the Secretary of

Homeland Security and the Attorney General, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may suspend application of paragraph (1) in such Secretary's sole and unreviewable discretion.

(3) CONSULTATION.—The Secretary of State and the Secretary of Homeland Security shall implement this subsection in consultation with the Attorney General.

(4) CONSTRUCTION.—Nothing in this subsection may be construed to alter an alien's burden of demonstrating admissibility under the immigration laws.

(c) PROHIBITION ON JUDICIAL REVIEW.—Notwithstanding any other provision of law, including statutory or non-statutory law, section 242 of the Immigration and Nationality Act (8 U.S.C. 1252), section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to review any determination made pursuant to this section.

SA 2422. 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 E of title I, add the following:

SEC. 153. SUSTAINMENT PLAN FOR THE AUTONOMIC LOGISTICS INFORMATION SYSTEM FOR THE F–35 JOINT STRIKE FIGHTER AIRCRAFT.

(a) SUSTAINMENT PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall in consultation with the Joint Strike Fighter Joint Program Office, acting through that Office, or both, develop a comprehensive plan for the sustainment of the Autonomic Logistics Information System (ALIS) of the F–35 Joint Strike Fighter weapon system.

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1) The status of the development of the Autonomic Logistics Information System, including functionality and workarounds, a detailed timeline to resolve outstanding issues with the system, and a description of risk and cost reduction efforts in connection with sustaining the system.

(2) The manner in which the Government will secure access to and the rights in technical data needed for the Government to provide for competitive procurement of appropriate elements of the sustainment program of the Autonomic Logistics System (ALS), of which the Autonomic Logistics Information System is a component, as well as how the Government will control all the interfaces (including logistics and maintenance data, production data, performance measurement, enterprise resource planning, and other interfaces) from the air vehicle through the Autonomic Logistics Information System, and out of the Autonomic Logistics Information System, in order to allow competition for sustainment of the F–35 Joint Strike Fighter weapon system throughout its entire lifecycle.

(3) The manner in which long–term sustainment (including design, architecture, and integration) of the software of the Autonomic Logistics Information System may take advantage of public-private partnerships authorized by section 2474 of title 10, United States Code, including schedules for actions necessary for such sustainment.

(4) A plan to select, designate, and activate any Government-owned and Government-operated site to serve as the Autonomic Logistics Operating Unit (ALOU).

(5) A plan to ensure that the Autonomic Logistics Information System provides total asset visibility and accountability (including asset valuation and tracking) and will be incorporated into existing Government-owned and Government-controlled systems and any successor systems.

SA 2423. 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 B of title XII, add the following:

SEC. 1220. REPORT ON RELOCATION PLAN FOR RESIDENTS OF CAMP LIBERTY, IRAQ.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State, the Secretary of Homeland Security, and the Attorney General shall jointly submit to the specified congressional committees a report on the current situation at Camp Liberty, Iraq, and provide a strategy on the relocation of camp residents to other countries.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) Information on how many residents are still located at Camp Liberty.

(2) A description of the United Nations High Commissioner on Refugees (UNHCR) refugee process, the degree of resident cooperation with the process, and when the process is expected to be completed.

(3) Information on how many residents have been given refugee status.

(4) Information on how many residents have been relocated, and to which countries.

(5) A detailed description of the current living conditions, including the security situation, disposition of security resources, and decisions by camp residents on how to use those resources.

(6) Information on those countries that would be willing and able to take residents.

(7) A relocation plan, including the following:

(A) A detailed outline of the steps that would need to be taken by the United States, the UNHCR, and the camp residents to potentially relocate some residents to the United States.

(B) A detailed outline of the steps that would need to be taken by the recipient countries, the UNHCR, and the camp residents to relocate the residents to other countries.

(c) SPECIFIED CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''specified congressional committees'' means—

(1) the Committees on Foreign Relations, Armed Services, Homeland Security and Governmental Affairs, and Judiciary of the Senate; and

(2) the Committees on Foreign Affairs, Armed Services, Homeland Security, and Judiciary of the House of Representatives.

SA 2424. Mr. KAINE (for himself, Mr. CHAMBLISS, 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 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) SENSE OF CONGRESS ON IMPORTANCE OF PK–12 STEM PROGRAMS.—It is the sense of Congress—

(1) that PK–12 STEM programs are important in developing the interests in science, technology, engineering, and mathematics of young people who, as future national security professionals, will be the next generation developing advanced technologies and weapon systems for the Department of Defense; and

(2) to encourage the Department to refrain from significant programmatic changes to the PK–12 STEM programs of the Department until the assessments required by subsection (a) are complete and the Department has a rationale for the determination of the status of such programs.

