Maine (Ms. COLLINS) were added as cosponsors of S. 865, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. RES. 65

At the request of Mr. GRAHAM, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. Res. 65, a resolution strongly supporting the full implementation of United States and international sanctions on Iran and urging the President to continue to strengthen enforcement of sanctions legislation.

S. RES. 126

At the request of Mr. CARDIN, his name was added as a cosponsor of S. Res. 126, a resolution recognizing the teachers of the United States for their contributions to the development and progress of our country.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY (for herself, Ms. AYOTTE, and Mr. BLUMENTHAL):

S. 871. A bill to amend title 10, United States Code, to enhance assistance for victims of sexual assault committed by members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

Mrs. MURRAY. Mr. President, I come to the floor because I believe the great strength of our military is in the character and dedication of our men and women who wear the uniform. It is the courage of these Americans to volunteer to serve. That is the Pentagon's greatest asset.

I know it is said a lot, but take a minute to think about that. Our servicemembers volunteer to face danger, to put their lives on the line to protect our country and all of its people. When we think of those dangers, we think of IEDs. We think of battles with insurgents, many of whom are so cowardly and evil that they refuse to even wear a uniform themselves, and they seek to kill innocent civilians.

There are, unfortunately, other dangers as well, dangers that cannot be expected and none of our courageous servicemembers should ever have to face. That is what I am speaking about, sexual assault. That continues to plague the ranks of our military services.

It is absolutely unconscionable that a fellow servicemember, the person whom you rely on to have your back and be there for you, would commit such a terrible crime. It is simply appalling that they could commit such a personal violation of their brother or sister in uniform.

Even worse is the prevalence of these crimes. Just today, we are hearing the alarming statistic that the number of cases has increased by more than one-third since 2010. For the estimated 26,000 cases of military sexual assault in 2012, less than 3,000 of them were reported. Out of 26,000, only 3,000 were reported. What is even more startling is that of those who bravely came forward and reported the abuse, an astounding 62 percent of them were retaliated against in one way or another.

According to the Department of Veterans Affairs, about one in five female veterans treated by the VA has suffered from military sexual trauma. That is certainly not the act of a comrade. It is not in keeping with the ethos in any service, and it can no longer be tolerated. We still have not done enough to put an end to these shameful acts.

Today I am taking action to change that. Today Senator AYOTTE and I joined to introduce the Combatting Military Sexual Assault Act of 2013. This is bipartisan legislation that we have worked on to make several vital improvements to protect our servicemembers, to assist the victims, and to punish the criminals. Our bill, the Combatting Military Sexual Assault Act, will create a new category of legal advocates called special victims' counsels who would be responsible for advocating on behalf of the interests of the victim. These SVCs, special victims' counsels, would advise the victim on the range of legal issues they might face. For example, when a young private first class is intimidated into not reporting a sexual assault, by threatening her with unrelated legal charges such as underage drinking, this new advocate, the SVC, would be there to protect her and tell her the truth.

This bill would also enhance the responsibilities and authority of the Department of Defense Sexual Assault Prevention and Response Office, known as the SAPRO, to provide better oversight of efforts to combat military sexual assault across our Armed Forces. SAPRO would also be required to regularly track and report on a range of MSA statistics, including assault rates, the number of cases brought to trial, and compliance within each of these individual services.

Some of this data collection and reporting is already being done, so this requirement is not going to be burdensome. It would give that office statutory authority to track and report to us on the extent of the problem.

The Combatting Military Sexual Assault Act would also require sexual assault cases to be referred to the next superior competent authority for court martial when there is a conflict of interest in the immediate chain of command. This is very important. This will help ensure that sexual assault allegations get a fair, impartial,and thorough investigation. The President of the Military Officers Association of America agrees. They stated:

Preventing sexual assault is a duty of everyone in the chain of command. This legislation will increase support for sexual assault victims and strengthen policies and procedures for such cases in our Nation's Armed Forces.

This legislation would also prohibit sexual contact between military instructors and servicemembers during basic training or its equivalent or within 30 days after the training. As we have seen, with disturbing frequency at places such as Lackland Air Force Base or the Air Force Academy, new servicemembers are too often taken advantage of and abused.

In these settings, new servicemembers have every aspect of their life controlled by their instructor. While this is appropriate for military training, in this type of setting it is entirely inappropriate for senior servicemembers to seek a sexual relationship with a junior subordinate. It is our view it is impossible for a servicemember to freely give consent in that setting.

This bill will also ensure that sexual assault response coordinators are available to members of the National Guard and Reserve at all times. I was told a very disturbing story recently by a female servicemember from the National Guard in my home State of Washington. After being sexually assaulted during her monthly drill on a military base, she took all the necessary steps, including calling the sexual assault response coordinator. When she called, she was told that because the assault happened during a monthly drill, not on Active Duty, the sexual response coordinator could not help her. Those services were only reserved for those on Active Duty.

That is absolutely unacceptable. When one of our men and women in uniform is the victim of a sexual assault, and they have the courage to come forward and ask for help, the answer never, ever should be, sorry, there are regulations, nothing I can do for you.

This bill is one step to address the crises we have in our own Armed Forces, and it needs to be done now. Yesterday's news that the Air Force's chief of sexual assault prevention was arrested for sexual assault is another reminder that we have to change the culture around this issue.

I want to be very clear. The military has taken some steps on its own. For instance, I am looking forward to seeing Secretary Hagel's proposal on how to reform article 60 of the Uniform Code of Military Justice. As I think most of our colleagues know, under article 60, the convening authority of a court martial is empowered to dismiss the judgment of the court martial and overturn their verdict. Many of us, myself included, have had serious concerns about how that authority has been used in sexual assault cases.

We are here today to introduce this bill, and I wish to thank the Senator from New Hampshire for her advocacy on this issue and for her help in putting this legislation together.

