authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

AMENDMENT NO. 848

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 848 intended to be proposed to S. 601, a bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

AMENDMENT NO. 854

At the request of Mr. CASEY, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of amendment No. 854 intended to be proposed to S. 601, a bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

AMENDMENT NO. 856

At the request of Mr. BROWN, the names of the Senator from Ohio (Mr. PORTMAN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 856 intended to be proposed to S. 601, a bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

AMENDMENT NO. 857

At the request of Mr. LEVIN, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of amendment No. 857 intended to be proposed to S. 601, a bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN:

S. 912. A bill to allow multichannel video programming distributors to provide video programming to subscribers on an a la carte basis, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Today I am introducing the Television Consumer Freedom Act of 2013. The legislation has three principal objectives:

One, encourage the wholesale and retail unbundling of programming by distributors and programmers. Allow the consumer, the television viewer who subscribes to cable, to have a la carte capability—in other words, not be required to buy a whole bunch of channels that consumer may not wish to subscribe to—in order words, a la carte. If you want to watch one television program, you can watch it. If you do not, you do not have to. The situation today obviously is far different from that.

It would also establish consequences if broadcasters choose to downgrade their over-the-air service.

Three, it eliminates the sports blackout rule for events that are held in publicly financed stadiums.

For over 15 years, I have supported giving consumers the ability to buy cable channels individually, which is known as a la carte, to provide consumers more control over viewing options in their homes and, as a result, their monthly cable bills. The video industry—principally cable companies and satellite companies and the programmers that sell channels, such as NBC and Disney-ABC—continues to give consumers two options when buying TV programming: first, to purchase a package of channels whether they watch them all or not or, second, not purchase any cable programming at all.

There are two choices: You can either buy one of their packages or not watch it at all. That is unfair and wrong, especially when you consider how the regulatory deck is stacked in favor of industry against the American consumer. It is clear when one looks at how cable prices have gone up over the last 15 years, which was brought to the light by the most recent Federal Communications Commission pricing survey. In the FCC survey, the average monthly price of expanded basic service—basic service—for all communities surveyed increased 5.4 percent over the 12 months ending January 1, 2011, or to $54.46, compared to an increase of 1.6 percent in the Consumer Price Index. In other words, the cost of cable went up nearly four times the consumer prices people pay for everything else. You can only do that when you have a monopoly.

Over the last 15 years, this rise in cost has become even more evident. According to the FCC, the price of expanded basic cable has gone up at a compound average annual growth rate of 6.1 percent during the period from 1995 to 2011. This means that the average annual cable price has gone up about $25 a month from 1995, to over $54 today. That is a 100-percent price increase. People are on fixed incomes. People are hurting. Why in the world should they have a 100-percent cost increase? The only way it can be done is through monopolies.

Those that provide video directly to consumers, such as cable and satellite companies, are not solely to blame for the high prices consumers face today. Many articles have been written about the packages of channels—commonly called bundles—that are sold to cable and satellite companies by video programmers such as Comcast, NBC, Time Warner, Viacom, and the Walt Disney Company, which owns 80 percent of ESPN.

The worldwide leader in sports, as ESPN calls itself, thrives because of the advertising revenue it is able to generate and large subscriber fees. According to a January 2012 Newsweek article, ESPN charges $4.69 per household per month, citing a research company. By comparison, the next costliest national network, TNT, costs $1.16. Again, $4.69 for ESPN and the next most expensive one is $1.16 for TNT. Whether or not you watch ESPN—and I do all the time—all cable subscribers are forced to absorb this cost. Not every American watches ESPN. Not every American should be forced to watch ESPN and pay $4.69 per household per month in order to have it carried into their homes when they do not view it. Because these channels are bundled into packages, all cable consumers, whether they watch sports or not, are paying for them anyway.

Cable and satellite carriers that consider dropping ESPN must also contemplate losing other channels in the bundle, such as the Disney Channel. Some have described this as ''a tax on every American household.''

Others, like the CEO of the American Cable Association, have said:

> My next-door neighbor is 74, a widow. She says to me, ''Why do I have to get all that sports programming?'' She has no idea that in the course of a year, for just ESPN and ESPN2, she is sending a check to Disney for about $70. She would be apoplectic if she knew . . . Ultimately there is going to be a revolt over the cost. Or policymakers will get involved because the cost of these things are so out of line with the cost of living that someone's going to put up a stop sign.

Today we are putting up a stop sign. We are going to find out how powerful these companies are, as opposed to clearly correcting an injustice that is being inflicted on the American people. This legislation would eliminate regulatory barriers to a la carte by freeing up multichannel video programming distributors, such as cable, satellite, and others offering video services, to offer any video programming service on an a la carte basis. But if they want to keep bundling, they can do that too. They can make both offers to the American subscriber.

In order to give these companies an incentive to offer programming on an a la carte basis, the legislation links the availability of the compulsory copyright license to the voluntary offering of a la carte service by the MVPD. In other words, if these companies do not offer a broadcast station and any other channels owned by the broadcaster on an a la carte basis, then that company cannot rely on the compulsory license to carry those broadcast stations. The compulsory license is a benefit conferred on these corporations, so it is reasonable to ask the recipients of that benefit to provide consumers with an a la carte option. I emphasize ''an option.''

To address the notion that a la carte options are being denied distributors,

the legislation conditions important regulatory benefits such as network nonduplication, syndicated exclusivity, blackout rights, and retransmission consent option on the programmers, allowing MVPDs to sell their channels on an a la carte basis.

It is time that the consumers got something in return, other than a higher bill at the end of the month.

Furthermore, because not all programmers also own broadcast stations, the bill contains a provision that would create a wholesale a la carte market by allowing programmers to bundle their services in a package only if they also offer these services for the MVPDs to purchase on an individual channel basis. If a cable operator does not want to carry channels like MTV, it would have the option of not doing so and only buying and carrying the channels it thinks its consumers want to watch.

Finally, the bill provides that if the parties cannot agree to the terms of a carriage agreement, the final offer made by each side must be disclosed to the FCC.

The second section of the bill responds to statements by broadcast executives that they may downgrade the content of their over-the-air signals or pull them altogether so that the program received by MVPD customers is preferable to that available over the air. Our country is facing a spectrum crunch. If broadcasters that are using the public airwaves in return for meeting certain public interest obligations are going to deviate from those obligations, it is my view that we should consider whether that is the most efficient use of our country's spectrum. It would be a distortion of this basic social compact if over-the-air viewers were treated as second-class citizens.

This bill provides a legislative response if broadcasters either downgrade their signal or pull it altogether. The bill provides that a broadcaster will lose its spectrum allocation and that spectrum will be auctioned by the FCC if the broadcaster does not provide the same content over the air as it provides through MVPDs.

Finally, my bill touches on sports blackout rules that can limit the ability of subscribers to see sporting events when they take place in their local community but are not broadcast on a local station. When the venues in which these sporting events take place have been the beneficiary of taxpayer funding, it is unconscionable to deny those taxpayers who paid for it the ability to watch the games on television when they would otherwise be available. Therefore, the bill proposes to repeal the sports blackout rules so far as they apply to events taking place in publicly financed venues and/or involve a publicly financed local sports team.

In the end, this Television Consumer Freedom Act is about giving the consumer more choices when watching television. It is time for us to help shift the landscape to benefit television consumers. I know the broadcasters and cable companies are likely to suggest that the government should not micromanage how they offer their product to customers and that bundling can promote diverse offerings. What those interests fail to mention is that the government has already entered the marketplace and conferred certain rights and privileges, such as a compulsory license, network nonduplication, syndicated exclusivity, and retransmission consent, which stack the deck in favor of everyone but the American consumer.

I hope the introduction of this act furthers the debate on issues such as a la carte channel selection. I look forward to the Chamber's consideration of the bill.

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

S. 914. A bill to amend title XVIII of the Social Security Act to permit direct payment to pharmacies for certain compounded drugs that are prepared by the pharmacies for a specific beneficiary for use through an implanted infusion pump; to the Committee on Finance.

Mr. COCHRAN. Mr. President, on January 1, 2013, the Centers for Medicare and Medicaid Services began implementing a final rule to prohibit compounding pharmacies that prepare medications used in implanted infusion pumps from billing Medicare directly for these services. This reverses a policy that has been permissible in several States for over 20 years. Since the proposed change in May 2011, I have worked with Senator WICKER and other Members of Congress to delay this change until its effects have been fully considered.

During the public comment period for this rule, pharmacies, physicians, and patients overwhelmingly opposed this policy change. In Mississippi, the State board of pharmacy prohibits pharmacies from selling compounded pain medications to physicians, resulting in decreased access to effective treatments for chronic pain disorders. States across the nation are coming to realize the negative implications of this policy change.

With this final rule, the Centers for Medicare and Medicaid Services has not fully taken into account patient impact or State regulations. In addition, pharmacies that bill Medicare must comply with Federal accreditation rules, further enhancing patient safety. We should protect patient access to effective treatments rather than hinder it. This bill would allow compounding pharmacies to continue to bill Medicare directly for their services in the interest of helping patients receive the quality care they deserve.

By Mr. WYDEN (for himself, Mr. RUBIO, and Mr. WARNER):

S. 915. A bill to amend the Higher Education Act of 1965 to update reporting requirements for institutions of higher education and provide for more accurate and complete data on student retention, graduation, and earnings outcomes at all levels of postsecondary enrollment; to the Committee on Health, Education, Labor, and Pensions.

Mr. WYDEN. Mr. President, when my colleagues and I went to college, things were a lot different. We took out loans, but those loans were manageable, and there were jobs waiting after graduation. Today, too often, that's simply not the case. In fact, the majority of students today will leave school weighed down with more than $26,000 in debt and will attempt to enter a labor market in an environment where there are more unemployed Americans than there are jobs available.

For the first time in our Nation's history, student loan debt exceeds credit card debt and now totals over $1 trillion.

James Garfield once said, ''Next in importance to freedom and justice is popular education, without which neither freedom nor justice can be permanently maintained.'' He was right. Investment in higher education is an economic imperative. Education is the great equalizer. It enables upward economic mobility and breaks down class structures. A highly skilled and educated workforce is the basis for any healthy economy. It is the foundation of our country's future.

In nearly every financial decision Americans make, individuals and families try to evaluate the economic value of that decision. Like prospective homebuyers who inspect and assess the potential value of their future home, students should be able to compare colleges and programs based on what the likely return on their investment will be.

Our capital markets work best when there is transparency so we can accurately measure the value of what we choose to invest in. We saw what happens when this is not the case with the burst of the housing bubble. Our economy is still struggling to recover from the mortgage crisis. Misinformed consumers bought a product based on misleading information and, often times, fell victim to bad loans offered by predatory lenders.

Consumers must know what they can expect from their investments. Similarly, students are entitled to know the value of their education before they borrow tens of thousands of dollars from banks and the government to finance their future.

Right now, consumers don't have this information. It is unavailable to students and families who are making critical decisions that will impact not only their future, both their financial future and career path, but also the collective future of our country. That is why today, Senator RUBIO, Senator WARNER and I are introducing an updated version of the Student Right to Know Before You Go Act which will help inform consumers and prevent market failures.

This proposal would ensure future students and their families can make well-informed decisions by creating a market in which specific schools and specific programs can be evaluated based on the average annual earnings and employment outcomes of graduates; rates of remedial enrollment and success of students that participate in remedial education; the percent of students that receive Federal, State, and institutional grant aid or loans; the average amount of total Federal loan debt of students upon graduation; the average amount of total Federal loan debt for students that do not complete a program; transfer success rates; and rates at which students continue on to higher levels of education.

The Department of Education has created a College Scorecard which is a step in the right direction. The Scorecard, however, does not fully capture any of the metrics outlined above and includes no information to prospective students to evaluate the economic returns of their program of study. The Wyden-Rubio-Warner bill generates this critical information.

Markets fail when there is too little information and until now, it has been impossible to ''Collect this data in a cost-effective way while ensuring student privacy.

This proposal makes it possible to secure a return on investment for students, parents, policy makers, and taxpayers while creating a workforce that meets the demands of today's businesses and ensures that American workers can successfully compete in the global economy.