SA 2425. Ms. LANDRIEU (for herself 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 B of title V, add the following:

SEC. 510. NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

Section 509 of title 32, United States Code, is amended—

(1) in subsection (a), by striking ''Secretary of Defense may use'' and inserting ''Chief of the National Guard Bureau shall use'';

(2) in subsection (b)—

(A) by striking ''Secretary of Defense'' each place it appears and inserting ''Chief of the National Guard Bureau'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''Secretary'' and inserting ''Chief of the National Guard Bureau''; and

(ii) in subparagraph (A), by striking '', except that'' and all that follows through ''$62,500,000''; and

(C) in paragraph (4), by striking ''Secretary may use'' and inserting ''Chief of the National Guard Bureau shall use'';

(3) in subsection (c)(2), by striking ''Secretary'' and inserting ''Chief of the National Guard Bureau'';

(4) in subsection (d)(1), by striking ''Secretary of Defense'' and inserting ''Chief of the National Guard Bureau'';

(5) in subsection (e), by striking ''Secretary of Defense'' and inserting ''Chief of the National Guard Bureau'';

(6) in subsection (f)(1), by striking ''Secretary of Defense'' and inserting ''Chief of the National Guard Bureau'';

(7) in subsection (k)—

(A) by striking ''Secretary of Defense'' and inserting ''Chief of the National Guard Bureau''; and

(B) by striking ''Secretary'' and inserting ''Chief of the National Guard Bureau''; and

(8) in subsection (m), by striking ''Secretary of Defense'' and inserting ''Chief of the National Guard Bureau''.

SA 2426. 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, the Committee on Finance, and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Ways and Means of the House of Representatives.

SA 2427. Mr. SCHATZ (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. SMALL BUSINESS CONFORMITY.

(a) HUBZONE ELIGIBILITY.—

(1) IN GENERAL.—Section 3(p)(3) of the Small Business Act (15 U.S.C. 632(p)(3)) is amended—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following:

''(D) a small business concern that is owned and controlled by an organization described in section 8(a)(15);''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 3(p)(5)(A)(i)(I)(aa) of the Small Business Act (15 U.S.C. 632(p)(5)(A)(i)(I)(aa)) is amended by striking ''subparagraph (A), (B), (C), (D), or (E) of paragraph (3)'' and inserting ''subparagraph (A), (B), (C), (D), (E) or (F) of paragraph (3)''.

(b) 8(a) PROGRAM.—

(1) IN GENERAL.—Section 8(a)(6) of the Small Business Act (15 U.S.C. 637(a)(6)) is amended by adding at the end the following:

''(F) If an organization described in paragraph (15) establishes that it is economically disadvantaged under this paragraph in connection with an application for 1 small business concern owned or controlled by the organization, the organization shall not be required to reestablish that it is economically disadvantaged in order to have other businesses that it owns or controls certified for participation in the program under this subsection, unless specifically requested to do so by the Administration.''.

(2) APPLICABILITY.—The amendment made by this subsection shall take effect on the date of enactment of this Act and apply to determinations of economic disadvantage made before, on, or after the date of enactment of this Act.

SA 2428. Mr. BENNET (for himself and Mr. CRAPO) 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. WILDFIRE MITIGATION.

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by inserting after section 203 the following:

''SEC. 203A. WILDFIRE MITIGATION.

''(a) DEFINITIONS.—In this section—

''(1) the term 'Administrator' means the Administrator of the Federal Emergency Management Agency;

''(2) the term 'community wildfire protection plan' has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511);

''(3) the term 'local mitigation plan' means a mitigation plan developed under section 322(b) that addresses wildfire mitigation and preparedness; and

''(4) the term 'State mitigation plan' means a mitigation plan developed under section 322(c) that addresses wildfire mitigation and preparedness.

''(b) ESTABLISHMENT OF WILDFIRE MITIGATION AND PREPAREDNESS GRANT PROGRAM.—The President, acting through the Administrator, shall establish a pilot program to make grants to States for wildfire mitigation and preparedness.

''(c) USE OF FUNDS.—A grant under this section may be used by a State—

''(1) to reduce the hazardous fuel load by reducing the use of fuels that may contribute to catastrophic wildfires in high-risk areas;

''(2) to invest in personnel and organizations to improve wildfire preparedness;

''(3) to invest in vehicles and other equipment to improve wildfire preparedness;

''(4) to invest in air tankers or other airborne assets to help contain, suppress, and monitor wildfires;

''(5) to prevent damage from runoff into waterways and floods caused by erosion from wildfires; and

''(6) at the discretion of the Governor of a State, for any other wildfire mitigation and preparedness activities on Federal, State, or private land in the State, unless otherwise prohibited by law.

''(d) ELIGIBILITY FOR ASSISTANCE.—

''(1) IN GENERAL.—

''(A) ELIGIBILITY.—A State shall be eligible for assistance under this section if the section 420 grant ratio for such State is equal to or greater than 150 percent of the State population ratio.

''(B) RATIOS.—For purposes of subparagraph (A)—

''(i) the section 420 grant ratio shall be equal to the quotient of—

''(I) the number of declarations for a grant under section 420 received by the State during the 10 years prior to the date on which an application for assistance is submitted under this section, divided by

''(II) the total number of declarations for a grant under section 420 in the United States during the 10 years prior to the date on which an application for assistance is submitted under this section; and

''(ii) the State population ratio shall be equal to the quotient of—

''(I) the population of the State, based on the most recent data available from the Bureau of the Census on the date on which an application for assistance is submitted under this section, divided by

''(II) the population of the United States, based on the most recent data available from the Bureau of the Census on the date on which an application for assistance is submitted under this section.