I also wish to thank Representative TIM RYAN for his leadership and championing our companion bill in the other Chamber.

When I asked Navy Secretary Ray Mabus about the sexual assault epidemic, I was glad to hear him say ''concern'' wasn't a strong enough word to describe how he felt about this problem. He said he was angry about it.

I know a lot of us share this feeling. We want it to stop. I am very hopeful both Chambers can work quickly to do right by our Nation's heroes. When our best and brightest put on a uniform and joined our U.S. Armed Forces, they do so with the understanding they will sacrifice much in the name of defending our country and its people. That sacrifice should not have to come in the form of unwanted sexual contact from within the ranks.

I am very pleased to introduce this bill. I wish to thank Senator AYOTTE again for her hard work and advocacy. It is a pleasure to work with her.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 871

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Combating Military Sexual Assault Act of 2013''.

SEC. 2. SPECIAL VICTIMS' COUNSEL FOR VICTIMS OF SEXUAL ASSAULT COMMITTED BY MEMBERS OF THE ARMED FORCES.

(a) SPECIAL VICTIMS' COUNSEL FOR VICTIMS OF SEXUAL ASSAULT COMMITTED BY MEMBERS OF THE ARMED FORCES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretaries of the military departments shall each implement a program on the provision of a Special Victims' Counsel to victims of a sexual assault committed by a member of the Armed Forces.

(2) QUALIFICATION.—An individual may not be designated as a Special Victims' Counsel under this subsection unless the individual is—

(A) a judge advocate who is a graduate of an accredited law school or is a member of the bar of a Federal court or the highest court of a State; and

(B) is certified as competent to be designated as a Special Victims' Counsel by the Judge Advocate General of the Armed Force of which the individual is a member.

(3) DUTIES.—

(A) IN GENERAL.—Subject to subparagraph (C), the duties of a Special Victims' Counsel shall include the provision of legal advice and assistance to a victim in connection with criminal and civil legal matters related to the sexual assault committed against the victim, including the following:

(i) Legal advice and assistance regarding criminal liability of the victim.

(ii) Legal advice and assistance regarding the victim's responsibility to testify, and other duties to the court.

(iii) Legal advice regarding the potential for civil litigation against other parties (other than the Department of Defense).

(iv) Legal advice regarding any proceedings of the military justice process which the victim may observe.

(v) Legal advice and assistance regarding any proceeding of the military justice process in which the victim may participate as a witness or other party.

(vi) Legal advice and assistance regarding available military or civilian restraining or protective orders.

(vii) Legal advice and assistance regarding available military and veteran benefits.

(viii) Legal assistance in personal civil legal matters in connection with the sexual assault in accordance with section 1044 of title 10, United States Code.

(ix) Such other legal advice and assistance as the Secretary of the military department concerned shall specify for purposes of the program implemented under this subsection.

(B) NATURE OF RELATIONSHIP.—The relationship between a Special Victims' Counsel and a victim in the provision of legal advice and assistance shall be the relationship between an attorney and client.

(b) ASSISTANCE AND REPORTING.—

(1) ASSISTANCE.—Section 1565b of title 10, United States Code, is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

''(b) AVAILABILITY OF SPECIAL VICTIMS' COUNSEL FOR VICTIMS OF SEXUAL ASSAULT COMMITTED BY MEMBERS OF THE ARMED FORCES.—(1) A member of the armed forces, or a dependent of a member, who is the victim of a sexual assault described in paragraph (2) may be provided assistance by a Special Victims' Counsel.

''(2) A sexual assault described in this paragraph is any offense if alleged to have been committed by a member of the armed forces as follows:

''(A) Rape or sexual assault under section 920 of this title (article 120 of the Uniform Code of Military Justice).

''(B) An attempt to commit an offense specified in subparagraph (A) as punishable under section 880 of this title (article 80 of the Uniform Code of Military Justice).

''(3) A member of the armed forces or dependent who is the victim of sexual assault described in paragraph (2) shall be informed of the availability of assistance under paragraph (1) as soon as the member or dependent seeks assistance from a Sexual Assault Response Coordinator, a Sexual Assault Victim Advocate, a military criminal investigator, a victim/witness liaison, a trial counsel, health care providers, or any other personnel designated by the Secretary of the military department concerned for purposes of this paragraph. The member or dependent shall also be informed that the assistance of a Special Victims' Counsel under paragraph (1) is optional and may be declined, in whole or in part, at any time.

''(4) Assistance of a Special Victims' Counsel under paragraph (1) shall be available to a member or dependent regardless of whether the member or dependent elects unrestricted or restricted (confidential) reporting of the sexual assault.''.

(2) REPORTING.—Subsection (c) of such section, as redesignated by paragraph (1)(A) of this subsection, is further amended in paragraph (2)—

(A) by redesignating subparagraph (C) as subparagraph (D); and

(B) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) A Special Victims' Counsel.''.

(c) CONFORMING AMENDMENTS TO AUTHORITY ON SARC, SAVA, AND RELATED ASSISTANCE.—Subsection (a) of such section is amended—

(1) in paragraph (1), by striking ''may'' and inserting ''shall, upon request,''; and

(2) in paragraph (2)—

(A) by inserting ''a Special Victims' Counsel,'' after ''a Sexual Assault Victim Advocate,''; and

(B) by striking ''or a trial counsel'' and inserting ''a trial counsel, health care providers, or any other personnel designated by the Secretary of the military department concerned for purposes of this paragraph''.

(d) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 1565b. Victims of sexual assault: access to legal assistance and services of Sexual Assault Coordinators, Sexual Assault Victim Advocates, and Special Victims' Counsels''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 80 of such title is amended by striking the item relating to section 1565b and inserting the following new item:

''1565b. Victims of sexual assault: access to legal assistance and services of Sexual Assault Coordinators, Sexual Assault Victim Advocates, and Special Victims' Counsels.''.