By Mr. KAINE (for himself, Mr. COCHRAN, and Mr. HEINRICH):

S. 916. A bill to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program; to the Committee on Energy and Natural Resources.

Mr. KAINE. Mr. President, the battlefields on American soil contain our national history and commemorate the events that made our nation what it is today. Too many of these sites are open to urban development that could leave no trace of the sacrifices made there.

That is why I am pleased to introduce the American Battlefield Protection Program Amendments Act, which reauthorizes Federal competitive matching grants to protect these historic lands. I was proud to have supported this program at the State level when I was Governor of Virginia, and I am proud to be joined on this bipartisan legislation by my colleague, Senator THAD COCHRAN from Mississippi. Our States hosted key battles of the Civil War, and we have led the Nation in preserving the land on which these defining battles were fought.

This bill extends the authorization for the American Battlefield Protection Program for 5 years at the current funding level and adds sites of the Revolutionary War and the War of 1812 to the program's eligibility. These grants have a 1/1 federal/non-federal match, which is often exceeded on the non-federal side by private contributions from people interested in American history.

This program is strictly voluntary. The bill specifies that land will be acquired only from willing sellers and only at fair market value. It also authorizes funding solely for land acquisition and does not incur development or maintenance costs for the National Park Service.

It would be worth protecting these battlefields for the historic value alone, but these activities also have economic value. Battlefield tourists do not simply pass through a region. They pay for guided tours. They stay in hotels and bed and breakfasts. They dine at local restaurants. They browse the shops on town streets. According to a study by the Virginia Tourism Corporation, Civil War tourists in Virginia stay twice as long and spend double the money of the average tourist. Of out-of-town visitors interviewed at 20 battlefields, two-thirds were visiting the area specifically to see the battlefield, and three-quarters said they would visit other Civil War sites while in the area.

Virginia is a state where history is all around us, and to understand this history is to understand ourselves as Americans. This effort brings together federal, state, and private sector supporters to ensure that future generations will be able to visit these sites and appreciate the historic deeds that transpired on this hallowed ground.

Mr. COCHRAN. Mr. President, I am pleased to join the junior Senator from Virginia in introducing the American Battlefield Protection Program Amendments Act. I doubt there has been a more defining period in this country's history than the Civil War. The scars left by that conflict were deep and slow to heal. This year marks the 150th anniversary of the first major Civil War battle in the western theater and with Memorial Day approaching, the preservation of historic battlefields reminds Americans of those who have fought and died for freedom. Stressing preservation, commemoration, and education, the Civil War Battlefield Preservation Program, for almost 15 years, has partnered with neighboring communities to promote resource protection and heritage tourism. By bringing together local, State, and national stakeholders to preserve America's most historically significant Civil War battlefields, the program has built a consensus to protect 19,000 acres of hallowed ground in 16 states. In my state, more than 3,300 acres of related Civil War battles have been protected. Among the many other battlefields that have benefited from this program are: Antietam, Maryland; Averasboro, North Carolina; Chancellorsville, Virginia; Chattanooga, Tennessee; Gettysburg, Pennsylvania; Harpers Ferry, West Virginia; Mill Springs, Kentucky; and Prairie Grove, Arkansas. I am pleased that this legislation will extend program eligibility to Revolutionary War and War of 1812 battlefields. This is an appropriate time for the Congress to embrace this legislation and to preserve and discover our history, our culture and our individual stories. By highlighting the history and cultural significance of these battle sites, we can help maintain our sense of place as Americans. With it, we can be more aware of our history and reflect upon how we have become who we are as individuals and who we are collectively as Americans. It is an investment in the preservation of our history and culture, which is well spent.

By Mr. CARDIN (for himself, Ms. COLLINS, Ms. BALDWIN, Mr. BEGICH, Mr. COCHRAN, Mr. COONS, Mr. COWAN, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. SANDERS, Mr. SCHUMER, Mr. TESTER, Mr. WICKER, Mr. WYDEN, Mr. CARPER, Mr. PORTMAN, and Mr. KING):

S. 917. A bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain qualifying producers; to the Committee on Finance.

Mr. CARDIN. Mr. President, next week is American Craft Beer Week so I am pleased to rise today with my friend and colleague, the senior Senator from Maine, Senator COLLINS, to introduce the Small Brewer Reinvestment & Expanding Workforce Act of 2013, otherwise known as the Small BREW Act. Our esteemed former colleague, Senator Kerry, now Secretary of State, introduced this bill in the 112th Congress. I am honored to take up the mantel.

The Small BREW Act of 2013 would reduce the excise tax on America's craft brewers. Under current federal law, brewers producing fewer than 2 million barrels annually pay $7 per barrel on the first 60,000 barrels they brew, and $18 per barrel on every barrel thereafter, one barrel = 31 gallons. The Small BREW Act would create a new excise tax rate structure that helps start-up and small breweries and reflects the evolution of the craft brewing industry. The rate for the smallest packaging breweries and brewpubs would be $3.50 per barrel on the first 60,000 barrels. For production between 60,001 and 2 million barrels, the rate would be $16.00 per barrel. Thereafter, the rate would be $18.00 per barrel. Breweries with an annual production of 6 million barrels or less would qualify for these recalibrated tax rates.

The small brewer threshold and tax rate were established in 1976 and have never been updated. Since then, the annual production of the largest U.S. brewery has increased from 45 million barrels to 105 million barrels. Raising

the ceiling that defines small breweries from 2 million barrels to 6 million barrels more accurately reflects the intent of the original differentiation between large and small brewers in the U.S. Because of differences in economies of scale, small brewers have higher costs for raw materials, production, packaging, and market entry compared to larger, well-established multi-national competitors. Adjusting the excise tax rate would provide small brewers with an additional $67 million each year they could use to start or expand their businesses on a regional or national scale.

Three years ago, the Joint Committee on Taxation, JCT, scored the bill at roughly $33 million annually and $324 million over 10 years. A more recent, March 2013, study on the costs and benefits of the House companion bill that Harvard University economist John Friedman prepared on behalf of the Brewers Association indicates that the bill would directly reduce the excise tax revenue collected by the Federal Government by $67.0 million in 2013. But Professor Friedman notes that such a loss would be offset in large part by $49.1 million in new payroll and income taxes collected on the increased economic activity. As craft beer prices decline, demand would rise and the Federal Government would collect an additional $1.1 million in excise taxes from the increased sales. The net yearly revenue loss, therefore, would be $16.9 million in 2013. The total net revenue loss over 5 years would be $95.9 million. The bill would lead to the creation of 5,230 new jobs in the first 12–18 months after passage and the cost of each new job in foregone revenue would be just $3,300.

While some people may think this is a bill about beer, it is really about jobs. Small brewers are small business owners in communities in each and every State across the country. Nationally, small and independent brewers employ over 108,000 full and part-time employees, generate more than $3 billion in wages and benefits, and pay more than $2.3 billion in business, personal and consumption taxes, according to the Brewers Association. As the craft beer industry grows so, too, does the demand for American-grown barley and hops and American-made brewing, bottling, canning, and other equipment.

Maryland is home to 29 craft brewers, with at least 24 more in the planning stages. According to the Brewers Association of Maryland, there were 342 people employed full-time who were directly involved in producing craft beer in the State last year, and another 1,420 people employed full or part-time who were indirectly involved, including brew-pub restaurant staff and associated employees. The brewing industry accounted for $8.9 million in State excise taxes and $56.7 million in Federal excise taxes, paid some $13 million in wages, and generated nearly $95 million in economic activity.

Small brewers have been anchors of local communities and America's economy since the start of our history. Indeed, there is a Mayflower document published in 1622 that explains why the Pilgrims landed at Plymouth Rock which states, ''For we could not now take time for further search or consideration: our victuals being much spent, especially our beer.'' Presidents from George Washington to Barack Obama have been homebrewers. Going back much further, the oldest extant recipe is for beer. And many people would argue that our thirst for beer is what drove man from being a hunter-gatherer to a crop cultivator since the earliest domesticated cereal grains were various types of barley better suited for beer production than making bread. Saint Arnulf of Metz, also known as St. Arnold, who lived from roughly 582 to 640 AD, is known as the ''Patron Saint of Brewers'' because he recognized that beer, which is boiled first, contains alcohol and is slightly acidic, was much safer to consume than water. French chemist and microbiologist Louis Pasteur, who discovered yeast and propounded the germ theory that is the basis of so much of modern medicine, worked for breweries for much of his career. The pH scale, the standard measurement of acidity, was developed by the head of Carlsberg Laboratory's Chemical Department in 1909. Dr. Søren Sørensen developed the pH scale during his pioneering research into proteins, amino acids and enzymes—the basis of today's protein chemistry. So it is fair to say that civilization and beer go hand-in-hand.

In addition to making high-quality beers, craft brewers such as Maryland's Flying Dog, Clipper City, Union Craft, Ruddy Duck, and Baying Hound create jobs and reinvest their profits back into their local economies. The Federal Government needs to be investing in industries that invest in America and create real jobs here at home. With more than 2,400 small and independent breweries and brew-pubs currently operating in the United States, and many more being planned, now is the time to take meaningful action to help them and our economy grow.

I am proud to announce that Senators BALDWIN, BEGICH, CARPER, COCHRAN, COONS, COWAN, KING, MENENDEZ, MERKLEY, MIKULSKI, PORTMAN, SANDERS, SCHUMER, TESTER, WICKER, and WYDEN have all signed on as original co-sponsors of the Small BREW Act, and I encourage the rest of my Senate colleagues to consider joining us in this worthwhile legislative endeavor.

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. 917

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 ''Small Brewer Reinvestment and Expanding Workforce Act of 2013''.

SEC. 2. REDUCED RATE OF EXCISE TAX ON BEER PRODUCED DOMESTICALLY BY CERTAIN QUALIFYING PRODUCERS.

(a) IN GENERAL.—Paragraph (2) of section 5051(a) of the Internal Revenue Code of 1986 is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and

(2) by striking subparagraph (A) and inserting the following new subparagraphs:

''(A) IN GENERAL.—In the case of a brewer who produces not more than 6,000,000 barrels of beer during the calendar year, the per barrel rate of tax imposed by this section shall be—

''(i) $3.50 on the first 60,000 qualified barrels of production, and

''(ii) $16 on the first 1,940,000 qualified barrels of production to which clause (i) does not apply.

''(B) QUALIFIED BARRELS OF PRODUCTION.—For purposes of this paragraph, the term 'qualified barrels of production' means, with respect to any brewer for any calendar year, the number of barrels of beer which are removed in such year for consumption or sale and which have been brewed or produced by such brewer at qualified breweries in the United States.''.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 5051(a)(2) of the Internal Revenue Code of 1986, as redesignated by this section, is amended—

(A) by striking ''2,000,000 barrel quantity'' and inserting ''6,000,000 barrel quantity'', and

(B) by striking ''60,000 barrel quantity'' and inserting ''60,000 and 1,940,000 barrel quantities''.

(2) Subparagraph (D) of such section, as so redesignated, is amended by striking ''2,000,000 barrels'' and inserting ''6,000,000 barrels''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to beer removed during calendar years beginning after the date of the enactment of this Act.

By Mr. SANDERS:

S. 922. A bill to require the Secretary of Labor to carry out a pilot program on providing wage subsidies to employers who employ certain veterans and members of the Armed Forces and require the Secretary of Veterans Affairs to carry out a pilot program on providing career transition services to young veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. SANDERS. Mr. President, as the Chairman of the Veterans' Affairs Committee, I have pledged to improve and expand employment training and development programs for our Nation's servicemembers and veterans.

While our country continues with its economic recovery, we must ensure that veterans are not left behind. Veterans possess the skills, the discipline, and the leadership necessary to succeed in a 21st century workforce. Coupled with an array of practical skills, it would seem that transitioning to civilian employment after separation from service would be effortless. Yet we continue to find high unemployment rates among veterans, especially the youngest generation. Through their service and sacrifice, each of our Nation's veterans have earned a fair shot at a job,

a fair shot at supporting their families, and a fair shot to prosper and resume their lives back home.