''(2) WAIVER.—The President may waive the requirement of paragraph (1) if a State—

''(A) files a petition for waiver of the requirement of paragraph (1); and

''(B) demonstrates that significant environmental changes or shifts in forest health put the State at an elevated risk for catastrophic wildfires, as determined by the President.

''(3) LOCAL ASSISTANCE.—The Governor of a State may award funds received under this section, to be used solely for the purposes set forth under subsection (c), to—

''(A) any county or municipality in that State with a community wildfire protection plan or a local mitigation plan; or

''(B) any other entity that is explicitly referenced in and central to, in the determination of the Governor, the design of a community wildfire protection plan or a local mitigation plan.

''(e) CRITERIA FOR ASSISTANCE.—In determining whether to award a grant to a State under this section, the President shall—

''(1) give preference to—

''(A) a State with a high level of need for assistance based on the best scientific data available, as determined by the President in consultation with the Chief of the Forest Service;

''(B) a State that provides matching non-Federal funds, including funds from nongovernmental entities, equal to not less than 100 percent of the amount of Federal funds made available under this section; and

''(C) a State that previously received a grant under this section and efficiently and effectively used the Federal funds for wildfire mitigation and preparedness activities in the State, as determined by the President; and

''(2) consider environmental conditions in a State, including environmental changes, deteriorating forest health, and overall wildfire risk.

''(f) APPLICATION FOR ASSISTANCE.—

''(1) IN GENERAL.—To request a grant under this section, a State shall submit an application to the President in such form, in such manner, and containing such information as the President may reasonably require.

''(2) CONTENTS.—In addition to any other requirements that may be specified by the President, a State submitting an application for a grant under this section shall demonstrate that—

''(A) the State has a publicly available State mitigation plan;

''(B) the State shall provide matching non-Federal funds equal to not less than 50 percent of the amount of Federal funds made available under this subsection; and

''(C) a county or municipality that may receive funds from the grant has a community wildfire protection plan or a local mitigation plan.

''(g) REPORT.—Not later than 1 year after the date of receipt of a grant under this section, a State shall submit to the Administrator a report, which shall be made publicly available, on the use of funds made available under the grant.

''(h) FUNDING FOR ASSISTANCE.—

''(1) PREDISASTER MITIGATION FUND.—Subject to the availability of funds in the National Predisaster Mitigation Fund established under section 203(i), the President shall use not less than $20,000,000 and not more than $30,000,000 from unobligated amounts in the National Predisaster Mitigation Fund for each of fiscal years 2014 through 2019 in carrying out this section.

''(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to increase the amount of appropriations authorized for the Department of Homeland Security in any given fiscal year.''.

SA 2429. Mr. WARNER (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 908. OFFICE OF NET ASSESSMENT.

(a) POLICY.—It is the policy of the United States to maintain an independent organization within the Department of Defense to develop and coordinate net assessments of the standing, trends, and future prospects of the military capabilities and potential of the United States in comparison with the military capabilities and potential of other countries or groups of countries so as to identify emerging or future threats or opportunities for the United States.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 145. Office of Net Assessment

''(a) IN GENERAL.—There is in the Office of the Secretary of Defense an office known as the Office of Net Assessment.

''(b) HEAD.—(1) The head of the Office of Net Assessment shall be appointed by the Secretary of Defense. The head shall be a member of the Senior Executive Service.

''(2) The head of the Office of Net Assessment may communicate views on matters within the responsibility of the head directly to the Secretary without obtaining the approval or concurrence of any other official within the Department of Defense.

''(3) The head of the Office of Net Assessment shall report directly to the Secretary. The Secretary may not delegate the authority under this paragraph.

''(c) RESPONSIBILITIES.—The Office of Net Assessment shall develop and coordinate net assessments with respect to the standing, trends, and future prospects of the military capabilities and potential of the United States in comparison with the military capabilities and potential of other countries or groups of countries to identify emerging or future threats or opportunities for the United States.

''(d) BUDGET.—In the budget materials submitted to the President by the Secretary of Defense in connection with the submittal to Congress, pursuant to section 1105 of title 31, of the budget for any fiscal year after fiscal year 2014, the Secretary shall ensure that a separate, dedicated program element is assigned for the Office of Net Assessment.

''(e) NET ASSESSMENT DEFINED.—In this section, the term 'net assessment' means the comparative analysis of military, technological, political, economic, and other factors governing the relative military capability of nations.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by adding at the end the following new item:

''145. Office of Net Assessment.''.

SA 2430. Ms. MURKOWSKI (for herself 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:

At the end of subtitle G of title X, add the following:

SEC. 1066. REPORT ON READINESS OF AIR FORCE COMBAT RESCUE HELICOPTER FLEET.