SEC. 3. ENHANCED RESPONSIBILITIES OF SEXUAL ASSAULT PREVENTION AND RESPONSE OFFICE FOR DEPARTMENT OF DEFENSE SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM.

(a) IN GENERAL.—Section 1611(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note) is amended by striking ''shall—'' and all that follows and inserting ''shall do the following:

''(1) Oversee development and implementation of the comprehensive policy for the Department of Defense sexual assault prevention and response program, including guidance and assistance for the military departments in addressing matters relating to sexual assault prevention and response.

''(2) Serve as the single point of authority, accountability, and oversight for the sexual assault prevention and response program.

''(3) Undertake responsibility for the oversight of the implementation of the sexual assault prevention and response program by the Armed Forces.

''(4) Collect and maintain data of the military departments on sexual assault in accordance with section 1615.

''(5) Provide oversight to ensure that the military departments maintain documents relating to the following:

''(A) Allegations and complaints of sexual assault involving members of the Armed Forces.

''(B) Courts-martial or trials of members of the Armed Forces for offenses relating to sexual assault.

''(6) Act as liaison between the Department of Defense and other Federal and State agencies on programs and efforts relating to sexual assault prevention and response.

''(7) Oversee development of strategic program guidance and joint planning objectives for resources in support of the sexual assault prevention and response program, and make recommendations on modifications to policy, law, and regulations needed to ensure the continuing availability of such resources.

''(8) Provide to the Secretary of Veterans Affairs any records or documents on sexual assault in the Armed Forces, including restricted reports with the approval of the individuals who filed such reports, that are required by the Secretary for purposes of the administration of the laws administered by the Secretary.''.

(b) COLLECTION AND MAINTENANCE OF DATA.—Subtitle A of title XVI of such Act (10 U.S.C. 1561 note) is amended by adding at the end the following new section:

''SEC. 1615. COLLECTION AND MAINTENANCE OF DATA OF MILITARY DEPARTMENTS ON SEXUAL ASSAULT PREVENTION AND RESPONSE.

''In carrying out the requirements of section 1611(b)(4), the Director of the Sexual Assault Prevention and Response Office shall do the following:

''(1) Collect from each military department on a quarterly and annual basis data of such military department on sexual assaults involving members of the Armed Forces in a manner consistent with the policy and procedures developed pursuant to section 586 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 1561 note) that protect the privacy of individuals named in records and the status of records.

''(2) Maintain data collected from the military departments under paragraph (1).

''(3) Assemble from the data collected and maintained under this section quarterly and annual reports on the involvement of members of the Armed Forces in incidents of sexual assault.

''(4) Develop metrics to measure the effectiveness of, and compliance with, training and awareness objectives of the military departments on sexual assault prevention and response.

''(5) Establish categories of information to be provided by the military departments in connection with reports on sexual assault prevention and response, including, but not limited to, the annual reports required by section 1631, and ensure that the submittals of the military departments for purposes of such reports include data within such categories.''.

(c) ELEMENT ON UNIT OF ACCUSED AND VICTIM IN CASE SYNOPSES IN ANNUAL REPORT ON SEXUAL ASSAULTS.—

(1) IN GENERAL.—Section 1631(f) of such Act (10 U.S.C. 1561 note) is amended—

(A) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(B) by inserting after paragraph (4) the following new paragraph (5):

''(5) The case synopsis shall indicate the unit of each member of the Armed Forces accused of committing a sexual assault and the unit of each member of the Armed Forces who is a victim of sexual assault.''.

(2) APPLICATION OF AMENDMENTS.—The amendments made by paragraph (1) shall apply beginning with the report regarding sexual assaults involving members of the Armed Forces required to be submitted by March 1, 2014, under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011.

SEC. 4. DISPOSITION AND OTHER REQUIREMENTS FOR RAPE AND SEXUAL ASSAULT OFFENSES UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) DISPOSITION AND OTHER REQUIREMENTS.—

(1) IN GENERAL.—Subchapter VI of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 830 (article 30) the following new section (article):

''§ 830a. Art. 30a. Rape and sexual assault offenses: disposition and other requirements

''(a) IN GENERAL.—Notwithstanding any other provision of this chapter, charges on offenses specified in subsection (b) shall be subject to the disposition requirement in subsection (c) and subject to the other requirements and limitations set forth this section.

''(b) COVERED OFFENSES.—The charges on offenses specified in this subsection are charges on the offenses as follows:

''(1) Rape or sexual assault under section 920 of this title (article 120).

''(2) An attempt to commit an offense specified in paragraph (1) as punishable under section 880 of this title (article 80).

''(c) DISPOSITION REQUIREMENTS.—(1) Subject to paragraph (2), the charges on any offense specified in subsection (b) shall be referred to an appropriate authority for convening general courts-martial under section 822 of this title (article 22) for disposition.

''(2) If the appropriate authority to which charges described in paragraph (1) would be referred under that paragraph is a member with direct supervisory authority over the member alleged to have committed the offense, such charges shall be referred to a superior authority competent to convene a general court-martial.

''(d) VICTIM'S RIGHTS.—A victim of an offense specified in subsection (b) shall have rights as follows:

''(1) To a Special Victims' Counsel provided under section 1565b(b) of this title.

''(2) To have all communications between the victim and any Sexual Assault Response Coordinator, Sexual Assault Victim Advocate, or Special Victims' Counsel for the victim considered privileged communications for purposes of the case and any proceedings relating to the case.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter VI of chapter 47 of such title (the Uniform Code of Military Justice) is amended by inserting after the item relating to section 830 (article 30) the following new item:

''830a. Art. 30a. Rape and sexual assault offenses: disposition and other requirements.''.