Although unemployment numbers are getting better for everyone, there is still reason for concern and work to be done. The unemployment rate for our youngest veterans, ages 18–24, transitioning from the military, averaged 20 percent in 2012, compared to 15 percent for non-veterans between the ages 18–24. Furthermore, in 2012, the unemployment rate among post-9/11 veterans was nearly 10 percent, while the unemployment rate for all veterans and non-veterans was less than 8 percent. This trend continues into this year, with our younger post-9/11 veterans encountering the most difficulty finding employment.

Businesses in the private sector have shown an interest in hiring veterans, but often find that veterans who apply lack industry specific experience to compete with non-veteran candidates. While it is important to ensure we provide programs to help veterans translate their military skills into the civilian sector, there remains a need to: equip veterans with civilian skills and experience necessary to meet the challenges of competing with those who have years of experience in the civilian workforce; find employers who understand military skills; and assist in helping them to readjust back to their local communities.

The Department of Defense reports that approximately one in five enlisted servicemembers separating from active duty have a military-learned skill that is not easily transferable to a civilian occupation. Many of these servicemembers will need to transition into a civilian career field that is different than their military occupation.

We have a responsibility to those who served in the military, and that includes providing practical solutions. I am proud to introduce legislation, The Veterans Equipped for Success Act of 2013, that would provide our veterans the tools necessary to transition to the civilian workforce.

First, the legislation, establishes a three-year pilot program that will partner certain unemployed veterans with employers in the private-sector. In general, the program will provide employers a wage subsidy, up to 75 percent of the wages paid, capped at $14,000 a year, and incentives to hire these veterans. Not only does the program stimulate job creation, but will provide potentially more than 150,000 veterans with the valuable work experience and civilian skills they need to obtain long-term employment.

Second, The Veterans Equipped for Success Act of 2013 focuses on providing employment opportunities and civilian work experience to our younger veterans ages 18–30. Under another three-year pilot program, up to 50,000 participating veterans, at a time, would be paired with private-sector employers for one year and provided a salary from the Department of Veterans Affairs. Employers would provide veterans mentorship, job shadowing, and valuable civilian work experience, while having the opportunity to learn about the work veterans performed in the military and the skills they acquired. The legislation also helps veterans reintegrate into their communities and give back to other veterans.

We have made a solemn commitment to aid veterans by creating job opportunities and providing them with the necessary skills to succeed. There is clearly a need for improved employment opportunities for veterans, particularly our younger transitioning veterans. This legislation would help veterans meet the challenges of competing in the civilian workforce by filling gaps not addressed by current programs. We owe it to our veterans to ensure they have the opportunity to gain valuable skills and work experience to assist them in successfully transitioning into the civilian workforce.

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. 922

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 ''Veterans Equipped for Success Act of 2013''.

SEC. 2. PILOT PROGRAM ON PROVISION OF SUBSIDIES TO EMPLOYERS FOR EMPLOYMENT OF CERTAIN VETERANS AND MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Commencing not later than January 1, 2014, the Secretary of Labor shall, acting through the Assistant Secretary of Labor for Veterans' Employment and Training and in collaboration with the Secretary of Veterans Affairs, carry out a pilot program to assess the feasibility and advisability of providing subsidies to eligible employers to employ eligible individuals—

(1) to provide eligible individuals with valuable work experience;

(2) to increase the skills of eligible individuals; and

(3) to assist eligible individuals in obtaining long-term employment.

(b) ELIGIBLE INDIVIDUAL.—For purposes of the pilot program, an eligible individual is an individual who—

(1) is—

(A) a veteran of the Armed Forces who was discharged or released from service therein under conditions other than dishonorable; or

(B) a member of a reserve component of the Armed Forces (including the National Guard) who—

(i) served on active duty in the Armed Forces (other than active duty for training) for more than 180 consecutive days during the two-year period ending on the date of commencement of the participation in the pilot program; and

(ii) is not serving on active duty on the date of commencement of participation in the pilot program;

(2) is, at the time at which the individual applies for participation in the pilot program—

(A) 18 years of age or more but not more than 34 years of age; or

(B) 55 years of age or more but not more than 64 years of age;

(3) is not in receipt of compensation under chapter 11 of title 38, United States Code, by reason of unemployability;

(4) is not enrolled on the date of commencement of participation in the pilot program in a Federal or State job training program; and

(5) is considered by the Secretary to be unemployed or underemployed.

(c) ELIGIBLE EMPLOYER.—

(1) IN GENERAL.—For purposes of the pilot program, an eligible employer is an employer determined by the Secretary to meet such criteria for participation in the pilot program as the Secretary shall establish for purposes of the pilot program, except that an employer may not be determined to be an eligible employer for that purpose if the employer—

(A) has been investigated or subject to a case or action by the Federal Trade Commission during the 180-day period ending on the date the employer would otherwise commence participation in the pilot program;

(B) has not been in good standing with a State business bureau during the period described in subparagraph (A);

(C) is an agency of the Federal Government or a State or local government;

(D) is delinquent with respect to payment of any taxes or employer contributions described under sections 3301 and 3302(a)(1) of the Internal Revenue Code of 1986 (26 U.S.C. 3301 and 3302(a)(1)) or with respect to any related reporting requirement;

(E) has previously participated in the pilot program and, as determined by the Secretary, failed to abide by a requirement of the pilot program;

(F) does not provide assurances to the Secretary at the time the employer would otherwise commence participation in the pilot program that the employer will comply under the pilot program with the requirements for non-displacement of current employees specified in paragraph (2); or

(G) receives more than 75 percent of its revenue from the Federal Government or a State or local government.

(2) NON-DISPLACEMENT OF CURRENT EMPLOYEES.—The requirements specified in this paragraph are the following:

(A) That an employer shall not use an individual participating in the pilot program to displace any employee of the employer at the time of commencement of participation in the pilot program from employment or any employment benefits, including a partial displacement (such as a reduction in the hours of non-overtime work, wages, or employment benefits).

(B) That an employer shall not permit an individual participating in the pilot program to perform work activities related to any job for which—

(i) any other individual is on layoff from the same or any substantially-equivalent position; or

(ii) the employer has terminated the employment of any employee or otherwise reduced the workforce of the employer with the intention of filling or partially filling the vacancy so created with the work activities to be performed by the individual participating in the pilot program.

(C) That an employer shall not create a job for an individual participating in the pilot program in a manner that will infringe in any way upon the opportunities for promotion of individuals employed by the employer on the date of the employer's commencement of participation in the pilot program.

(D) That—

(i) an employer shall not, by means of assigning work activities under the pilot program, impair an existing contract for services or a collective bargaining agreement; and

(ii) work activities that would be inconsistent with the terms of a collective bargaining agreement shall not be undertaken by an individual participating in the pilot program without the written concurrence of the labor organization that is signatory to the collective bargaining agreement.

(d) DURATION AND NUMBER OF PARTICIPANTS.—

(1) DURATION.—The Secretary shall carry out the pilot program during the three-year period beginning on the date of the commencement of the pilot program.

(2) NUMBER OF PARTICIPANTS.—Not more than 50,000 eligible individuals may concurrently participate in the pilot program.

(e) LOCATIONS.—

(1) IN GENERAL.—The Secretary shall carry out the pilot program in four locations selected by the Secretary for purposes of the pilot program from among areas with populations the Secretary determines have high concentrations of veterans.

(2) CONSULTATION WITH SECRETARY OF VETERANS AFFAIRS.—In selecting locations under paragraph (1), the Secretary of Labor may consult with the Secretary of Veterans Affairs, particularly with respect to determining which areas have populations with high concentrations of veterans.

(f) SUBSIDIES.—

(1) IN GENERAL.—For each eligible employer approved by the Secretary to participate in the pilot program who employs on a full-time basis an eligible individual approved by the Secretary to participate in the pilot program, the Secretary shall provide a subsidy for the employment of such eligible individual by such eligible employer during such period as—

(A) the eligible individual is employed by the eligible employer;

(B) the eligible individual is participating in the pilot program; and

(C) the eligible employer is participating in the pilot program.

(2) AMOUNT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a subsidy provided by the Secretary under the pilot program to an eligible employer for the employment of an eligible individual shall be an amount equal to—

(i) except as provided in clause (ii), 60 percent of the basic pay provided by the eligible employer under the pilot program to the eligible individual; and

(ii) in the case in which the eligible employer provides employment that includes an apprenticeship (which must be approved for purposes of the pilot program not later than two years after the date of the commencement of the pilot program), 75 percent of the basic pay provided by the eligible employer under the pilot program to the eligible individual.

(B) MAXIMUM AMOUNT.—Except as provided in subparagraph (D), the aggregate amount of subsidy provided under the pilot program to an eligible employer for the employment of an eligible individual may not exceed—

(i) except as provided in clause (ii), $11,000; or

(ii) in the case described in subparagraph (A)(ii), $14,000.

(C) DISBURSEMENT OF PAYMENTS.—

(i) PAYMENTS ON QUARTERLY BASIS.—Except as provided in clause (ii), subsidies paid to an eligible employer under subparagraph (A) shall be paid to the eligible employer on a quarterly basis.

(ii) PAYMENTS ON MONTHLY BASIS.—In order to relieve financial burden on an eligible employer participating in the pilot program whom the Secretary determines has few employees, the Secretary may pay subsidies under subparagraph (A) to such employer on a monthly basis as the Secretary considers appropriate.

(D) ADDITIONAL HIRING INCENTIVE.—If an eligible employer who received a subsidy under the pilot program for the employment of an eligible individual hires such eligible individual on a full-time basis following the completion of the participation of such eligible individual in the pilot program, the Secretary shall pay such eligible employer an additional amount equal to 10 percent of the aggregate amount of subsidy paid to the eligible employer under subparagraph (A) during the last six months of such eligible individual's employment with such eligible employer while participating in the pilot program. Any amount paid under this subparagraph shall not apply against the aggregate maximum amount specified in subparagraph (B).

(E) APPRENTICESHIPS.—The Secretary may establish guidelines or criteria for the approval or disapproval of apprenticeships for purposes of the pilot program.

(3) DURATION.—A subsidy provided to an eligible employer to employ an eligible individual under the pilot program shall be for the lesser of—

(A) a period of one year; and

(B) the duration of such eligible individual's employment with the eligible employer.

(4) CONSIDERATION CONCERNING RECEIPT OF CONCURRENT SUBSIDIES.—In the case of an eligible employer who is already receiving one or more subsidies under the pilot program for the employment of one or more eligible individuals, when determining whether to provide an additional subsidy to such employer to employ an additional eligible individual, the Secretary may take into consideration, if after hiring such additional eligible individual, the number of eligible individuals for whom the employer is receiving a subsidy under the pilot program would constitute more than 10 percent of the workforce of the eligible employer.

(5) MINIMUM WAGE.—No eligible employer may receive a subsidy under the pilot program for the employment of an eligible individual if the rate of pay for such employment is less than the greater of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the rate specified in the applicable State minimum wage law.

(6) SENSE OF CONGRESS ON EXCLUSION OF CERTAIN EMPLOYMENT.—It is the sense of Congress that an employer should not be provided a subsidy under the pilot program for employment of an eligible individual in a position under a contract, grant, or cooperative agreement with the Federal Government or a State or local government that involves functions that are so inherently governmental that the position would not provide the eligible individual with experience, training, or skills necessary for employment in the private sector in a position not involving such functions.

(g) PARTICIPATION.—

(1) APPLICATION.—

(A) IN GENERAL.—An eligible employer or an eligible individual seeking to participate in the pilot program shall submit to the Secretary an application therefor at such time and in such manner as the Secretary shall specify.

(B) ELEMENTS.—Except as provided in subparagraph (C), each application submitted under subparagraph (A) shall contain such information as the Secretary may specify.

(C) REQUIREMENTS OF ELIGIBLE EMPLOYERS.—An application submitted by an eligible employer under subparagraph (A) shall include assurance that the eligible employer will comply with the requirements for nondisplacement of current employees specified in subsection (c)(2) under the pilot program.