(a) REPORT REQUIRED.—Not later than April 1, 2014, the Secretary of the Air Force shall, in consultation with the Chief of the National Guard Bureau, submit to congressional defense committees a report setting for an assessment of the readiness of the Air Force combat rescue helicopter fleet.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the readiness of the Air Force combat rescue helicopter fleet, including—

(A) the number and type of helicopters in the combat rescue helicopter fleet operated by each of the Air Force, the Air Force Reserve, and the Air National Guard;

(B) the Aircraft Availability Rate, and the number of hours flown for each of the preceding 12 months, for the portion of the fleet operated by each of the Air Force, the Air Force Reserve, and the Air National Guard; and

(C) the costs associated with sustaining the aircraft and training the crews for the current fleet of Air Force combat rescue helicopters over the future years defense program.

(2) A plan for near-term, middle-term, and long-term modernization and recapitalization of the Air Force combat rescue helicopter fleet.

SA 2431. Mr. BLUNT (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 A of title VIII, add the following:

SEC. 804. INAPPLICABILITY OF REQUIREMENT TO REVIEW AND JUSTIFY CERTAIN CONTRACTS.

Section 802 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1824; 10 U.S.C. 2304 note) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''Not later than'' and inserting the following:

''(a) IN GENERAL.—Not later than''; and

(B) by inserting '', except as provided in subsection (b),'' after ''to ensure that''; and

(2) by adding at the end the following:

''(b) EXCEPTION.—Subsection (a) shall not apply to a contract to which section 46 of the Small Business Act (15 U.S.C. 657s) applies.''.

SA 2432. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1220. SPECIAL ENVOY TO PROMOTE RELIGIOUS FREEDOM OF RELIGIOUS MINORITIES IN THE NEAR EAST AND SOUTH CENTRAL ASIA.

(a) APPOINTMENT.—The President may appoint a Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia (in this section referred to as the ''Special Envoy'') within the Department of State. The Special Envoy shall have the rank of ambassador and shall hold the office at the pleasure of the President.

(b) QUALIFICATIONS.—The Special Envoy should be a person of recognized distinction in the field of human rights and religious freedom and with expertise in the Near East and South Central Asia.

(c) DUTIES.—

(1) IN GENERAL.—The Special Envoy shall carry out the following duties:

(A) Promote the right of religious freedom of religious minorities in the countries of the Near East and the countries of South Central Asia, denounce the violation of such right, and recommend appropriate responses by the United States Government when such right is violated.

(B) Monitor and combat acts of religious intolerance and incitement targeted against religious minorities in the countries of the Near East and the countries of South Central Asia.

(C) Work to ensure that the unique needs of religious minority communities in the countries of the Near East and the countries of South Central Asia are addressed, including the economic and security needs of such communities.

(D) Work with foreign governments of the countries of the Near East and the countries of South Central Asia to address laws that are discriminatory toward religious minority communities in such countries.

(E) Coordinate and assist in the preparation of that portion of the report required by sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)) relating to the nature and extent of religious freedom of religious minorities in the countries of the Near East and the countries of South Central Asia.

(F) Coordinate and assist in the preparation of that portion of the report required by section 102(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)) relating to the nature and extent of religious freedom of religious minorities in the countries of the Near East and the countries of South Central Asia.

(2) COORDINATION.—In carrying out the duties under paragraph (1), the Special Envoy shall, to the maximum extent practicable, coordinate with the Assistant Secretary of State for Population, Refugees and Migration, the Ambassador at Large for International Religious Freedom, the United States Commission on International Religious Freedom, and other relevant Federal agencies and officials.

(d) DIPLOMATIC REPRESENTATION.—Subject to the direction of the President and the Secretary of State, the Special Envoy is authorized to represent the United States in matters and cases relevant to religious freedom in the countries of the Near East and the countries of South Central Asia in—

(1) contacts with foreign governments, intergovernmental organizations, and specialized agencies of the United Nations, the Organization of Security and Cooperation in Europe, and other international organizations of which the United States is a member; and

(2) multilateral conferences and meetings relevant to religious freedom in the countries of the Near East and the countries of South Central Asia.

(e) CONSULTATIONS.—The Special Envoy shall consult with domestic and international nongovernmental organizations and multilateral organizations and institutions, as the Special Envoy considers appropriate to fulfill the purposes of this section.

(f) FUNDING.—

(1) AUTHORITY.—Of the amounts appropriated or otherwise made available to the Secretary of State for ''Diplomatic and Consular Programs'' for fiscal years 2014 through 2018, the Secretary of State is authorized to provide to the Special Envoy $1,000,000 for each such fiscal year for the hiring of staff, the conduct of investigations, and necessary travel to carry out the provisions of this section.

(3) LIMITATION.—No additional funds are authorized to be appropriated for ''Diplomatic and Consular Programs'' to carry out the provisions of this section.

SA 2433. 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 appropriate place in title X, insert the following:

SEC. _____. 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 review the process used 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.—If pursuant to the review conducted under subsection (a) the Secretary of Defense determines to establish a new process for determining whether a covered individual is eligible for benefits described in subsection (a) or (b) of section 107 of such title, such process 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.

SA 2434. 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 JUSTIFICATION DISPLAY.—The Secretary of Defense shall submit to Congress, as a part of the defense budget materials for each fiscal year in which the New START Treaty is in force, a consolidated budget justification display that individually covers each program and activity associated with the implementation of the Treaty for the period covered by the future-years defense program under section 221 of title 10, United States Code.