(b) REVISION OF MANUAL FOR COURTS-MARTIAL.—The Joint Service Committee on Military Justice shall amend the Manual for Courts-Martial to reflect the requirements in section 830a of title 10, United States Code (article 830a of the Uniform Code of Military Justice), as added by subsection (b), including, in particular, section 306 of the Manual relating to disposition of charges.

SEC. 5. PROHIBITION ON SEXUAL ACTS AND CONTACT BETWEEN CERTAIN MILITARY INSTRUCTORS AND THEIR TRAINEES.

(a) PROHIBITION.—Section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice), is amended—

(1) by redesignating subsections (e) through (g) as subsections (f) through (h); respectively; and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) SEXUAL ACTS AND SEXUAL CONTACT BETWEEN CERTAIN MILITARY INSTRUCTORS AND TRAINEES.—

''(1) ENHANCED PROHIBITION ON SEXUAL ASSAULT.—A military instructor who commits a sexual act upon a member of the armed forces while the member is undergoing basic training (or its equivalent) or within 30 days after completing such training is guilty of sexual assault and shall be punished as a court-martial may direct.

''(2) ENHANCED PROHIBITION ON ABUSIVE SEXUAL CONTACT.—A military instructor who commits or causes sexual contact upon or by a member of the armed forces while the member is undergoing basic training (or its equivalent), or within 30 days after completing such training, which instructor was not the spouse of the member at the member's commencement of such training, is guilty of abusive sexual contact and shall be punished as a court-martial may direct.

''(3) COVERED MILITARY INSTRUCTORS.—This subsection applies with respect to the following members of the armed forces otherwise subject to this chapter:

''(A) Drill Sergeants in the Army.

''(B) Drill Instructors in the Marine Corps.

''(C) Recruit Division Commanders in the Navy.

''(D) Military Training instructors in the Air Force.

''(E) Company Commanders in the Coast Guard.

''(F) Such other members of the armed forces as the Secretary concerned may designate as having supervisory authority over new recruits undergoing basic training (or its equivalent).

''(4) CONSENT.—Lack of consent is not an element and need not be proven in any prosecution under this subsection. Consent is not a defense for any conduct in issue in any prosecution under this subsection.''.

(b) CROSS REFERENCES TO DEFINITIONS.—Chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended—

(1) in section 920b(h)(1) (article 120b(h)(1)), by striking ''section 920(g) of this title (article 120(g))'' and inserting ''section 920 of this title (article 120)''; and

(2) in section 920c(d)(1) (article 120c(d)(1)), by striking ''section 920(g) of this title (article 120(g)))'' and inserting ''section 920 of this title (article 120))''.

SEC. 6. AVAILABILITY OF SEXUAL ASSAULT RESPONSE COORDINATORS FOR MEMBERS OF THE NATIONAL GUARD.

(a) AVAILABILITY IN EACH NATIONAL GUARD STATE AND TERRITORY.—Section 584(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1433; 10 U.S.C. 1561 note) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) AVAILABILITY IN EACH NATIONAL GUARD STATE AND TERRITORY.—The National Guard of each State and Territory shall ensure that a Sexual Assault Response Coordinator is available at all times to the members of the National Guard of such State or Territory. The Secretary of the Army and the Secretary of the Air Force may, in consultation with the Chief of the National Guard Bureau, assign additional Sexual Assault Response Coordinators in a State or Territory as necessary based on the resource requirements of National Guard units within such State or Territory. Any additional Sexual Assault Response Coordinator may serve on a full-time or part-time basis at the discretion of the assigning Secretary.''.

(b) AVAILABILITY TO PROVIDE ASSISTANCE FOR MEMBERS OF THE NATIONAL GUARD IN STATE STATUS.—Section 1565b of title 10, United States Code, as amended by section 2 of this Act, is further amended in subsection (a)—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) In the case of a member of the National Guard in State status under title 32 who is the victim of a sexual assault, assistance provided by a Sexual Assault Response Coordinator shall be provided by the Sexual Assault Response Coordinator Assistance available in the State or Territory concerned under paragraph (2) of section 584(a) of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 1561 note), but, with the approval of the Secretary of the Army or the Secretary of the Air Force, as applicable, may also be provided by Sexual Assault Response Coordinator assigned under paragraph (1) of that section.''.

Ms. AYOTTE. Let me say I wish to thank very much my colleague from Washington, Senator MURRAY, for her leadership on this issue and for the opportunity to work together to address this very important issue of making sure we eliminate sexual assaults that occur within our military and that the victims of these crimes get the respect,

the support, and the justice they deserve. I am very honored to work with Senator MURRAY, and I thank her so much for giving me the opportunity to work with her on this important legislation to address a very serious problem in our military.

I approach this issue not just as someone who comes from a military family and has such great, deep respect for the military—as I know Senator MURRAY does with the important position she has on the Veterans' Committee—but also as someone who serves on the Armed Services Committee and someone who worked in my prior career extensively with victims of sexual assault. During my time as a prosecutor in New Hampshire and then later as the State's attorney general, I saw the devastating impact of these types of crimes.

I also saw the real need to address what is too often a silent crime. The victims often suffer in silence for fear of coming forward and not being supported when they are to come forward and report a sexual assault.

That is very important, and that is why I also supported efforts earlier this year—that I know Senator MURRAY was a very strong leader on—to reauthorize the Violence Against Women Act. I wish to thank her for her leadership on that as well.

Currently, military sexual assault occurs at alarming levels throughout all branches of our military. According to the Department of Defenses estimates, 19,000 servicemembers were sexually assaulted in 2011, a rate of over 52 per day. Despite these shocking figures, fewer than 2,800 assaults against servicemembers were reported to the Department of Defense over the same period.

The Department of Defense Sexual Assault Prevention and Response Office's annual report, which was actually just released today at the same time that we are filing our legislation, concludes that the number of people who made an anonymous sexual assault claim but never reported the attack increased from 19,000 in 2011 to 26,000 in 2012, nearly a 37-percent increase. Yet the number of reported sexual assaults against servicemembers only increased—in other words, those who did report and come forward—by about 8 percent. This is a dramatic example of people who were victims but feel they would have the support to come forward and report the crimes that were being committed against them.