(2) SELECTION.—

(A) IN GENERAL.—The Secretary shall review each application submitted by an applicant under paragraph (1) and approve or disapprove the applicant for participation in the pilot program.

(B) EMPLOYER SELECTION CONSIDERATIONS.—In approving or disapproving an eligible employer for participation in the pilot program, the Secretary may consider past performance of the eligible employer with respect to the following:

(i) Job training, basic skills training, and related activities.

(ii) Fiscal accountability.

(iii) Demonstration of a high potential for growth and long-term job creation.

(C) CONSIDERATIONS CONCERNING SELECTION OF FOR-PROFIT AND NOT-FOR-PROFIT EMPLOYERS.—The Secretary may consider approving both for-profit and not-for-profit employers who are eligible employers for participation in the pilot program.

(D) CONSIDERATIONS CONCERNING PARTICIPATION OF SMALL BUSINESS CONCERNS.—In selecting eligible employers for participation in the pilot program, the Secretary may consider the extent to which small business concerns are afforded opportunities to participate in the pilot program.

(3) EARLY TERMINATION OR SEPARATION OF ELIGIBLE INDIVIDUAL PARTICIPANTS BY SECRETARY.—If the Secretary determines that an eligible individual participating in the pilot program is not making satisfactory attendance in employment, or has been removed from placement for misconduct, the Secretary may terminate such eligible individual's status as a participant in the pilot program and bar such eligible individual from further participation in the pilot program.

(4) EMPLOYMENT STATUS.—

(A) COMPENSATION FOR WORK INJURIES.—An eligible individual employed by an eligible employer who receives a subsidy for such employment under the pilot program shall be deemed, during the period of such subsidy, an employee of the United States for the purposes of the benefits of chapter 81 of title 5, United States Code, but not for the purposes of laws administered by the Office of Personnel Management.

(B) HEALTH BENEFITS.—For purposes of the Patient Protection and Affordable Care Act (Public Law 111–148), an eligible individual employed by an eligible employer shall be considered an employee of the Department of Labor and not the eligible employer during such period as the eligible employer receives a subsidy under the pilot program for the employment of such eligible individual.

(h) TRANSPORTATION SUPPORT FOR PARTICIPATING ELIGIBLE INDIVIDUALS.—In accordance with criteria established by the Secretary for purposes of the pilot program, the Secretary may pay an allowance based upon mileage, of any eligible individual whose employment is subsidized under the pilot program not in excess of 75 miles to or from a facility of the eligible employer or other place in connection with such employment.

(i) GRANTS TO ELIGIBLE ENTITIES.—

(1) IN GENERAL.—The Secretary may award grants to not more than four eligible entities to assist the Secretary in carrying out the pilot program.

(2) ELIGIBLE ENTITIES.—For purposes of the pilot program, an eligible entity is a nonprofit organization.

(3) CONSIDERATIONS.—In awarding grants under this subsection, the Secretary may consider whether an eligible entity—

(A) has an understanding of the unemployment problems of eligible individuals and members of the Armed Forces transitioning from service in the Armed Forces to civilian life;

(B) is familiar with a location selected under subsection (e) and has an understanding of employment in such location and employment assistance available to eligible individuals in such location; and

(C) has the capability to assist the Secretary in administering effectively the pilot program and provide employment assistance to eligible individuals.

(4) USE OF FUNDS.—Amounts received by a recipient of a grant under this subsection may be used as follows:

(A) To assist the Secretary in carrying out the pilot program.

(B) To recruit eligible employers and eligible individuals to participate in the pilot program.

(C) To coordinate and implement job placement and other employer outreach activities in connection with the pilot program.

(D) To carry out such other activities as the Secretary considers appropriate for purposes of the pilot program.

(j) ADDITIONAL PILOT PROGRAM REQUIREMENTS.—Under the pilot program, the Secretary shall—

(1) develop an objective assessment process that will identify the work experience, skill levels, and interests of eligible individuals participating in the pilot program;

(2) ensure that employment and counseling services are available to eligible individuals participating in the pilot program, including by connecting eligible individuals with services available to the eligible individuals through State or local employment service or other public agencies;

(3) develop and implement procedures for evaluating job placement and employment of eligible individuals participating in the pilot program; and

(4) carry out such other activities as the Secretary considers appropriate for purposes of the pilot program.

(k) OUTREACH.—The Secretary of Labor and the Secretary of Veterans Affairs shall jointly conduct a program of outreach to inform eligible employers and eligible individuals about the pilot program and the benefits of participating in the pilot program.

(l) MINIMIZATION OF ADMINISTRATIVE BURDEN ON PARTICIPATING EMPLOYERS.—The Secretary of Labor shall take such measures as may be necessary to minimize administrative burdens incurred by eligible employers in participating in the pilot program.

(m) REPORTS.—

(1) IN GENERAL.—Not later than 45 days after the completion of the first year of the pilot program and not later than 180 days after the completion of the second and third years of the pilot program, the Secretary shall submit to Congress a report on the pilot program.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following:

(A) An evaluation of the pilot program.

(B) The number and characteristics of individuals participating in the pilot program.

(C) The number and characteristics of employers participating in the pilot program.

(D) The number and types of positions of employment in which eligible individuals were placed under the pilot program.

(E) The number of individuals who obtained long-term full-time employment positions as a result of the pilot program, the hourly wage and nature of such employment, and if available, whether such individuals were still employed in such positions three months after obtaining such positions.

(F) A description of the outreach activities undertaken to raise awareness of the pilot program by potential eligible individuals and eligible employers, and an assessment of the effectiveness of such activities.

(G) An assessment of the feasibility and advisability of providing subsidies to eligible employers to employ eligible individuals.

(H) An assessment of the effect of the pilot program on earnings of eligible individuals and the employment of eligible individuals.

(I) Such recommendations for legislative and administrative action as the Secretary considers appropriate to improve the pilot program, to expand the pilot program, or to improve the employment of eligible individuals.

(n) RELATION TO OTHER FEDERAL ASSISTANCE.—Notwithstanding any other provision of law, wages received by an individual that are subsidized under the pilot program may not be used in any calculation to determine the eligibility of such individual for any Federal program for the purpose of obtaining child care assistance.

(o) FUNDING LIMITATIONS.—

(1) WAGE SUBSIDIES.—Not less than 95 percent of amounts appropriated or otherwise made available for the pilot program shall be used to provide subsidies under subsection (f).

(2) ADMINISTRATION.—Not more than 5 percent of amounts appropriated or otherwise made available for the pilot program may be used to administer the pilot program.

(p) COORDINATION WITH WORK OPPORTUNITY TAX CREDIT.—Section 51 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(j) COORDINATION WITH PILOT PROGRAM ON PROVISION OF SUBSIDIES TO EMPLOYERS FOR EMPLOYMENT OF CERTAIN VETERANS AND MEMBERS OF ARMED FORCES.—No credit shall be allowed under subsection (a) with respect to any wages paid to a qualified veteran if the taxpayer has received a subsidy under section 2(f) of the Veterans Equipped for Success Act of 2013 with respect to such qualified veteran.''.

(q) DEFINITIONS.—In this section:

(1) APPRENTICESHIP.—The term ''apprenticeship'' means a program of apprenticeship approved by the Office of Apprenticeship of the Department of Labor or a State apprenticeship as meeting the standards of apprenticeship published by the Secretary of Labor pursuant to section 2 of the Act of August 16, 1937 (popularly known as the ''National Apprenticeship Act'') (29 U.S.C. 50a).

(2) FULL-TIME BASIS.—The term ''full-time basis'', with respect to employment, means employment of a minimum of 30 hours a week.

(3) SMALL BUSINESS CONCERN.—The term ''small business concern'' has the meaning given that term under section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

SEC. 3. PILOT PROGRAM ON PROVISION OF CAREER TRANSITION SERVICES TO YOUNG VETERANS.

(a) IN GENERAL.—Commencing not later than January 1, 2014, the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Labor, carry out a pilot program to assess the feasibility and advisability of establishing a program to provide career transition services to eligible individuals—

(1) to provide eligible individuals with work experience in the civilian sector;

(2) to increase the marketable skills of eligible individuals;

(3) to assist eligible individuals in obtaining long-term employment; and

(4) to assist in integrating eligible individuals into their local communities.

(b) ELIGIBLE INDIVIDUALS.—For purposes of the pilot program, an eligible individual is an individual who—

(1) is—

(A) a veteran of the Armed Forces who was discharged or released from service therein under conditions other than dishonorable; or

(B) a member of a reserve component of the Armed Forces (including the National Guard) who—

(i) served on active duty in the Armed Forces (other than active duty for training) for more than 180 consecutive days during the two-year period ending on the date of the commencement of the individual's participation in the pilot program; and

(ii) is not serving on active duty on the date of the commencement of the individual's participation in the pilot program;

(2) is unemployed or underemployed, as determined by the Secretary; and

(3) is, at the time at which the individual applies for participation in the pilot program, 18 years of age or older, but not more than 30 years of age.

(c) DURATION AND NUMBER OF PARTICIPANTS.—

(1) DURATION.—The Secretary shall carry out the pilot program during the three-year period beginning on the date of the commencement of the pilot program.

(2) NUMBER OF PARTICIPANTS.—Not more than 50,000 eligible individuals may concurrently participate in the pilot program.

(d) LOCATIONS.—

(1) IN GENERAL.—The pilot program shall be carried out in four locations selected by the Secretary for purposes of the pilot program and in accordance with the provisions of this subsection.

(2) CONSIDERATION OF AREAS OF HIGH CONCENTRATIONS OF YOUNG ELIGIBLE INDIVIDUALS.—In selecting locations under paragraph (1), the Secretary shall consider areas with populations the Secretary determines have high concentrations of eligible individuals, particularly those with high concentrations of eligible individuals who are age 25 or younger.

(e) CAREER TRANSITION SERVICES.—For purposes of the pilot program, career transition services are the following:

(1) Internships under subsection (f).

(2) Mentorship and job-shadowing under subsection (g).

(3) Volunteer opportunities under subsection (h).

(4) Professional skill workshops under subsection (i).

(5) Skills assessment under subsection (j).

(6) Additional services under subsection (k).

(f) INTERNSHIPS.—

(1) IN GENERAL.—For each eligible individual whom the Secretary approves for participation in the pilot program, the Secretary shall attempt to place such eligible individual in an internship on a full-time basis with an eligible employer whom the Secretary has approved for participation in the pilot program.

(2) ELIGIBLE EMPLOYER.—For purposes of the pilot program, an eligible employer is an employer determined by the Secretary to meet such criteria for participation in the pilot program as the Secretary shall establish for purposes of the pilot program, except that an employer may not be determined to be an eligible employer for that purpose if the employer—

(A) has been investigated or subject to a case or action by the Federal Trade Commission during the 180-day period ending on the date the employer would otherwise commence participation in the pilot program;

(B) has not been in good standing with a State business bureau during the period described in subparagraph (A);

(C) is an agency of the Federal Government or a State or local government;

(D) is delinquent with respect to payment of any taxes or employer contributions described under sections 3301 and 3302(a)(1) of the Internal Revenue Code of 1986 (26 U.S.C. 3301 and 3302(a)(1)) or with respect to any related reporting requirement;

(E) has previously participated in the pilot program and, as determined by the Secretary, failed to abide by a requirement of the pilot program; or

(F) receives more than 75 percent of its revenue from the Federal Government or a State or local government.

(3) DURATION.—Each internship under the pilot program shall be for a period of one year.

(4) WAGES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall furnish pay to each eligible individual participating in an internship under the pilot program for the duration of such participation at a rate equal to the greater of—

(i) the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the rate specified in the applicable State minimum wage law; and

(ii) if the eligible individual was receiving unemployment compensation before being placed in the internship, the rate of such unemployment compensation.

(B) MAXIMUM AMOUNT.—An eligible individual may not receive an aggregate amount of more than $30,000 in pay from the Secretary under this paragraph.

(5) EMPLOYMENT STATUS.—

(A) COMPENSATION FOR WORK INJURIES.—An eligible individual placed in an internship with an eligible employer under the pilot program shall be deemed, during the period of such internship under the pilot program, an employee of the United States for the purposes of the benefits of chapter 81 of title 5, United States Code, but not for the purposes of laws administered by the Office of Personnel Management.