(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) DEFENSE BUDGET MATERIALS.—The term ''defense budget materials'', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

(3) 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.

SA 2435. Mr. RUBIO (for himself and 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 subtitle H of title X, add the following:

SEC. 1082. SENSE OF CONGRESS ON BENEFITS OF USING SIMULATORS.

(a) FINDINGS.—Congress makes the following findings:

(1) The use of technologies such as virtual reality and modeling and simulation tools provides cost-effective training, operational simulation, and mission rehearsal for members of the Armed Forces.

(2) Leveraging such technologies is an especially relevant supplement to live training given the future of declining defense budgets.

(3) The implementation by the Air Force Agency for Modeling and Simulation of virtual reality centers is part of a coordinated effort to broaden the use of virtual training methods.

(4) Those centers use a variety of training tools that give members of the Armed Forces and developers alike a realistic training experience that contributes to improved readiness and system effectiveness.

(5) Organizations like the United States Army Program Executive Office for Simulation, Training, and Instrumentation would benefit from increased utilization of virtual reality and modeling and simulations tools.

(6) Modeling and simulation tools can provide powerful planning and training capabilities to expose a member of the Armed Forces to the complexities and uncertainties of combat before ever leaving the member's home station. For example, the Naval Air Warfare Center Training Systems Division integrates the science of learning with performance-based training focused on improving the performance of members of the Army and Marine Corps and measures the effectiveness of such training. The Naval Air Warfare Center Training Systems Division continually engages members of the Army and Marine Corps to understand challenges, solve problems, create new capabilities, and provide essential support.

(7) In an era of decreased live training, the use of simulation training can help ensure that military units are better trained, more capable, and more confident when compared to units that do not have access to modern simulation training technologies.

(8) Simulation training can be a cost-effective means for units to improve combat readiness and tactical decisionmaking skills and ultimately to save lives.

(9) The Department of Defense could mitigate many of the training challenges of the future in a fiscally austere environment by strengthening collaboration between government, industry, and academia.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the use of simulators offers cost savings to the Department of Defense and can contribute to training members of the Armed Forces for combat; and

(2) existing synergies between the Department of Defense and entities in the private sector should continue to provide members of the Armed Forces with the best simulation experience possible.

SA 2436. Mr. BLUNT (for himself and Mrs. MCCASKILL) 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 XXXI, add the following:

Subtitle E—Other Matters

SEC. 3141. CONVEYANCE OF BANNISTER FEDERAL COMPLEX, KANSAS CITY, MISSOURI.

(a) CONSOLIDATION OF TITLE TO BANNISTER FEDERAL COMPLEX.—Notwithstanding sections 521 and 522 of title 40, United States Code, the Administrator of General Services may transfer custody of and accountability for the portion of the real property described in subsection (b) in the custody of the General Services Administration on the date of the enactment of this Act to the National Nuclear Security Administration.

(b) REAL PROPERTY DESCRIBED.—

(1) IN GENERAL.—The real property described in this subsection is the real property, including any improvements thereon, consisting of the Bannister Federal Complex in Kansas City, Missouri.

(2) FURTHER DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property described in this subsection shall be determined by a survey satisfactory to the Administrator for Nuclear Security and the Administrator of General Services.

(c) AUTHORITIES RELATING TO CONVEYANCE OF BANNISTER FEDERAL COMPLEX.—After the consolidation of custody of and accountability for the real property described in subsection (b) in the National Nuclear Security Administration under subsection (a), the Administrator for Nuclear Security may—

(1) negotiate an agreement to convey to an eligible entity all right, title, and interest of the United States in and to the real property described in subsection (b); and

(2) enter into an agreement, on a reimbursable basis or otherwise, with the eligible entity to provide funding for the costs of—

(A) the negotiation of the agreement described in paragraph (1);

(B) planning for the disposition of the property; and

(C) carrying out the responsibilities of the Administrator under section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) with respect to the property, including—

(i) identification, investigation, and clean up of, and research and development with respect to, contamination from a hazardous substance or pollutant or contaminant;

(ii) correction of other environmental damage that creates an imminent and substantial endangerment to the public health or welfare or to the environment; and

(iii) demolition and removal of buildings and structures as required to clean up contamination or as required for completion of the responsibilities of the Administrator under that section.

(d) LIMITATIONS.—

(1) PRICE.—The Administrator for Nuclear Security shall select, through a public process provided for under the regulations of the Department of Energy, the eligible entity to which the real property described in subsection (b) is to be conveyed under subsection (c). The Administrator shall use good faith efforts to ensure the greatest possible return on such conveyance considering the conditions described in paragraphs (2) and (3).

(2) CONDITIONS ON CONVEYANCE.—The conveyance under subsection (b) shall be subject to—

(A) the requirements relating to transfer of property by the Federal Government under section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)); and

(B) except to the extent inconsistent those requirements, the condition that the eligible entity to which the real property described in subsection (b) is conveyed accepts the property in its condition at the time of the conveyance, commonly known as conveyance ''as is''.