Astonishingly, as Senator MURRAY mentioned, just yesterday it was reported that the police arrested a lieutenant colonel in charge of the Air Force's Sexual Assault Prevention and Response branch and charged him with sexual battery, which brought this issue very much to the forefront, given the fact that this individual was charged with important responsibility over the Sexual Assault Prevention and Response Program.

It is important to understand why sexual assault is so destructive, especially when it occurs in our military—of course, when it occurs anywhere. Sexual assault is a serious and unacceptable crime that can inflict lasting emotional and physical impact on the victims of these crimes that can last for years and throughout their lifetimes.

In the military, sexual assault can also damage unit morale, readiness, the preparedness of our troops. Also, military sexual assault can negatively impact the well-earned reputation of those who serve honorably, which is obviously the overwhelming number of members of our military who serve our country with great courage and with great character.

So we must aggressively tackle this problem to compassionately help victims but also to protect the good order and discipline that ultimately undermine and support the readiness of our military units. We do our military and our servicemembers little good if we ignore this problem.

Conversely, it is very important we pass commonsense legislation that will help solve the problem. But we should make no mistake that, again, the vast majority of our men and women in uniform serve with tremendous dignity and honor, and the United States continues to be the very best military in the world because of the character, quality, and courage of our men and women in uniform. But when a servicemember fails to live up to our values and commits a sexual assault, we must ensure victims have the support they need and the perpetrators are held accountable and are brought to justice.

That is why Senator MURRAY and I have introduced this legislation today. Our legislation, titled the ''Combating Military Sexual Assault Act,'' would expand and improve military sexual assault prevention and response resources available to the victims of these crimes. Building on the lessons we have learned from a pilot program already in place in the Air Force, our bill would provide trained special victims' counsels to victims in all service branches to help them throughout the process. These counsels can help comfort and advise victims after the crime has occurred. The special victims' counsel also provides victims the confidence they need to come forward, report the crime, and seek justice.

The Chief of Staff of the Air Force, General Welsh, testified this morning before the Armed Services Committee ''the evidence is clear'' that providing special victims' counsel to those who suffer from this crime has been ''immensely helpful'' in the Air Force. So every victim of crime within our Armed Services deserves to have the support of the special victims' counsel.

Our bill would also ensure sexual assault response coordinators are available to members of the National Guard and Reserve at all times, regardless of whether the servicemember is operating under title 10 or title 32 authority. It is very important we get this in the law now so that our Guard men and women get the support they deserve. We could not have fought the battles and wars we have fought without their courage and bravery and the sacrifices they have made.

Our bill would also make certain sexual assault cases are referred to the general court-martial level when sexual assault charges are filed or to the next superior competent authority when there is a conflict of interest in the immediate chain of command. Right now, the way the system is set up, there is not a set mechanism where there is a conflict of interest. This commonsense approach would recognize the uniquely devastating damage sexual assault crimes inflict on individuals and ensure that victims can have confidence in the military court justice system.

In conclusion, allowing this problem to persist is simply unacceptable, both for the victims and for the morale and readiness of our forces that do so much to ensure the freedom of this country. We must continue to make clear that sexual assault in the military simply will not be tolerated, and we must match these words with actions. Our legislation does just that.

I look forward to working with the Department of Defense, continuing to work with Senator MURRAY—and I thank her again for her leadership—as well as my Senate colleagues on both sides of the aisle in strengthening existing laws and policies so that all military sexual assault victims can come forward without fear of retribution and with the confidence they will receive the support, care, and justice they deserve from our country.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I want to thank my colleagues for working on military sexual assault. Senator GILLIBRAND and I and others are working on a way to handle these assaults which takes them out of the chain of command and makes sure the prosecutors get the chance to decide whether a case goes forward, and no one in the chain of command can overturn a military court that makes a decision.

So I look forward to working with all my colleagues, female colleagues and male colleagues, because this is an absolute disgrace for the greatest Nation on Earth. We have to change a culture that somehow is permissive toward violence against women, and might I add men as well, when we look at the numbers. There is a lot of sexual violence against men in the military in terms of numbers—more cases against men than women—but in terms of percentages, there are more against women. It is a terrible situation.

By Mr. REED (for himself and Mr. COCHRAN):

S. 882. A bill to amend the Workforce Investment Act of 1998 to integrate

public libraries into State and local workforce investment boards, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I am pleased to introduce the Workforce Investments through Local Libraries Act or the WILL Act with Senator COCHRAN. During these challenging economic times, our one-stop system has been stretched to the limit. Stepping in to help have been our public libraries, which have always been a key access point for people looking for employment or looking to make a career change. According to the Institute of Museum and Library Services, 30 million Americans used a library computer to help address their career and employment needs in 2009.

The Employment and Training Administration and the Institute of Museum and Library Services have developed a partnership to highlight effective practices and encourage collaboration between the workforce investment system and public libraries, but more needs to be done. There are more than four times as many libraries as one-stop centers in high unemployment counties. We could greatly expand the reach of the workforce investment system by fully integrating public libraries into the delivery system and providing them with the resources they need to better assist Americans in finding work.

The Workforce Investments through Local Libraries, WILL, Act will strengthen the connection between the public library system and the one-stop system to better serve job seekers. The WILL Act will give library users access to workforce activities and information related to training services and employment opportunities, including resume development, job bank web searches, literacy services, and workshops on career information. The goal of the WILL Act is to enable libraries to access Workforce Investment Act resources to continue to provide job search support in communities all across America.