(B) HEALTH BENEFITS.—For purposes of the Patient Protection and Affordable Care Act (Public Law 111–148), an eligible individual placed in an internship with an eligible employer under the pilot program shall be considered an employee of the Department of Veterans Affairs and not the eligible employer during the period of such internship under the pilot program.

(6) RELATION TO OTHER FEDERAL ASSISTANCE.—Notwithstanding any other provision of law, pay received by an individual under this subsection may not be used in any calculation to determine the eligibility of such individual for any Federal program for the purpose of obtaining child care assistance.

(7) LIMIT ON NUMBER OF INTERN PLACEMENTS.—In the case of an eligible employer at which one or more eligible individuals have been placed for an internship under the pilot program, the Secretary may consider, in determining whether to place an additional eligible individual at such employer for an internship under the pilot program, whether if after such additional placement, the number of eligible individuals placed in internships at such employer under the pilot program would constitute more than 10 percent of the eligible employer's workforce. For purposes of the previous sentence, being an intern under the pilot program placed at the eligible employer shall be considered part of the employer's workforce.

(g) MENTORSHIP AND JOB-SHADOWING.—

(1) IN GENERAL.—As a condition of an eligible employer's participation in the pilot program and the placement of an eligible individual in an internship at the eligible employer, the eligible employer shall provide each eligible individual placed in an internship at the eligible employer under the pilot program with at least one mentor who is an employee of the eligible employer.

(2) JOB-SHADOWING AND CAREER COUNSELING.—To the extent practicable, a mentor assigned to an eligible individual participating in the pilot program shall provide such eligible individual with job shadowing and career counseling.

(h) VOLUNTEER OPPORTUNITIES.—

(1) IN GENERAL.—As a condition on participation in the pilot program, each eligible individual who participates in the pilot program shall, not less frequently than once each month in which the eligible individual participates in the pilot program, engage in a qualifying volunteer activity in accordance with guidelines the Secretary shall establish.

(2) QUALIFYING VOLUNTEER ACTIVITIES.—For purposes of this subsection, a qualifying volunteer activity is any activity the Secretary considers related to providing assistance to, or for the benefit of, a veteran. Such activities may include the following:

(A) Outreach.

(B) Assisting an organization recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code, on a volunteer basis.

(C) Service benefitting a veteran in a State home or a Department of Veterans Affairs medical facility.

(D) Service benefitting a veteran at an institution of higher education.

(i) PROFESSIONAL SKILLS WORKSHOPS.—

(1) IN GENERAL.—The Secretary shall provide eligible individuals participating in the pilot program with workshops for the development and improvement of the professional skills of such eligible individuals.

(2) TAILORED.—The workshops provided by the Secretary shall be tailored to meet the particular needs of eligible individuals participating in the pilot program as determined under subsection (j).

(3) TOPICS.—The workshops provided to eligible individuals participating in the pilot program may include workshops for the development of such professional skills as the Secretary considers appropriate, which may include the following:

(A) Written and oral communication skills.

(B) Basic word processing and other computer skills.

(C) Interpersonal skills.

(4) MANNER OF PRESENTATION.—Workshops on particular topics shall be provided through such means as may be appropriate, effective, and approved of by the Secretary for purposes of the pilot program. Such means may include use of electronic communication.

(5) ASSESSMENTS.—The Secretary shall conduct an assessment of a participant in a workshop conducted under this subsection to assess the participant's knowledge acquired as a result of participating in the workshop.

(j) SKILLS ASSESSMENT.—

(1) IN GENERAL.—Under the pilot program, the Secretary shall develop and implement an objective assessment of eligible individuals participating in the pilot program to assist in the placement of such individuals in internships under subsection (f) and to assist in the tailoring of workshops under subsection (i).

(2) ELEMENTS.—The assessment may include an assessment of the skill levels and service needs of each participant, which may include a review of basic professional entry-level skills, prior work experience, employability, and the individual's interests.

(k) ADDITIONAL SERVICES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall, under the pilot program, furnish the following services to an eligible individual participating in the pilot program when assessment under subsection (j) indicates such services are appropriate:

(A) Counseling, such as job counseling and career counseling.

(B) Job search assistance.

(C) Follow-up services with participants that are offered unsubsidized employment by the employer with whom they were assigned.

(D) Transportation, as described in paragraph (2).

(2) REFERRALS.—In lieu of furnishing a service to an eligible individual under paragraph (1), the Secretary may refer such eligible individual to another Federal, State, or local government program that provides such service.

(3) TRANSPORTATION.—In accordance with criteria established by the Secretary for purposes of the pilot program, the Secretary may pay an allowance based upon mileage, of any eligible individual placed in an internship under the pilot program not in excess of 75 miles to or from a facility of the eligible employer or other place in connection with such internship.

(l) PARTICIPATION.—

(1) APPLICATION.—

(A) IN GENERAL.—An eligible employer, eligible individual, or member of the Armed Forces described in subparagraph (B) seeking to participate in the pilot program shall submit to the Secretary of Veterans Affairs an application therefor at such time, in such manner, and containing such information as the Secretary shall specify.

(B) MEMBERS OF ARMED FORCES.—A member of the Armed Forces described in this subparagraph is a member of the Armed Forces who—

(i) is expected, within 180 days, to be discharged or released from service in the active military, naval, or air service under conditions other than dishonorable; and

(ii) has not accepted an offer of employment that would begin after such discharge or release.

(2) SELECTION.—

(A) IN GENERAL.—The Secretary shall review each application submitted by an applicant under paragraph (1) and approve or disapprove the applicant for participation in the pilot program.

(B) CONSIDERATION OF EMPLOYER PERFORMANCE.—In approving or disapproving an eligible employer for participation in the pilot program, the Secretary may consider past performance of the eligible employer with respect to the following:

(i) Job training, basic skills training, and related activities.

(ii) Fiscal accountability.

(iii) Demonstration of a high potential for growth and long-term job creation.

(C) CONSIDERATIONS CONCERNING SELECTION OF FOR-PROFIT AND NOT-FOR-PROFIT EMPLOYERS.—The Secretary may consider approving both for-profit and not-for-profit employers who are eligible employers for placement of interns under the pilot program.

(D) CONSIDERATIONS CONCERNING PARTICIPATION OF SMALL BUSINESS CONCERNS.—In selecting eligible employers for participation in the pilot program, the Secretary may consider the extent to which small business concerns are afforded opportunities to participate in the pilot program.

(m) GRANTS.—

(1) IN GENERAL.—The Secretary may award grants to not more than four eligible entities to assist the Secretary in carrying out the pilot program.

(2) ELIGIBLE ENTITIES.—For purposes of the pilot program, an eligible entity is a nonprofit organization.

(3) CONSIDERATIONS.—In awarding grants under this subsection, the Secretary may consider whether an eligible entity—

(A) has an understanding of the unemployment problems of eligible individuals and members of the Armed Forces transitioning from service in the Armed Forces to civilian life;

(B) is familiar with one or more locations selected under subsection (d); and

(C) have the capability to assist the Secretary in administering effectively the pilot program and providing career transition services to eligible individuals.

(4) USE OF FUNDS.—Amounts received by a recipient of a grant under this subsection may be used as the Secretary considers appropriate for purposes of the pilot program, including as follows:

(A) To assist the Secretary in carrying out the pilot program.

(B) To recruit eligible employers and eligible individuals to participate in the pilot program.

(C) To match eligible individuals participating in the pilot program with internship opportunities at eligible employers participating in the pilot program.

(D) To coordinate and carry out job placement and other employer outreach activities.

(n) OUTREACH.—The Secretary of Veterans Affairs and the Secretary of Labor shall jointly carry out a program of outreach to inform eligible employers and eligible individuals about the pilot program and the benefits of participating in the pilot program.

(o) AWARDS FOR OUTSTANDING CONTRIBUTIONS TO PILOT PROGRAM.—

(1) IN GENERAL.—Each year of the pilot program, the Secretary of Veterans Affairs may recognize one or more eligible employers or one or more eligible individuals participating in the pilot program for demonstrating outstanding achievement in carrying out or in contributing to the success of the pilot program.

(2) CRITERIA.—The Secretary shall establish such selection procedures and criteria as the Secretary considers appropriate for the award of recognition under this subsection.

(p) MINIMIZATION OF ADMINISTRATIVE BURDEN ON PARTICIPATING EMPLOYERS.—The Secretary shall take such measures as may be necessary to minimize administrative burdens incurred by eligible employers due to participation in the pilot program.

(q) REPORTS.—

(1) IN GENERAL.—Not later than 45 days after the completion of the first year of the pilot program and not later than 180 days after the completion of the second and third years of the pilot program, the Secretary shall submit to Congress a report on the pilot program.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following:

(A) An evaluation of the pilot program.

(B) The number and characteristics of participants in the pilot program.

(C) The number and types of internships in which eligible individuals were placed under the pilot program.

(D) The number of individuals who obtained long-term full-time unsubsidized employment positions as a result of the pilot program, the hourly wage and nature of such employment, and if available, whether such individuals were still employed in such positions three months after obtaining such positions.

(E) An assessment of the feasibility and advisability of providing career transition services to eligible individuals.

(F) An assessment of the effect of the pilot program on earnings of eligible individuals and the employment of eligible individuals.

(G) Such recommendations for legislative and administrative action as the Secretary may have to improve the pilot program, to expand the pilot program, or to improve the employment of eligible individuals.

(r) FUNDING LIMITATIONS.—

(1) WAGES FOR INTERNSHIPS.—Not less than 95 percent of amounts appropriated or otherwise made available for the pilot program shall be used to provide pay under subsection (f)(4).

(2) ADMINISTRATION.—Not more than 5 percent of amounts appropriated or otherwise made available for the pilot program may be used to administer the pilot program.

(s) DEFINITIONS.—In this section:

(1) ACTIVE DUTY, ACTIVE MILITARY, NAVAL, OR AIR SERVICE, RESERVE COMPONENT, AND VETERAN.—The terms ''active duty'', ''active military, naval, or air service'', ''reserve component'', and ''veteran'' have the meanings given such terms in section 101 of title 38, United States Code.

(2) FULL-TIME BASIS.—The term ''full-time basis'', with respect to an internship, means participation in the internship of not fewer than 30 hours per week and not more than 40 hours per week.

(3) SMALL BUSINESS CONCERN.—The term ''small business concern'' has the meaning given that term under section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(4) UNEMPLOYMENT COMPENSATION.—The term ''unemployment compensation'' means regular compensation (as defined in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970), compensation under the Federal-State Extended Compensation Act of 1970, and compensation under the emergency unemployment compensation program under title IV of the Supplemental Appropriations Act, 2008.

By Mr. SANDERS:

S. 928. A bill to amend title 38, United States Code, to improve the processing of claims for compensation under laws administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. SANDERS. Mr. President, it is my belief that the inability to provide compensation benefits in a timely manner tarnishes the reputation of the Department of Veterans Affairs and overshadows much of the good work done there. As I have said before, I never want a veteran's negative experience with the claims system to prevent him or her from seeking mental health care or help in battling homelessness. That is why, today, I am introducing the Claims Processing Improvement Act of 2013, a bill that would help to provide veterans and their family members with the timely and accurate claims decisions they deserve.

The fact that nearly 70 percent of claims are pending longer than the Department's goal of 125 days is completely unacceptable. VA knows this, and the Department has set ambitious goals, put forward a plan, and has been working hard to transform the compensation claims system. Despite these efforts, it is clear that much work remains to be done. That is why we must continue to work together to find innovative solutions until the claims system is transformed into one fit for the 21st century.

Now is the time to truly apply all of the latest technological advances, the insight and experience of veterans service organizations, the lessons learned from the wealth of studies that have already looked at the claims system, and the resources of the Federal Government to tackle this problem from all angles and to finally make real progress.