(3) OCCUPANCY BY NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—The conveyance under subsection (c) shall be subject to the condition that the National Oceanic and Atmospheric Administration may continue to occupy the space in the real property described in subsection (b) that the Administration occupies as of the date of the enactment of this Act until December 31, 2015.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

(1) REIMBURSEMENT OF COSTS OF CONVEYANCE.—The Administrator for Nuclear Security shall use any funds received from the conveyance under subsection (c) to reimburse the Administrator for costs (other than costs referred to in paragraph (2) of that subsection) incurred by the Administrator to carry out the conveyance, including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance.

(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 the costs referred to in that paragraph. 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.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Administrator for Nuclear Security may require such additional terms and conditions in connection with the conveyance under subsection (c) as the Administrator considers appropriate to protect the interests of the United States.

(g) ELIGIBLE ENTITY DEFINED.—In this section, the term ''eligible entity'' means a nongovernmental entity that has demonstrated to the Administrator for Nuclear Security, in the Administrator's sole discretion, that the entity has the capability to operate and maintain the real property described in subsection (b).

SA 2437. 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 VII, add the following:

SEC. 722. INCLUSION OF DEPARTMENT OF VETERANS AFFAIRS IN VISION CENTER OF EXCELLENCE IN THE PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF MILITARY EYE INJURIES.

(a) IN GENERAL.—Subsection (a) of section 1623 of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note) is amended by striking ''shall establish within the Department of Defense'' and inserting ''and the Secretary of Veterans Affairs shall jointly provide for''.

(b) PARTNERSHIPS.—Subsection (b) of such section is amended by striking ''Secretary shall ensure that the center collaborates to the maximum extent practicable with the Secretary of Veterans Affairs,'' and inserting ''Secretary of Defense and the Secretary of Veterans Affairs shall jointly ensure that the center collaborates to the maximum extent practicable with the Department of Defense, the Department of Veterans Affairs,''.

(c) RESPONSIBILITIES.—Subsection (c) of such section is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by striking '', as developed by the Secretary of Defense,'' and inserting ''and the Department of Veterans Affairs'';

(B) by inserting ''the Secretary of Defense and'' before ''the Secretary of Veterans Affairs'' each place it appears; and

(C) in subparagraph (C), by striking ''the Veterans Health Administration'' and inserting ''the Department of Defense or the Department of Veterans Affairs''; and

(2) in paragraph (2), by striking '''Military Eye Injury Registry''' and inserting '''Defense and Veterans Eye Injury Registry'''.

(d) INCLUSION OF CERTAIN RECORDS IN REGISTRY.—Subsection (e) of such section is amended by striking ''the Secretary considers'' and inserting ''the Secretary of Defense and the Secretary of Veterans Affairs jointly consider''.

SA 2438. 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. STRATEGY TO SUPPORT CONSOLIDATION OF SECURITY AND GOVERNANCE GAINS IN SOMALIA.

(a) REQUIREMENT FOR STRATEGY.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a strategy to guide future United States action in support of the Government and people of Somalia to foster economic growth and opportunity, counter armed threats to stability, and develop credible, transparent, and representative government systems and institutions.

(b) CONTENT OF STRATEGY.—The strategy required under subsection (a) should include the following elements:

(1) A clearly stated policy toward Somalia on supporting the consolidation of political gains at the national level, while also encouraging and supporting complementary processes at the local and regional levels.

(2) Measures to support the development goals identified by the people and Government of Somalia.

(3) Plans for strengthening efforts by the Government of Somalia, the African Union, and regional governments to stabilize the security situation within Somalia and further degrade al-Shabaab's capabilities, in order to enable the eventual transfer of security operations to Somali security forces capable of—

(A) maintaining and expanding security within Somalia;

(B) confronting international security threats; and

(C) preventing human rights abuses.

(4) Plans for supporting the development and professionalization of regionally and ethnically representative Somali security forces, including the infrastructure and procedures required to ensure chain of custody and the safe storage of military equipment and an assessment of the benefits and risks of the provision of weaponry to the Somali security forces by the United States.

(5) A description of United States national security objectives addressed through military-to-military cooperation activities with Somali security forces.

(6) A description of security risks to United States personnel conducting security cooperation activities within Somalia and plans to assist the Somali security forces in preventing infiltration and insider attacks, including through the application of lessons learned in United States military training efforts in Afghanistan.

(7) A description of United States tools for monitoring and responding to violations of the United Nations Security Council arms embargo, charcoal ban, and other international agreements affecting the stability of Somalia.

(8) A description of mechanisms for coordinating United States military and non-military assistance with other international donors, regional governments, and relevant multilateral organizations.

(9) Plans to increase United States diplomatic engagement with Somalia, including through the future establishment of an embassy or other diplomatic posts in Mogadishu.

(10) Any other element the President determines appropriate.

(c) REPORTS.—Not later than 180 days from the submission of the strategy required under subsection (a), and annually thereafter for three years, the President shall submit to the appropriate committees of Congress an update on implementation of the strategy and progress made in Somalia in security, stability, development, and governance.