Specifically, the WILL Act amends the Workforce Investment Act, WIA, to: include library representation on state and local workforce investment boards; ensure the coordination of employment, training, and literacy services carried out by public libraries as part of the state workforce investment plan; recognize public libraries as an allowable ''One-Stop'' partner; authorize new demonstration and pilot projects to establish employment resources in public libraries; and encourage the Employment and Training Administration to collaborate with other federal agencies, including the Institute of Museum and Library Services, to leverage and expand access to workforce development resources.

To get Americans back to work, we need to leverage all of our community assets. Public libraries play a vital role in providing access to information, technology, support, and other essential resources to help Americans find good jobs and build successful careers. I urge my colleagues to join Senator COCHRAN and me in cosponsoring the WILL Act and to support its inclusion in the effort to renew the Workforce Investment Act.

By Mr. LEVIN (for himself, Mr. MCCAIN, Mr. COBURN, and Mr. ROCKEFELLER):

S. 884. A bill to require the Director of National Intelligence to develop a watch list and a priority watch list of foreign countries that engage in economic or industrial espionage in cyberspace with respect to United States trade secrets or proprietary information, and for other purposes; to the Committee on Finance.

Mr. LEVIN. Mr. President, one aspect of cybersecurity threats from foreign nations relates directly to America's global competitiveness.

If American entrepreneurs are known for one thing, it is innovation. That innovation costs money. American companies invest billions and billions of dollars every year on research and development to create products that are the best in the world. Companies in my State alone invest $16 billion a year in research and development. When these investments succeed American companies are often the leaders in their industries at home and in overseas markets, offering technologies that are not available elsewhere. This is a huge competitive value and one that we must protect.

But too many U.S. companies of all sizes are being robbed of their intellectual property, the engine of their businesses, and the American economy is being undermined through cyber theft. Often the culprits are foreign governments. To make matters worse, these governments share the stolen technology with companies that compete with the very U.S. companies that developed the technology in the first place.

General Keith B. Alexander, head of the National Security Agency and U.S. Cyber Command, recently called the theft of intellectual property from U.S. entities through cyberspace ''the greatest transfer of wealth in history.'' He estimated that such theft costs U.S. companies and institutions hundreds of billions of dollars. It is outrageous that American trade secrets are being stolen and used to compete against us. So who is responsible?

As far back as 2011, the National Counterintelligence Executive said in its annual report to Congress that ''Chinese actors are the world's most active and persistent perpetrators of economic espionage. U.S. private sector firms and cybersecurity specialists have reported an onslaught of computer network intrusions that have originated in China.''

In March of this year, Mandiant, a company that investigates private sector cyber security breaches, published a report describing how a cyber-espionage unit of the Chinese People's Liberation Army raided the computers of at least 141 different organizations, stealing ''technology blueprints, proprietary manufacturing processes, test results, business plans, pricing documents, [and] partnership agreements.'' According to Mandiant, the industries targeted by the PLA ''match industries that China has identified as strategic to their growth.'' Mandiant's report exposed PLA cyber theft aimed at the information technology, transportation, aerospace, satellites and telecommunications, and high end electronics industries, to name just a few.

U.S. government reports also point to China. Just last week the U.S. Trade Representative issued its ''Special 301'' report reviewing the global state of intellectual property rights, IPR. USTR stated that ''Obtaining effective enforcement of IPR in China remains a central challenge, as it has been for many years.'' The report continued ''This situation has been made worse by cyber theft, as information suggests that actors located in China have been engaged in sophisticated, targeted efforts to steal [intellectual property] from U.S. corporate systems.''

Also last week, an article in Bloomberg described cyber espionage conducted by the Chinese People's Liberation Army against QinetiQ, a defense contractor. The article said the PLA operation ''jeopardized the [victim] company's sensitive technology involving drones, satellites, the U.S. Army's combat helicopter fleet, and military robotics, both already-deployed systems and those still in development.'' The report stated that the Chinese ''hackers had burrowed into almost every corner of QinetiQ's U.S. operations, including production facilities and engineering labs in St. Louis, Pittsburgh, Long Beach, Mississippi, Huntsville, Alabama and Albuquerque, New Mexico, where QinetiQ engineers work on satellite-based espionage, among other projects.''

It is time that we fought back to protect American businesses and American innovation. We need to call out those who are responsible for cyber theft and empower the President to hit the thieves where it hurts most—in their wallets.

Today, I am introducing a bill along with Senators MCCAIN, COBURN and ROCKEFELLER that calls on the Director of National Intelligence, DNI, to develop a list of foreign countries that engage in economic or industrial espionage in cyberspace with respect to U.S. trade secrets or proprietary information. We have done something similar under the Special 301 process for intellectual property rights infringements in foreign countries.

Specifically, our legislation requires the DNI to publish an annual report listing foreign countries that engage in, facilitate, support or tolerate economic and industrial espionage targeting U.S. trade secrets or proprietary

information through cyberspace. That report would identify:

A watch list of foreign countries that engage in economic or industrial espionage in cyberspace with respect to trade secrets or proprietary information owned by United States persons; it would identify a priority watch list of foreign countries that are the most egregious offenders; U.S. technologies targeted for economic or industrial espionage in cyberspace and U.S. technologies that have been stolen, to the extent that is known; articles manufactured or produced or services provided, without permission from the rights holder, using such stolen technologies or proprietary information; foreign companies, including state owned enterprises, that benefit from stolen technologies or proprietary information; details of the economic or industrial espionage engaged in by foreign countries; and actions taken by DNI and other Federal agencies and progress made to decrease foreign economic or industrial espionage in cyberspace against United States persons.

Creating a ''name and shame'' list, as this report would do, will shine a spotlight on those who are stealing U.S. technologies. But we need more than a report, we need action.