The Claims Processing Improvement Act of 2013 is a critical part of the solution. This bill is a holistic approach to addressing the challenges of the claims system and would provide long-term reforms that will improve VA's claims process from start to finish—from the regional offices located across the nation to the Board of Veterans' Appeals. I would like to highlight just a few of the important provisions in this legislation.

VA must do a better job of showing not only Congress, but also veterans and their survivors about how VA plans to accomplish the ambitious goal of eliminating the claims backlog by 2015. That is why this bill, for the first time, would require VA to publicly report on a quarterly basis information on both VA's quarterly goals and actual production. This would allow Congress and the public to see both the successes and failures of VA's transformation efforts, measure VA's progress, and allow for quicker course corrections when necessary.

At VA regional offices across this country, employees are trying to adapt to a changing work environment as VA continues its transition to a paperless claims processing system. These employees are given credit for work in a manner that does not accurately reflect the realities of an electronic claims processing system. VA's work credit system also focuses almost exclusively on speed, often to the detriment of quality.

During a hearing held by the Senate Committee on Veterans' Affairs earlier this year, Mr. Bart Stichman, Joint Executive Director of the National Veterans Legal Services Program, commented that ''VA regional office adjudicators prematurely decide claims—without taking the time to obtain and assemble the evidence necessary to properly decide a claim—in an effort to ensure that the average time for deciding an initial claim that is reported to VA managers and Congress is a low number of days.'' I have heard from other veterans service organizations about the need for a cultural change at VA. In order for this change to occur, employees must operate within an environment that accurately reflects the important tasks they are asked to accomplish and an environment that focuses equally on speed and quality.

This bill would facilitate that cultural change through the establishment of a work group designed to reassess the way employees are credited for their work. The work group, tasked with providing solutions, would include the very employees and organizations with the necessary expertise to finally establish a work credit system based on a data driven methodology and one

that is updated on a consistent and predictable basis. VA employees, many of whom are veterans themselves, deserve nothing less.

This bill would also address the workforce needs of VA and other Federal agencies with claims adjudication responsibilities. In fiscal year 2012, VA lost approximately 6 percent of its claims staff. This legislation would address employee attrition by establishing a task force to develop a strategic plan and initiate training to support the hiring of veterans in claims processing and adjudication positions throughout the Federal Government. This task force would simultaneously prepare servicemembers for the jobs that consistently need to be filled and create a generation of adjudicators throughout VA who can identify with the experiences of the population they serve.

This bill would address concerns raised by the Disabled American Veterans by ensuring appropriate oversight of the disability examination system and encouraging the use of private medical evidence when appropriate. As Mr. Violante, the National Legislative Director of Disabled American Veterans, pointed out at a Veterans' Affairs hearing on the disability claims system in March, disability benefits questionnaires were ''designed to allow private physicians to submit medical evidence on behalf of veterans they treat in a format that aids rating specialists.'' Making better use of private medical evidence, and awarding appropriate work credit for doing so, would save VA adjudicators precious time, taxpayers the added expense, and would relieve veterans from the stress of excessive medical exams.

While providing veterans with timely and accurate initial claims decisions has been the focus of much attention, I remain very concerned about the staggering number of appeals pending at the Board of Veterans' Appeals. According to the Report of the Chairman of the Board of Veterans' Appeals, there were 45,959 cases pending before the Board at the end of fiscal year 2012. The Chairman's Report also provided the average length of time between the filing of an appeal and the Board's disposition, which was 1,040 days in fiscal year 2012. It is 2 unconscionable that a veteran or a family member had to wait, on average, nearly three years for a decision on an appeal. This bill contains a number of provisions that would improve efficiency at the Board of Veterans' Appeals.

This legislation would expand the use of video hearings in order to serve more veterans, reduce an appellant's wait time for a hearing, and increase efficiency in issuing final decisions on appeals by reducing the number of travel days for employees issuing decisions. However, the right to an in-person hearing would be preserved should the veteran desire such a hearing. This bill would also streamline the appellate process by requiring veterans to more quickly file a notice of disagreement. Many veterans already take quick action but to ensure veterans are protected this legislation would provide a good cause exception in the event a notice of disagreement is not filed in a timely manner, such as in cases where a physical, mental, educational, or linguistic limitation prevented timely filing.

These are just a few of the provisions of this bill, which would positively impact the claims system. This legislation is the result of a collective body of information and insight gathered from Congressional hearings, meetings with veterans service organizations and VA staff, correspondence from veterans, and aggressive oversight by the Senate Committee on Veterans' Affairs.

The challenges of the claims system are enormously complex and there is no single silver bullet that will magically solve every problem. The Claims Processing Improvement Act of 2013 would, however, provide a number of the solutions necessary to ensure veterans and their family members receive timely and accurate benefit decisions.

Clearly there is much work yet to be done. I ask my colleagues to join with me in working together to find innovative solutions until we have truly created a claims system fit for the 21st century. As a nation we have asked more of these individuals than most of us can comprehend. We must now honor the promise we made as a nation—to take care of those who have taken care of us.

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. 928

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Claims Processing Improvement Act of 2013''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—AGENCY OF ORIGINAL JURISDICTION

SEC. 101. ESTABLISHMENT OF WORKING GROUP TO IMPROVE EMPLOYEE WORK CREDIT AND WORK MANAGEMENT SYSTEMS OF VETERANS BENEFITS ADMINISTRATION.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish a working group to assess and develop recommendations for the improvement of the employee work credit and work management systems of the Veterans Benefits Administration.

(b) COMPOSITION.—The working group shall be composed of the following:

(1) The Secretary or the Secretary's designee.

(2) Individuals selected by the Secretary from among employees of the Department of Veterans Affairs who—

(A) handle claims for compensation and pension benefits; and

(B) are recommended to the Secretary by a labor organization for purposes of this section.

(3) Not fewer than three individuals selected by the Secretary to represent different organizations recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

(c) DUTIES.—The duties of the working group are as follows:

(1) To assess and develop recommendations for the improvement of the employee work credit and work management systems of the Veterans Benefits Administration.

(2) To develop a data based methodology to be used in revising the employee work credit system of the Department and a schedule by which revisions to such system should be made.

(3) To assess and develop recommendations for improvement of the resource allocation model of the Veterans Benefits Administration.

(d) REVIEW AND INCORPORATION OF FINDINGS FROM PRIOR STUDY.—In carrying out its duties under subsection (c), the working group shall review the findings and conclusions of the Secretary regarding previous studies of the employee work credit and work management systems of the Veterans Benefits Administration.

(e) REPORTS.—

(1) INTERIM REPORT.—Not later than 180 days after the date of the establishment of the working group, the working group shall submit to Congress a report on the progress of the working group.

(2) FINAL REPORT.—Not later than one year after the date of the establishment of the working group, the working group shall submit to Congress the methodology and schedule developed under subsection (c)(2).

(f) IMPLEMENTATION OF METHODOLOGY AND SCHEDULE.—After submitting the report under subsection (e), the Secretary shall take such actions as may be necessary to apply the methodology developed under subsection (c)(2) and apply such methodology according to the schedule developed under such subsection.

SEC. 102. ESTABLISHMENT OF TASK FORCE ON RETENTION AND TRAINING OF DEPARTMENT OF VETERANS AFFAIRS CLAIMS PROCESSORS AND ADJUDICATORS.

(a) ESTABLISHMENT.—The Secretary of Veterans Affairs shall establish a task force to assess retention and training of claims processors and adjudicators that are employed by the Department of Veterans Affairs and other Federal agencies and departments.

(b) COMPOSITION.—The task force shall be composed of the following:

(1) The Secretary of Veterans Affairs.

(2) The Director of the Office of Personnel Management.

(3) The Commissioner of Social Security.

(4) An individual selected by the Secretary of Veterans Affairs who represents an organization recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

(5) Such other individuals selected by the Secretary who represent such other organizations and institutions as the Secretary considers appropriate.

(c) DURATION.—The task force established under subsection (a) shall terminate not later than two years after the date on which the task force is establish under such subsection.

(d) DUTIES.—The duties of the task force are as follows:

(1) To identify key skills required by claims processors and adjudicators to perform the duties of claims processors and adjudicators in the various claims processing and adjudication positions throughout the Federal Government.

(2) To identify reasons for employee attrition from claims processing positions.

(3) Not later than one year after the date of the establishment of the task force, to develop a Government-wide strategic and operational plan for promoting employment of veterans in claims processing positions in the Federal Government.

(4) To coordinate with educational institutions to develop training and programs of education for members of the Armed Forces to prepare such members for employment in claims processing and adjudication positions in the Federal Government.

(5) To identify and coordinate offices of the Department of Defense and the Department of Veterans Affairs located throughout the United States to provide information about, and promotion of, available claims processing positions to members of the Armed Forces transitioning to civilian life and to veterans with disabilities.

(6) To establish performance measures to assess the plan developed under paragraph (3), to assess the implementation of such plan, and revise such plan as the task force considers appropriate.

(7) To establish performance measures to evaluate the effectiveness of the task force.

(e) REPORTS.—

(1) SUBMITTAL OF PLAN.—Not later than one year after the date of the establishment of the task force, the Secretary of Veterans Affairs shall submit to Congress a report on the plan developed by the task force under subsection (d)(3).

(2) ASSESSMENT OF IMPLEMENTATION.—Not later than 120 days after the termination of the task force, the Secretary shall submit to Congress a report that assesses the implementation of the plan developed by the task force under subsection (d)(3).

SEC. 103. STREAMLINING NON-DEPARTMENT OF VETERANS AFFAIRS FEDERAL RECORDS REQUESTS.

(a) IN GENERAL.—Paragraph (2) of section 5103A(c) of title 38, United States Code, is amended to read as follows:

''(2)(A) Whenever the Secretary attempts to obtain records from a Federal department or agency, other than the Department, under this subsection, the Secretary shall make not fewer than two attempts to obtain the records, unless the records are obtained or the response to the first request makes evident that a second request for such records would be futile.

''(B) The notification requirements under subsection (b)(2) of this section shall apply if the Secretary is unable to obtain all of the records sought from a Federal department or agency other than the Department.''.

(b) SUBSEQUENT ATTAINMENT OF RECORDS.—Such section is further amended by adding at the end the following new paragraph:

''(3) If, after adjudicating a claim for a benefit under a law administered by the Secretary, the Secretary receives a record relevant to such claim (or associates with the file for such claim a record) that the Secretary requested from a Federal department or agency before the adjudication, the record received (or associated) shall be deemed to have been in the file for such claim as of the date of the original filing of the claim for such benefit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act and shall apply with respect to any claim that—

(1) is filed on or after the date that is 180 days after the date of the enactment of this Act; or

(2) was filed before the date of the enactment of this Act and was not final as of such date.

SEC. 104. RECOGNITION OF REPRESENTATIVES OF INDIAN TRIBES IN THE PREPARATION, PRESENTATION, AND PROSECUTION OF CLAIMS UNDER LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.

Section 5902(a)(1) of title 38, United States Code, is amended by inserting ''Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b))'' after ''Foreign Wars,''.

SEC. 105. PILOT PROGRAM ON PARTICIPATION OF LOCAL AND TRIBAL GOVERNMENTS IN IMPROVING QUALITY OF CLAIMS FOR DISABILITY COMPENSATION SUBMITTED TO DEPARTMENT OF VETERANS AFFAIRS.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of entering into memorandums of understanding with local governments and tribal organizations—

(1) to improve the quality of claims submitted to the Secretary for compensation under chapter 11 and pension under chapter 15 of title 38, United States Code; and

(2) to provide assistance to veterans who may be eligible for such compensation or pension in submitting such claims.

(b) MINIMUM NUMBER OF PARTICIPATING TRIBAL ORGANIZATIONS.—In carrying out the pilot program required by subsection (a), the Secretary shall enter into memorandums of understanding with at least—

(1) two tribal organizations; and

(2) 10 State or local governments.

(c) TRIBAL ORGANIZATION DEFINED.—In this section, the term ''tribal organization'' has the meaning given that term in section 3765 of title 38, United States Code.