(d) FORM.—The strategy under this section shall be submitted in unclassified form, but may include a classified annex. The reports may take the form of a briefing, unclassified report, or unclassified report with a classified annex.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee Intelligence of the Senate; and

(2) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 2439. 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 INVOLVING 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 involving 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 involving 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 involving Reserve Officers' Training Corps cadets.

(3) A description of 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) A description of 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) A description of the process to review 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.

SA 2440. 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 6 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) - 3 points; and

''(4) a preference eligible described in section 2108(6)(A) - 2 points.''.

(d) GAO REVIEW.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—

(1) assesses Federal employment opportunities for members of a reserve component of the Armed Forces;

(2) evaluates the impact of the amendments made by this section on the hiring of reservists and veterans by the Federal Government; and

(3) provides recommendations, if any, for strengthening Federal employment opportunities for members of a reserve component of the Armed Forces.

SA 2441. 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 IX, add the following:

SEC. 908. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE REIMBURSEMENT OF COSTS OF ACTIVITIES FOR NONGOVERNMENTAL PERSONNEL AT DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.

Paragraph (1) of section 941(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 184 note) is amended by striking ''through 2013'' and inserting ''through 2014''.

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator CHARLES GRASSLEY, intend to object to the nomination of Jeh C. Johnson to be Secretary of the Department of Homeland Security, dated November 20, 2013.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. GILLIBRAND. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 20, 2013, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The Committee will conduct a hearing entitled, ''Soldiers as Consumers: Predatory and Unfair Business Practices Harming the Military Community.''

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

COMMITTEE ON FINANCE

Ms. GILLIBRAND. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on November 20, 2013, at 10 a.m. in room SD–215 of the Dirksen Senate Office Building.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Ms. GILLIBRAND. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on November 20, 2013, at 10 a.m. in room SD–430 of the Dirksen Senate Office Building, to conduct a hearing entitled, ''Dying Young: Why Your Social and Economic Status May Be a Death Sentence in America.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Ms. GILLIBRAND. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 20, 2013, at 10 a.m.

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

COMMITTEE ON INDIAN AFFAIRS

Ms. GILLIBRAND. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on November 20, 2013, in room SD–628 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct hearing entitled ''Carcieri: Bringing Certainty to Trust Land Acquisitions.''

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

COMMITTEE ON THE JUDICIARY

Ms. GILLIBRAND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on November 20, 2013, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Judicial Nominations.''

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Ms. GILLIBRAND. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on November 20, 2013, at 10 a.m. in room 428A Russell Senate Office building to conduct a hearing entitled ''Affordable Care Act Implementation: Examining How to Achieve a Successful Rollout of the Small Business Exchanges.''

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

SUBCOMMITTEE ON THE EFFICIENCY AND EFFECTIVENESS OF FEDERAL PROGRAMS AND THE FEDERAL WORKFORCE

Ms. GILLIBRAND. 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 20, 2013, at 2 p.m. to conduct a hearing entitled, ''Safeguarding Our Nation's Secrets: Examining the National Security Workforce.''

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

SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING

Ms. GILLIBRAND. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining be authorized to meet during the session of the Senate on November 20, 2013, at 3:30 p.m. in room SD–366 of the Dirksen Senate Office Building, to conduct a hearing entitle ''Testimony on Public Lands Bills.''

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

PRIVILEGES OF THE FLOOR

Mr. BLUNT. Mr. President, I ask unanimous consent that floor privileges be granted to Maj. Mike Shirley, a U.S. Air Force officer, who is currently serving as our Defense Legislative Fellow in my office, and to Robert Temple, an intern on my staff, for the duration of the consideration of S. 1197, the National Defense Authorization Act for Fiscal Year 2014.

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

Mr. KAINE. Mr. President, I ask unanimous consent that Sergio Aguirre

and Erik Brine, who are two fellows detailed from the Department of Defense to my office, be granted floor privileges for the pendency of S. 1197, the NDAA for Fiscal Year 2014.

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

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that my military fellow, Bridget Byrnes, be given floor privileges during the consideration of the national defense authorization bill.

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

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that Maj. Aaron Jelinek, an Air Force officer currently serving as a defense fellow in Senator BEGICH's office, be granted the privileges of the floor during consideration of S. 1197, the National Defense Authorization Act of 2014.

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

Mr. CORNYN. Mr. President, I ask unanimous consent that Jason Church, a military fellow in Senator RON JOHNSON's office, be granted the privilege of the floor for the duration of consideration of S. 1197, the National Defense Authorization Act.

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

RESOLUTIONS SUBMITTED TODAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of S. Res. 304, S. Res. 305, S. Res. 306, S. Res. 307, and S. Res. 308.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Ms. CANTWELL. Mr. President, each November the President declares this month as National Native American Heritage Month and the Senate dedicates a resolution honoring the Nation's first Americans. As chairwoman of the Senate Committee on Indian Affairs, it is my privilege to introduce this resolution. I am pleased to be joined by so many of my colleagues, including Senators BALDWIN, BARRASSO, BEGICH, COCHRAN, CRAPO, FRANKEN, GILLIBRAND, HEINRICH, HEITKAMP, HIRONO, HOEVEN, JOHNSON of South Dakota, KLOBUCHAR, MARKEY, MERKLEY, MORAN, REID, SCHATZ, TESTER, THUNE, UDALL of Colorado, UDALL of New Mexico, WARNER, and WYDEN, in submitting this resolution.