Our bill provides for more than a report. In order to enforce compliance with laws protecting U.S. patents, copyrights, and other intellectual property and protection of the Department of Defense supply chain, our legislation requires the President to block imports of products if they: contain stolen U.S. technology or proprietary information, or are produced by a state-owned enterprise of a country on the priority watch list and are the same as or similar to products made using the stolen or targeted U.S. technology or proprietary information identified in the report, or are made by a company identified in the report as having benefitted from the stolen U.S. technology or proprietary information.

Blocking imports of products that either incorporate intellectual property stolen from U.S. companies or are from companies otherwise that benefit from cyber theft will send the message that we have had enough. If foreign governments—like the Chinese government—want to continue to deny their involvement in cyber theft despite the proof, that's one thing. We can't stop the denials on the face of facts. But we aren't without remedies. We can prevent the companies that benefit from the theft—including State-owned companies from getting away with the benefits of that theft. Maybe once they understand that complicity will cost them access to the U.S. market, they will press their governments to stop or refuse to benefit at least. We will hit them where it hurts with this legislation and we aim to get results.

We have stood by for far too long while our intellectual property and proprietary information is plundered in cyberspace and in turn used to undercut the very companies that developed it. It is now time to act. Our legislation will give our Government powerful tools to fight back against these crimes and protect the investments and property of U.S. companies and institutions. I urge my colleagues to work to enact this very important legislation as quickly as possible. We have no time to lose.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 884

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Deter Cyber Theft Act''.

SEC. 2. ACTIONS TO ADDRESS FOREIGN ECONOMIC OR INDUSTRIAL ESPIONAGE IN CYBERSPACE.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Director of National Intelligence shall submit to the appropriate congressional committees a report on foreign economic and industrial espionage in cyberspace during the 12-month period preceding the submission of the report that—

(A) identifies—

(i) foreign countries that engage in economic or industrial espionage in cyberspace with respect to trade secrets or proprietary information owned by United States persons;

(ii) foreign countries identified under clause (i) that the Director determines engage in the most egregious economic or industrial espionage in cyberspace with respect to such trade secrets or proprietary information (in this section referred to as ''priority foreign countries'');

(iii) technologies or proprietary information developed by United States persons that—

(I) are targeted for economic or industrial espionage in cyberspace; and

(II) to the extent practicable, have been appropriated through such espionage;

(iv) articles manufactured or otherwise produced using technologies or proprietary information described in clause (iii)(II);

(v) services provided using such technologies or proprietary information; and

(vi) foreign entities, including entities owned or controlled by the government of a foreign country, that request, engage in, support, facilitate, or benefit from the appropriation through economic or industrial espionage in cyberspace of technologies or proprietary information developed by United States persons;

(B) describes the economic or industrial espionage engaged in by the foreign countries identified under clauses (i) and (ii) of subparagraph (A); and

(C) describes—

(i) actions taken by the Director and other Federal agencies to decrease the prevalence of economic or industrial espionage in cyberspace; and

(ii) the progress made in decreasing the prevalence of such espionage.

(2) DETERMINATION OF FOREIGN COUNTRIES ENGAGING IN ECONOMIC OR INDUSTRIAL ESPIONAGE IN CYBERSPACE.—For purposes of clauses (i) and (ii) of paragraph (1)(A), the Director shall identify a foreign country as a foreign country that engages in economic or industrial espionage in cyberspace with respect to trade secrets or proprietary information owned by United States persons if the government of the foreign country—

(A) engages in economic or industrial espionage in cyberspace with respect to trade secrets or proprietary information owned by United States persons; or

(B) facilitates, supports, fails to prosecute, or otherwise permits such espionage by—

(i) individuals who are citizens or residents of the foreign country; or

(ii) entities that are organized under the laws of the foreign country or are otherwise subject to the jurisdiction of the government of the foreign country.

(3) PRIORITIZATION OF COLLECTION AND ANALYSIS OF INFORMATION.—The President shall direct the Director to make it a priority for the intelligence community to collect and analyze information in order to identify articles described in clause (iv) of paragraph (1)(A), services described in clause (v) of that paragraph, and entities described in clause (vi) of that paragraph.

(4) FORM OF REPORT.—Each report required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(b) ACTION BY PRESIDENT.—

(1) IN GENERAL.—Not later than 120 days after each report required by subsection (a)(1) is submitted, the President shall direct U.S. Customs and Border Protection to exclude from entry into the United States an article described in paragraph (2) if the President determines the exclusion of the article is warranted—

(A) for the enforcement of intellectual property rights; or

(B) to protect the integrity of the Department of Defense supply chain.

(2) ARTICLE DESCRIBED.—An article described in this paragraph is an article—

(A) identified under subsection (a)(1)(A)(iv);

(B) produced or exported by an entity that—

(i) is owned or controlled by the government of a priority foreign country; and

(ii) produces or exports articles that are the same as or similar to articles manufactured or otherwise produced using technologies or proprietary information identified under subsection (a)(1)(A)(iii); or

(C) produced or exported by an entity identified under subsection (a)(1)(A)(vi).

(c) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner that is consistent with the obligations of the United States under international agreements.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Finance, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Homeland Security, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) CYBERSPACE.—The term ''cyberspace''—

(A) means the interdependent network of information technology infrastructures; and

(B) includes the Internet, telecommunications networks, computer systems, and embedded processors and controllers.

(3) ECONOMIC OR INDUSTRIAL ESPIONAGE.—The term ''economic or industrial espionage'' means—

(A) stealing a trade secret or proprietary information or appropriating, taking, carrying away, or concealing, or by fraud, artifice, or deception obtaining, a trade secret or proprietary information without the authorization of the owner of the trade secret or proprietary information;

(B) copying, duplicating, downloading, uploading, destroying, transmitting, delivering, sending, communicating, or conveying a trade secret or proprietary information without the authorization of the owner of the trade secret or proprietary information; or

(C) knowingly receiving, buying, or possessing a trade secret or proprietary information that has been stolen or appropriated, obtained, or converted without the authorization of the owner of the trade secret or proprietary information.

(4) 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. 401a(4)).

(5) OWN.—The term ''own'', with respect to a trade secret or proprietary information, means to hold rightful legal or equitable title to, or license in, the trade secret or proprietary information.

(6) PERSON.—The term ''person'' means an individual or entity.

(7) PROPRIETARY INFORMATION.—The term ''proprietary information'' means competitive bid preparations, negotiating strategies, executive emails, internal financial data, strategic business plans, technical designs, manufacturing processes, source code, data derived from research and development investments, and other commercially valuable information that a person has developed or obtained if—

(A) the person has taken reasonable measures to keep the information confidential; and

(B) the information is not generally known or readily ascertainable through proper means by the public.

(8) TECHNOLOGY.—The term ''technology'' has the meaning given that term in section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(9) TRADE SECRET.—The term ''trade secret'' has the meaning given that term in section 1839 of title 18, United States Code.

(10) UNITED STATES PERSON.—The term ''United States person'' means—

(A) an individual who is a citizen of the United States or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or any jurisdiction within the United States.

By Mr. BOOZMAN (for himself, Mr. MANCHIN, Mr. MORAN, and Mr. TESTER):

S. 889. A bill to amend title 10, United States Code, to improve the Transition Assistance Program of the Department of Defense, and for other purposes; to the Committee on Veterans' Affairs.

Mr. BOOZMAN. Mr. President, the Transition Assistance Program, TAP, provides training to servicemembers regarding veteran benefits, job search skills, pre-separation counseling, resume writing, how to prepare for interviews, and other transition training. TAP is a great program; however, there is always room for improvement. For this reason, I am joining with Senator's MORAN and MANCHIN to introduce their Servicemembers' Choice in Transition Act of 2013. This legislation enhances the content of TAP to enable those leaving military service to better utilize their GI Bill benefits as a way to transition to civilian employment. It also makes TAP more interactive and provides a better fit for each servicemembers' personal transition goals.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 889

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Servicemembers' Choice in Transition Act 0f 2013''.

SEC. 2. CONTENTS OF TRANSITION ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 1144 of title 10, United States Code, is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

''(9) Provide information about disability-related employment and education protections.''.

(2) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(3) by inserting after subsection (b) the following new subsection (c):

''(c) ADDITIONAL ELEMENTS OF PROGRAM.—The mandatory program carried out under this section shall include—

''(1) for any member who plans to use the member's entitlement to educational assistance under title 38—

''(A) instruction providing an overview of the use of such entitlement; and

''(B) testing to determine academic readiness for post-secondary education, courses of post-secondary education appropriate for the member, courses of post-secondary education compatible with the member's education goals, and instruction on how to finance the member's post-secondary education; and

''(2) instruction in the benefits under laws administered by the Secretary of Veterans Affairs and in other subjects determined by the Secretary concerned.''.

(b) DEADLINE FOR IMPLEMENTATION.—The program carried out under section 1144 of title 10, United States Code, shall comply with the requirements of subsections (b)(9) and (c) of such section, as added by subsection (a), by not later than April 1, 2015.

(c) FEASIBILITY STUDY.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives the results of a study carried out by the Secretary to determine the feasibility of providing the instruction described in subsection (b) of section 1142 of title 10, United States Code, at all overseas locations where such instruction is provided by entering into a contract jointly with the Secretary of Labor for the provision of such instruction.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 130—DESIGNATING THE WEEK OF MAY 1 THROUGH MAY 7, 2013, AS ''NATIONAL PHYSICAL EDUCATION AND SPORT WEEK''

Ms. KLOBUCHAR (for herself and Mr. THUNE) submitted the following resolution; which was considered and agreed to:

S. RES. 130

Whereas a decline in physical activity has contributed to the unprecedented epidemic of childhood obesity, which has more than tripled in the United States since 1980;

Whereas regular physical activity is necessary to support normal and healthy growth in children and is essential to the continued health and well-being of children;

Whereas according to the Centers for Disease Control, overweight adolescents have a 70- to 80-percent chance of becoming overweight adults, increasing their risk for chronic disease, disability, and death;

Whereas physical activity reduces the risk of heart disease, high blood pressure, diabetes, and certain types of cancers;

Whereas type 2 diabetes can no longer be referred to as ''late in life'' or ''adult onset'' diabetes because type 2 diabetes presently occurs in children as young as 10 years old;

Whereas the Physical Activity Guidelines for Americans issued by the Department of Health and Human Services recommend that children engage in at least 60 minutes of physical activity on most, and preferably all, days of the week;

Whereas according to the Centers for Disease Control, only 19 percent of high school students are meeting the goal of 60 minutes of physical activity each day;

Whereas children spend many of their waking hours at school and, as a result, need to be active during the school day to meet the recommendations of the Physical Activity Guidelines for Americans;

Whereas nationally, according to the Centers for Disease Control, 1 out of 4 children does not attend any school physical education classes, and fewer than 1 in 4 children get 20 minutes of vigorous activity every day;

Whereas teaching children about physical education and sports not only ensures that the children are physically active during the school day, but also educates the children on how to be physically active and the importance of physical activity;

Whereas according to a 2006 survey by the Department of Health and Human Services, 3.8 percent of elementary schools, 7.9 percent of middle schools, and 2.1 percent of high schools provide daily physical education (or an equivalent) for the entire school year, and 22 percent of schools do not require students to take any physical education courses at all;

Whereas according to that 2006 survey, 13.7 percent of elementary schools, 15.2 percent of middle schools, and 3.0 percent of high schools provide physical education (or an equivalent) at least 3 days per week for the entire school year for students in all grades in the school;

Whereas research shows that fit and active children are more likely to thrive academically;

Whereas increased time in physical education classes can help the attention, concentration, and achievement test scores of children;

Whereas participation in sports teams and physical activity clubs, often organized by