SEC. 106. QUARTERLY REPORTS ON PROGRESS OF DEPARTMENT OF VETERANS AFFAIRS IN ELIMINATING BACKLOG OF CLAIMS FOR COMPENSATION THAT HAVE NOT BEEN ADJUDICATED.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and not less frequently than quarterly thereafter through calendar year 2015, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the backlog of claims filed with the Department of Veterans Affairs for compensation that have not been adjudicated by the Department.

(b) CONTENTS.—Each report submitted under subsection (a) shall include the following:

(1) For each month through calendar year 2015, a projection of the following:

(A) The number of claims completed.

(B) The number of claims received.

(C) The number of claims backlogged at the end of the month.

(D) The number of claims pending at the end of the month.

(E) A description of the status of the implementation of initiatives carried out by the Secretary to address the backlog.

(2) For each quarter through calendar year 2015, a projection of the average accuracy of disability determinations for compensation claims that require a disability rating (or disability decision).

(3) For each month during the most recently completed quarter, the following:

(A) The number of claims completed.

(B) The number of claims received.

(C) The number of claims backlogged at the end of the month.

(D) The number of claims pending at the end of the month.

(E) A description of the status of the implementation of initiatives carried out by the Secretary to address the backlog.

(4) For the most recently completed quarter, an assessment of the accuracy of disability determinations for compensation claims that require a disability rating (or disability decision).

(c) AVAILABILITY TO PUBLIC.—The Secretary shall make each report submitted under subsection (a) available to the public.

(d) DEFINITIONS.—In this section:

(1) BACKLOGGED.—The term ''backlogged'', with respect to a claim for compensation received by the Secretary, means a claim that has been pending for more than 125 days.

(2) PENDING.—The term ''pending'', with respect to a claim for compensation received by the Secretary, means a claim that has not been adjudicated by the Secretary.

TITLE II—BOARD OF VETERANS' APPEALS AND COURT OF APPEALS FOR VETERANS CLAIMS

SEC. 201. MODIFICATION OF FILING PERIOD FOR NOTICE OF DISAGREEMENT TO INITIATE APPELLATE REVIEW OF DECISIONS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) FILING OF NOTICE OF DISAGREEMENT BY CLAIMANTS.—

(1) IN GENERAL.—Paragraph (1) of section 7105(b) of title 38, United States Code, is amended—

(A) by striking ''one year'' and inserting ''180 days'' in the first sentence; and

(B) by striking ''one-year'' and inserting ''180-day'' in the third sentence.

(2) ELECTRONIC FILING.—Such paragraph is further amended by inserting ''or transmitted by electronic means'' after ''postmarked''.

(3) GOOD CAUSE EXCEPTION FOR UNTIMELY FILING OF NOTICES OF DISAGREEMENT.—Such section 7105(b) is amended by adding at the end the following new paragraph:

''(3)(A) A notice of disagreement not filed within the time prescribed by paragraph (1) shall be treated by the Secretary as timely filed if—

''(i) the Secretary determines that the claimant, legal guardian, or other accredited representative, attorney, or authorized agent filing the notice had good cause for the lack of filing within such time; and

''(ii) the notice of disagreement is filed not later than 186 days after the period prescribed by paragraph (1).

''(B) For purposes of this paragraph, good cause shall include the following:

''(i) Circumstances relating to any physical, mental, educational, or linguistic limitation of the claimant, legal guardian, representative, attorney, or authorized agent concerned (including lack of facility with the English language).

''(ii) Circumstances relating to significant delay in the delivery of the initial decision or of the notice of disagreement because of natural disaster or factors relating to geographic location.

''(iii) A change in financial circumstances, including the payment of medical expenses or other changes in income or net worth that are considered in determining eligibility for benefits and services on an annualized basis for purposes of needs-based benefits under chapters 13, 15, and 17 of this title.''.

(b) APPLICATION BY DEPARTMENT FOR REVIEW ON APPEAL.—Section 7106 of such title is amended in the first sentence by striking ''one-year period described in section 7105'' and inserting ''period described in section 7105(b)(1)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to claims for compensation and benefits under laws administered by the Secretary of Veterans Affairs filed with the Secretary after the date of the enactment of this Act.

SEC. 202. DETERMINATION OF MANNER OF APPEARANCE FOR HEARINGS BEFORE BOARD OF VETERANS' APPEALS.

(a) IN GENERAL.—Section 7107 of title 38, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g);

(2) in subsection (a)(1), by striking ''in subsection (f)'' and inserting ''in subsection (g)''; and

(3) by striking subsections (d) and (e) and inserting the following new subsections:

''(d)(1) Except as provided in paragraph (2), a hearing before the Board shall be conducted through picture and voice transmission, by electronic or other means, in such a manner that the appellant is not present in the same location as the members of the Board during the hearing.

''(2)(A) A hearing before the Board shall be conducted in person upon the request of an appellant.

''(B) In the absence of a request under subparagraph (A), a hearing before the Board may also be conducted in person as the Board considers appropriate.

''(e)(1) In a case in which a hearing before the Board is to be held as described in subsection (d)(1), the Secretary shall provide suitable facilities and equipment to the Board or other components of the Department to enable an appellant located at an appropriate facility within the area served by a regional office to participate as so described.

''(2) Any hearing conducted as described in subsection (d)(1) shall be conducted in the same manner as, and shall be considered the equivalent of, a personal hearing.

''(f)(1) In a case in which a hearing before the Board is to be held as described in subsection (d)(2), the appellant may request that the hearing be held at the principal location of the Board or at a facility of the Department located within the area served by a regional office of the Department.

''(2) A hearing to be held within an area served by a regional office of the Department shall (except as provided in paragraph (3)) be scheduled to be held in accordance with the place of the case on the docket under subsection (a) relative to other cases on the docket for which hearings are scheduled to be held within that area.

''(3) A hearing to be held within an area served by a regional office of the Department may, for cause shown, be advanced on motion for an earlier hearing. Any such motion shall set forth succinctly the grounds upon which the motion is based. Such a motion may be granted only—

''(A) if the case involves interpretation of law of general application affecting other claims;

''(B) if the appellant is seriously ill or is under severe financial hardship; or

''(C) for other sufficient cause shown.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to cases received by the Board of Veterans' Appeals pursuant to notices of disagreement submitted on or after the date of the enactment of this Act.

SEC. 203. DISCLOSURE OF CERTAIN MEDICAL RECORDS IN APPELLATE PROCEEDINGS IN CERTAIN COURTS.

Section 7332(b)(2) of title 38, United States Code, is amended—

(1) by redesignating subparagraphs (E) through (G) as subparagraphs (F) through (H), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph (E):

''(E) To the Supreme Court of the United States, the United States Court of Appeals for the Federal Circuit, or the United States Court of Appeals for Veterans Claims, and all parties of record, in a case that is appealed to such court and such records are included in the record on appeal. Upon disclosure of such records, the court concerned shall impose appropriate safeguards against unauthorized disclosure that are consistent with the provisions of section 7268 of this title.''.

TITLE III—OTHER MATTERS

SEC. 301. EXTENSION OF AUTHORITY FOR OPERATIONS OF MANILA DEPARTMENT OF VETERANS AFFAIRS REGIONAL OFFICE.

Section 315(b) of title 38, United States Code, is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

SEC. 302. EXTENDED PERIOD FOR SCHEDULING OF MEDICAL EXAMS FOR VETERANS RECEIVING TEMPORARY DISABILITY RATINGS FOR SEVERE MENTAL DISORDER.

Section 1156(a)(3) of title 38, United States Code, is amended by striking ''six months'' and inserting ''540 days''.

SEC. 303. EXTENSION OF MARRIAGE DELIMITING DATE FOR SURVIVING SPOUSES OF PERSIAN GULF WAR VETERANS TO QUALIFY FOR DEATH PENSION.

Section 1541(f)(1)(E) of title 38, United States Code, is amended by striking ''January 1, 2011'' and inserting ''the date that is 10 years and one day after the date on which the Persian Gulf War was terminated, as prescribed by Presidential proclamation or by law''.

SEC. 304. MAKING EFFECTIVE DATE PROVISION CONSISTENT WITH PROVISION FOR BENEFITS ELIGIBILITY OF A VETERAN'S CHILD BASED UPON TERMINATION OF REMARRIAGE BY ANNULMENT.

Section 5110(l) of title 38, United States Code, is amended by striking '', or of an award or increase of benefits based on recognition of a child upon termination of the child's marriage by death or divorce,''.

SEC. 305. EXTENSION OF TEMPORARY AUTHORITY FOR PERFORMANCE OF MEDICAL DISABILITIES EXAMINATIONS BY CONTRACT PHYSICIANS.

(a) IN GENERAL.—Section 704(c) of the Veterans Benefits Act of 2003 (Public Law 108–183; 38 U.S.C. 5101 note) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) REPORT ON DISABILITY MEDICAL EXAMINATIONS FURNISHED BY DEPARTMENT OF VETERANS AFFAIRS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the furnishing of general medical and specialty medical examinations by the Department of Veterans Affairs for purposes of adjudicating claims for benefits under laws administered by the Secretary.

(2) CONTENTS.—The report submitted under paragraph (1) shall include the following:

(A) The number of general medical examinations furnished by the Department during the period of fiscal years 2009 through 2012 for purposes of adjudicating claims for benefits under laws administered by the Secretary.

(B) The number of general medical examinations furnished by the Department during the period of fiscal years 2009 through 2012 for purposes of adjudicating a claim in which a comprehensive joint examination was conducted, but for which no disability relating to a joint, bone, or muscle had been asserted as an issue in the claim.

(C) The number of specialty medical examinations furnished by the Department during the period of fiscal years 2009 through 2012 for purposes of adjudicating a claim.

(D) The number of specialty medical examinations furnished by the Department during the period of fiscal years 2009 through 2012 for purposes of adjudicating a claim in which one or more joint examinations were conducted.

(E) A summary (including citations of) any medical and scientific studies which provide a scientific basis for determining that three repetitions is adequate to determine the effect of repetitive use on functional impairments.

(F) The names of all examination reports, including general medical examinations and Disability Benefits Questionnaires, used for evaluation of compensation and pension disability claims which require measurement of

repeated ranges of motion testing and the number of examinations requiring such measurements which were conducted in fiscal year 2012.

(G) The average amount of time taken by an individual conducting a medical examination to perform the three repetitions.

(H) A discussion of whether there are more efficient and effective scientifically reliable methods of testing for functional loss on repetitive use of an extremity other than the three time repetition currently used by the Department.

(I) Recommendations as to the continuation of the practice of measuring functional impairment by using three repetitions during the examination as a criteria for evaluating the effect of repetitive motion on functional impairment with supporting rationale.

(c) REPORT ON PROGRESS OF ACCEPTABLE CLINICAL EVIDENCE INITIATIVE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the progress of the Acceptable Clinical Evidence initiative of the Department of Veterans Affairs in reducing the necessity for in-person disability examinations and other efforts to comply with the provisions of section 5125 of title 38, United States Code.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) The number of claims eligible for the Acceptable Clinical Evidence initiative during the period beginning on the date of the initiation of the initiative and ending on the date of the enactment of this Act, disaggregated by fiscal year.

(B) The total number of claims eligible for the Acceptable Clinical Evidence initiative that required a medical examiner of the Department to supplement the evidence with information obtained during a telephone interview with a claimant.

(C) Information on any other initiatives or efforts of the Department to further encourage the use of private medical evidence and reliance upon reports of a medical examination administered by a private physician if the report is sufficiently complete to be adequate for the purposes of adjudicating a claim.

By Mr. CORNYN:

S. 929. A bill to impose sanctions on individuals who are complicit in human rights abuses committed against nationals of Vietnam or their family members, and for other purposes; to the Committee on Foreign Relations.

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

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

S. 929

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 ''Vietnam Human Rights Sanctions Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The relationship between the United States and the Socialist Republic of Vietnam has grown substantially since the end of the trade embargo in 1994, with annual trade between the countries reaching more than $24,800,000,000 in 2012.

(2) However, the transition by the Government of Vietnam toward greater economic activity and trade, which has led to increased bilateral engagement between the United States and Vietnam, has not been matched by greater political freedom or substantial improvements in basic human rights for the people of Vietnam.