Since time immemorial, American Indians have occupied the lands we now know as the United States. To date, the Federal Government recognizes 566 distinct tribal nations across the country. While these Indian tribes share many attributes, each tribe is unique. The contributions American Indians have made to the foundation of the United States are significant and continue today. From influencing the documents that founded our Nation to serving in World War II as code talkers, American Indians have helped shape the face of our Nation. It is fitting that we are honoring the Code Talkers this week with a Congressional Gold Medal Ceremony, as Native Americans have served in the military at a higher rate per capita than any other group in the country.

Native American heroes played a significant role in World War II. Among them was Charles Chibitty of the Comanche Nation, who aided the successful landing at Normandy and the capture of an enemy flag in a French village, for which he was recognized by the French Government. The Code Talkers came from many tribes, including the Navajo, who played a crucial role in the Pacific. The Choctaw, Sioux, Assiniboine, Apache, Hopi, Mohawk and many other tribes gave this Nation their dedication, determination, and courage. They will never be forgotten.

I am honored to represent the 29 tribes in my home State of Washington. Tribal culture is woven into the fabric of our State as a critical part of not only the State's history but also its modern-day economy and governance. In 2012, Washington State tribes purchased more than $2.4 billion in goods, paid $1.3 billion in wages, and spent $259 million on construction activities. The tribes and the State are partners in virtually every aspect of governance, from natural resource management to tax collection.

Many of the tribes in my State entered into agreements with the U.S. Government over the last two and a half centuries for cessions of land and natural resources. In exchange for these lands, the United States promised essential services to American Indians. As the trustee for Indian nations across the United States, the Federal Government has much work to do. I am encouraged by events like the Tribal Nations Conference, which has been convened annually since the election of President Obama. While this is a step in the right direction, we must do more to ensure that our Indian communities are thriving.

As we celebrate National Native American Heritage Month, I encourage my colleagues to take some time and think about the Federal Government's responsibilities to our first people. I ask my colleagues to support this resolution designating November 2013 as National Native American Heritage Month and November 29 of this year as Native American Heritage Day, and I encourage all Americans to recognize the important contributions American Indians have made to this great Nation.

S. RES. 308

Mr. LEAHY. Mr. President, I applaud the Senate's adoption today of a resolution Senator HATCH and I submitted supporting the goals and ideals of runaway prevention month. It is a sad reality that millions of young people are living on the streets. We as legislators must do all we can to prevent homelessness and support youth who find themselves without a place to call home.

Every child in America deserves a fair shot. This is why I championed the Runaway and Homeless Youth Act, RHYA, reauthorization in 2008 and why I continue working to improve and to extend this important law this year. Under the Runaway and Homeless Youth Act, every State receives a basic center grant to provide housing and crisis services for children and their families. Community-based groups around the country can also apply for funding through the Transitional Living Program and the Street Outreach Program. These programs and others authorized by RHYA have helped countless runaway and homeless youth and their families in Vermont and across the Nation over the last 30 years. We must continue these essential programs, too many of which are now unfunded or underfunded due to sequestration and other fiscal constraints.

We must recognize the importance of investing in our Nation's youth and direct resources where they are needed most. It is just not acceptable that homeless children are turned away from shelters due to a lack of beds or that services providers are being forced to downsize. We can and must do more.

The RHYA's most recent charter expired at the end of September. I hope that we can work to reauthorize and improve this vital law by ensuring it meets the needs of children in our most vulnerable communities. Too often LGBT youth find themselves in need of shelter and support because their families are unaccepting. Programs authorized by RHYA should be trained to respond to LGBT youth and, when possible, strive to reunite them with their families through counseling. We must also update the statute to reflect the tragic reality that runaway and homeless youth are vulnerable to trafficking and sexual exploitation. We should ensure grantees are able to meet the needs of young victims of trafficking or exploitation or offer referrals to other qualified service providers. We need smarter training and more resources to help our grantees meet the needs of young victims, and that is exactly what the Runaway and Homeless Youth Act provides.

Mr. REID. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles, where applicable, be agreed to, and the motions to reconsider be laid upon the table en bloc, with no intervening action or debate.

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

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under ''Submitted Resolutions.'')

MEASURE READ THE FIRST TIME—S. 1752

Mr. REID. Mr. President, I am told that S. 1752 is due for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 1752) to reform procedures for determinations to proceed to trial by court-martial for certain offenses under the Uniform Code of Military Justice, and for other purposes.

Mr. REID. I now ask for a second reading but object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for a second time on the next legislative day.

ORDERS FOR THURSDAY, NOVEMBER 21, 2013

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10:30 a.m. on Thursday, November 21, 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 resume consideration of S. 1197, the National Defense Authorization Act, under the previous order; that the filing deadline for all first-degree amendments to S. 1197 be 1 p.m. on Thursday.

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

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. REID. Mr. President, if there 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, 7:36 p.m., adjourned until Thursday, November 21, 2013, at 10:30 a.m.