(3) Vietnam remains an authoritarian state ruled by the Communist Party of Vietnam, which continues to deny the right of the people of Vietnam to participate in free and fair elections.

(4) According to the Department of State's 2012 Country Reports on Human Rights Practices, Vietnam's ''most significant human rights problems . . . continued to be severe government restrictions on citizens' political rights, particularly their right to change their government; increased measures to limit citizens' civil liberties; and corruption in the judicial system and police''.

(5) The Country Reports also state that the Government of Vietnam ''increasingly limited freedoms of speech and press and suppressed dissent; further restricted Internet freedom; reportedly continued to be involved in attacks against Web sites containing criticism; maintained spying on dissident bloggers; and continued to limit privacy rights and freedoms of assembly, association, and movement''.

(6) Furthermore, the Department of State documents that ''arbitrary arrest and detention, particularly for political activists, remained a problem'', with the Government of Vietnam sentencing ''at least 35 arrested activists during [2012] to a total of 131 years in jail and 27 years of probation for exercising their rights''.

(7) At the end of 2012, the Government of Vietnam reportedly held more than 120 political prisoners, and diplomatic sources maintained that 4 reeducation centers in Vietnam held approximately 4,000 prisoners.

(8) On September 24, 2012, 3 prominent Vietnamese bloggers—Nguyen Van Hai (also known as Dieu Cay), Ta Phong Tan, and Phan Thanh Hai (also known as Anh Ba Saigon)—were sentenced to prison based on 3-year-old blog postings criticizing the Government and leaders of Vietnam and the Communist Party of Vietnam.

(9) United Nations High Commissioner for Human Rights Navi Pillay responded to the sentencing of the bloggers on September 25, 2012, stating that ''[t]he harsh prison terms handed down to bloggers exemplify the severe restrictions on freedom of expression in Vietnam'' and calling the sentences an ''unfortunate development that undermines the commitments Vietnam has made internationally . . . to protect and promote the right to freedom of expression''.

(10) On March 21, 2013, Deputy Assistant Secretary of State for Democracy, Human Rights, and Labor Daniel B. Baer testified before the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations of the Senate that ''in Vietnam we've been disappointed in recent years to see backsliding, particularly on . . . freedom of expression issues . . . people are being prosecuted for what they say online under really draconian national security laws . . . that is an issue that we continue to raise, both in our human rights dialogue with the Vietnamese as well as in other bilateral engagements''.

(11) Although the Constitution of Vietnam provides for freedom of religion, the Department of State's 2012 Country Reports on Human Rights Practices maintains that ''Vietnamese who exercise their right to freedom of religion continued to be subject to harassment, differing interpretations and applications of the law, and inconsistent legal protection, especially at provincial and village levels''.

(12) Likewise, the United States Commission on International Religious Freedom 2013 Annual Report states that ''[r]eligious freedom conditions remain very poor'' in Vietnam and the ''Vietnamese government continues to imprison individuals for religious activity or religious freedom advocacy'' using a ''specialized religious police force . . . and vague national security laws to suppress independent Buddhist, Protestant, Hoa Hao, and Cao Dai activities, and seeks to stop the growth of ethnic minority Protestantism and Catholicism via discrimination, violence and forced renunciations of their faith''.

(13) The 2013 Annual Report notes that in 2004 the United States designated Vietnam as a country of particular concern for religious freedom pursuant to section 402(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(b)(1)), and that Vietnam responded at that time by releasing prisoners, prohibiting the policy of forced renunciations of faith, and expanding protections for religious groups, and that ''[m]ost religious leaders in Vietnam attributed these positive changes to the [country of particular concern] designation and the priority placed on religious freedom concerns in U.S.-Vietnamese bilateral relations''.

(14) However, the 2013 Annual Report concludes that since the designation as a country of particular concern was lifted from Vietnam in 2006, ''religious freedom conditions in Vietnam remain mixed'', and therefore recommends to the Department of State that Vietnam should be redesignated as a country of particular concern.

(15) Deputy Assistant Secretary of State Baer likewise testified that ''[i]n Vietnam the right to religious freedom, which seemed to be improving several years ago, has been stagnant for several years''.

SEC. 3. IMPOSITION OF SANCTIONS ON CERTAIN INDIVIDUALS WHO ARE COMPLICIT IN HUMAN RIGHTS ABUSES COMMITTED AGAINST NATIONALS OF VIETNAM OR THEIR FAMILY MEMBERS.

(a) DEFINITIONS.—In this section:

(1) ADMITTED; ALIEN; IMMIGRATION LAWS; NATIONAL; SPOUSE.—The terms ''admitted'', ''alien'', ''immigration laws'', ''national'', and ''spouse'' have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

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

(A) the Committee on Finance, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Ways and Means, the Committee on Financial Services, and the Committee on Foreign Affairs of the House of Representatives.

(3) CONVENTION AGAINST TORTURE.—The term ''Convention against Torture'' means the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on December 10, 1984.

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

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

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

(b) IMPOSITION OF SANCTIONS.—Except as provided in subsections (e) and (f), the President shall impose the sanctions described in

subsection (d) with respect to each individual on the list required by subsection (c)(1).

(c) LIST OF INDIVIDUALS WHO ARE COMPLICIT IN CERTAIN HUMAN RIGHTS ABUSES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of individuals who are nationals of Vietnam that the President determines are complicit in human rights abuses committed against nationals of Vietnam or their family members, regardless of whether such abuses occurred in Vietnam.

(2) UPDATES OF LIST.—The President shall submit to the appropriate congressional committees an updated list under paragraph (1) as new information becomes available and not less frequently than annually.

(3) PUBLIC AVAILABILITY.—The list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.

(4) CONSIDERATION OF DATA FROM OTHER COUNTRIES AND NONGOVERNMENTAL ORGANIZATIONS.—In preparing the list required by paragraph (1), the President shall consider data already obtained by other countries and nongovernmental organizations, including organizations in Vietnam, that monitor the human rights abuses of the Government of Vietnam.

(d) SANCTIONS.—

(1) PROHIBITION ON ENTRY AND ADMISSION TO THE UNITED STATES.—An individual on the list required by subsection (c)(1) may not—

(A) be admitted to, enter, or transit through the United States;

(B) receive any lawful immigration status in the United States under the immigration laws, including any relief under the Convention Against Torture; or

(C) file any application or petition to obtain such admission, entry, or status.

(2) FINANCIAL SANCTIONS.—The President shall freeze and prohibit all transactions in all property and interests in property of an individual on the list required by subsection (c)(1) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(e) EXCEPTIONS TO COMPLY WITH INTERNATIONAL AGREEMENTS.—The President may, by regulation, authorize exceptions to the imposition of sanctions under this section to permit the United States to comply with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force November 21, 1947, and other applicable international agreements.

(f) WAIVER.—The President may waive the requirement to impose or maintain sanctions with respect to an individual under subsection (b) or the requirement to include an individual on the list required by subsection (c)(1) if the President—

(1) determines that such a waiver is in the national interest of the United States; and

(2) submits to the appropriate congressional committees a report describing the reasons for the determination.

(g) TERMINATION OF SANCTIONS.—The provisions of this section shall terminate on the date on which the President determines and certifies to the appropriate congressional committees that the Government of Vietnam has—

(1) unconditionally released all political prisoners;

(2) ceased its practices of violence, unlawful detention, torture, and abuse of nationals of Vietnam while those nationals are engaging in peaceful political activity; and

(3) conducted a transparent investigation into the killings, arrest, and abuse of peaceful political activists in Vietnam and prosecuted those responsible.

SEC. 4. SENSE OF CONGRESS ON DESIGNATION OF VIETNAM AS A COUNTRY OF PARTICULAR CONCERN WITH RESPECT TO RELIGIOUS FREEDOM.

It is the sense of Congress that—

(1) the relationship between the United States and Vietnam cannot progress while the record of the Government of Vietnam with respect to human rights and the rule of law continues to deteriorate;

(2) the designation of Vietnam as a country of particular concern for religious freedom pursuant to section 402(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(b)(1)) would be a powerful and effective tool in highlighting abuses of religious freedom in Vietnam and in encouraging improvement in the respect for human rights in Vietnam; and

(3) the Secretary of State should, in accordance with the recommendation of the United States Commission on International Religious Freedom, designate Vietnam as a country of particular concern for religious freedom.

By Mr. CARDIN (for himself, Mr. KIRK, Ms. MIKULSKI, Ms. MURKOWSKI, Mr. HARKIN, Mr. SANDERS, Mr. LEVIN, Mr. MENENDEZ, Ms. STABENOW, Mr. HEINRICH, Mrs. BOXER, Mrs. GILLIBRAND, Mr. DURBIN, Mr. LAUTENBERG, Mr. MURPHY, Ms. BALDWIN, Ms. LANDRIEU, Mr. BROWN, Mr. BEGICH, and Ms. HIRONO):

S.J. Res. 15. A joint resolution removing the deadline for the ratification of the equal rights amendment; to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, as we prepare to celebrate Mother's Day this Sunday, I am today introducing a joint resolution which would remove the deadline for the ratification by the States of the equal rights amendment, the ERA.

I thank my cosponsors. As of this morning my cosponsors included Senator KIRK, Senator MIKULSKI, Senator MURKOWSKI, Senator HARKIN, Senator SANDERS, Senator LEVIN, Senator MENENDEZ, Senator STABENOW, Senator HEINRICH, Senator BOXER, Senator GILLIBRAND, Senator DURBIN, Senator LAUTENBERG, Senator MURPHY, Senator BALDWIN, Senator LANDRIEU, Senator BROWN, and Senator BEGICH.

When Congress passed the ERA in 1972, it provided that the measure had to be ratified by three-fourths of the States, or 38 States, within 7 years. This deadline was later extended to 10 years by a joint resolution enacted by Congress, but ultimately only 35 of the 38 States required ratified the ERA when the deadline expired in 1982. Congress has the authority to give the States another chance, and should do so. I want to point out to my colleagues that in 1992, the 27th Amendment to the Constitution prohibiting immediate Congressional pay raises was ratified after 203 years. So this additional delay is certainly in keeping with our prior precedent.

Article 5 of the Constitution contains no time limit for the ratification of constitutional changes, and the ERA time limit was contained in a joint resolution, not the actual text of the amendment.

The 14th Amendment of the Constitution requires equal protection of the laws, and so far the Supreme Court has held most sex and gender classifications are subject only to intermediate scrutiny when analyzing the laws that have a discriminatory impact. In other words, right now gender discrimination does not have the strict interpretation standard; it is not subject to the higher standard which it should be.

In 2011, Supreme Court Justice Scalia gave an interview in which he stated:

> Certainly the Constitution does not require discrimination on the basis of sex. The only issue is whether it prohibits it. It doesn't.

In other words, we don't have that protection in the Constitution today. Ratification of the ERA by State legislatures would provide the courts with a clearer guidance in holding gender or sex clarification to the strict scrutiny standard.

The ERA is a simple and straightforward constitutional amendment. It reads:

> Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

The amendment gives power to Congress to enforce its provisions by appropriate legislation, and the amendment would take effect 2 years after ratification.

Today nearly half the States have a version of ERA written into their State constitutions. The constitution of my own State of Maryland reads that ''Equality of rights under the law shall not be abridged or denied because of sex.''

I am therefore pleased to introduce this joint resolution today, and I thank Representative ANDREWS for introducing a companion version in the House today as well. This legislation is endorsed by a wide variety of groups, including United 4 Equality, the National Council of Women's Organizations, the American Association of University Women, Business & Professional Women's Foundation, Federally Employed Women, and the U.S. Women's Chamber of Commerce.

I urge my colleagues to support this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 135—DESIGNATING THE WEEK OF OCTOBER 7 THROUGH OCTOBER 13, 2013, AS ''NATUROPATHIC MEDICINE WEEK'' TO RECOGNIZE THE VALUE OF NATUROPATHIC MEDICINE IN PROVIDING SAFE, EFFECTIVE, AND AFFORDABLE HEALTH CARE

Ms. MIKULSKI submitted the following resolution; which was referred to the Committee on the Judiciary: