

Chamber I would have voted in favor of this important piece of legislation. I supported this legislation when it was reported out of the Armed Services Committee. I would also like to thank Senator LEVIN and Senator INHOFE for their tireless efforts to complete this bill and fulfill our commitments to the men and women serving our country.

Mr. WARNER. Madam President, I would like to call attention to a provision within the National Defense Authorization Act for Fiscal Year 2014.

I would like to thank Chairman LEVIN, Ranking Member INHOFE, Chairman MCKEON, and Ranking Member SMITH, for including in this year's National Defense Authorization Act my amendment, with Senators COLLINS, KAINE, and GRASSLEY, to expand whistleblower and enhance protections for servicemembers who alert authorities to misconduct that includes sexual assaults and other sexual misconduct. I would like to thank my colleagues, Senators COLLINS, KAINE and GRASSLEY, for their partnership in winning this breakthrough in newly-strengthened free speech rights for our troops when they defend accountability in the military services. It is important to be clear about a cornerstone of our amendment, which is the guaranteed right to an administrative due process hearing in all whistleblower retaliation cases. New subsection f(3)(B) provides that if the Secretary does not make a finding of illegal retaliation and order corrective action, the case shall be forwarded to the appropriate Board for Corrections of Military Records to receive a mandatory administrative due process hearing, "when appropriate." There should not be any confusion. It is always appropriate to forward the case for hearing if jurisdiction exists for whistleblower retaliation alleged in the servicemember's complaint. It is only inappropriate if another provision of law provides the relevant rights, procedures and remedies to resolve the complaint, such as when the alleged misconduct is sexual harassment per se as opposed to whistleblower retaliation for disclosing sexual harassment.

Mr. UDALL of Colorado. Madam President, I rise today to welcome the final passage of the 2014 National Defense Authorization Act—frequently referred to as the NDAA. I would like to thank Armed Services Committee Chairman LEVIN and Ranking Member INHOFE, as well as Chairman MCKEON and Ranking Member SMITH in the House of Representatives, for their tireless and collaborative efforts in securing this critical piece of legislation. Although the NDAA did not go through the optimal amendment process, its passage today extends the necessary authorities to implement our national security strategy and support and protect Colorado's military community. As we head into the second session of the 113th Congress, I hope that we will remain mindful of the importance of a full and robust debate and ensure that the 2015 NDAA is open to amendments on the floor of the Senate.

As the chairman of the Strategic Forces Subcommittee, I also want to thank my friend and colleague on the committee, Ranking Member SESSIONS. Senator SESSIONS has a long tenure on the subcommittee, and I have benefited from his experience. I am grateful for the collegiality he has shown over the past year, and I look forward to starting our work together again in the next session.

I would also like to recognize the staff of the subcommittee for their tremendous support and dedication. For Senator SESSIONS and his subcommittee staff, I want to thank Dr. Robert Soofer, who advises on nuclear and missile defense matters, and Daniel Lerner, who advises on space, intelligence and cyber security. I also want to thank both Pete Landrum, Senator SESSIONS' senior defense policy adviser and Casey Howard, my military legislative assistant. On my subcommittee staff, Jonathan Epstein, deserves great credit for his work on nuclear weapons, space, and a host of other issues. Richard Fieldhouse, who advises on missile defense, and Kirk McConnell, who assists me on cyber and intelligence, also have my thanks and respect. Finally, special thanks to Lauren Gillis, the subcommittee's staff assistant, for her countless hours of preparation for our hearings, working with witnesses, and organizing our subcommittee markup.

In closing, I would like to highlight one provision of the 2014 NDAA, section 3112, which establishes an Office of Cost Analysis and Program Evaluation in the National Nuclear Security Administration, NNSA. I want to be clear that the establishment of this new office was not meant to in any way alter the responsibilities and oversight of the Naval Reactors Program—a division of the NNSA that has a long track record of producing high quality projects on time and within budget. The Naval Reactors Program has traditionally been semi-independent within the NNSA, being dual hatted with fleet activities of the Navy, whose overall responsibilities are found and carried out under Executive Order No. 12344. While section 3112 speaks to the NNSA as a whole, it was not our intent to include the Naval Reactors Program under the purview of the new Office of Cost Analysis and Program Evaluation. During the next session, I will work with my colleagues in both the House and the Senate to correct this provision and reflect that intent.

Mr. GRASSLEY. Madam President, it is a great pleasure to thank my colleagues, Senators WARNER, COLLINS, and KAINE, for their partnership in winning this breakthrough in newly-strengthened whistleblower protections for our troops. It is important to be clear about a cornerstone of our amendment, which is the guaranteed right to an administrative due process hearing in all whistleblower retaliation cases. New subsection f(3)(B) provides that if the Secretary does not make a finding of illegal retaliation and order

corrective action, the case shall be forwarded to the appropriate Board for Corrections of Military Records to receive a mandatory administrative due process hearing, "when appropriate." There should not be any confusion. It is always appropriate to forward the case for hearing if jurisdiction exists for whistleblower retaliation alleged in the servicemember's complaint. It is only inappropriate if another provision of law provides the relevant rights, procedures and remedies to resolve the complaint, such as when the alleged misconduct is sexual harassment per se as opposed to whistleblower retaliation for disclosing sexual harassment.

BANGLADESH ELECTIONS

Mr. DURBIN. Madam President, last week Senators ENZI, MURPHY and I introduced a resolution on the political tensions in Bangladesh as that country prepares for a national election on January 5.

Since then, Senators BOXER, BOOZMAN, SHAHEEN, KAINE, BLUNT, and MENENDEZ have also cosponsored and yesterday the Senate Foreign Relations Committee voted unanimously in support of the measure.

The resolution calls for peaceful political dialogue between the country's various political factions in the hopes that the election will go forward in a credible and peaceful manner.

With so much else going on in the world from Ukraine to Iran, one might wonder why focus on elections in Bangladesh?

My interest is in part due to the role of Nobel Prize, Presidential Medal of Freedom, and Congressional Gold Medal winner Professor Mohammad Yunus, whom many may know from his pioneering work to help the world's poor through microfinance programs.

Professor Yunus has done so much to help the poor of Bangladesh and the world, particularly poor women, that former Senator Bob Bennett and I, as well as Congressman RUSH HOLT, led an effort several years ago to award him the Congressional Gold Medal. That bill passed both chambers of Congress in 2010, and earlier this year we gave him this award in the Capitol Rotunda.

It was a deeply moving event.

Sadly—and almost inexplicably—during the same period that Bangladesh was in such an international spotlight, its government pursued a mean-spirited and bewildering effort to undermine the Grameen Bank's independence and remove Professor Yunus from his leadership role.

I and others wrote repeatedly to Bangladeshi Prime Minister Sheikh Hasina urging her to not take such destructive and counterproductive measures.

Last year, Senator BOXER led a letter with all 17 women of the Senate to Hasina that called on the Bangladeshi government to stop interfering in the management of Grameen Bank.

Those Senators pointed out that its 8.3 million borrowers are mostly

women who gain financial independence and help support their families through its important programs.

I am sorry to report that the Government of Bangladesh ignored all such calls and just last month essentially imposed state control over the bank.

Yunus responded by saying, "Grameen Bank was created as a bank owned by poor women, and managed by poor women. Its legal structure did not allow any government interference of any kind, except for regulatory oversight." The government-imposed changes, "fundamentally changing the character of the bank. With these amendments, the government has opened the door for its ultimate destruction. What a shame for the nation, and the whole world!"

So understandably this Senate resolution calls on the government of Bangladesh to restore the independence of the Grameen Bank.

There is more at stake in Bangladesh that should be of concern to the United States and the world.

You see, Bangladesh is a relatively stable, moderate, Muslim democracy with the world's seventh largest population and the world's fourth largest Muslim population.

And despite many difficult years since its independence from Pakistan in 1971, it has often stood out as an example of a moderate and diverse Muslim democracy—one that deserves the world's attention and support.

Yet, tragically, as Bangladesh nears another national election, it has experienced considerable political unrest with hundreds perishing in violent clashes.

The country's opposition coalition has called for numerous nationwide strikes and transportation blockades, resulting in further violence, instability, and the disruption of students' abilities to attend school.

Last week United Nations Assistant Secretary General Oscar Fernandez Taranco visited Bangladesh to try and foster political dialogue between Bangladesh's political parties and leaders to bring a halt to the violence and allow for a credible and peaceful election period.

His efforts are to be supported, and this resolution reaffirms his call for peaceful political dialogue.

The squabbles between Bangladesh's political parties distract from the real progress that has been made—and should continue to be made—in alleviating the country's widespread poverty.

For example, between 2005 and 2010 Bangladesh reduced its poverty rate from 40 to 31 percent of the population.

This is where the country's political leadership should continue to focus, not on perpetuating personal animosity between the two main political parties.

So our resolution states the obvious:

It condemns the political violence,

It urges the country's political leaders to engage directly in a dialogue to-

ward free, fair, and credible elections; it expresses great concern about the country's political deadlock that distracts from so many other pressing problems; and it urges the Government of Bangladesh to ensure judicial independence, end harassment of human rights activists, and restore the independence of the Grameen Bank.

The United States relationship with Bangladesh is strong and includes considerable trade and cooperation on such issues as counterterrorism, counter-piracy, food security, and regional stability.

Peaceful democratic elections and greater respect for the Grameen Bank will only further those ties.

I urge the full Senate to pass this resolution before we adjourn.

PEPFAR

Mr. COBURN. Madam President, PEPFAR has been and remains one of the most successful foreign policy achievements of the United States in the 21st century. This unprecedented humanitarian effort has touched millions, either through providing life-saving HIV/AIDS treatment, keeping together families impacted by the disease, caring for orphans, or improving the lives of others affected and infected by this horrible disease as well as tuberculosis and malaria. In an era of war abroad and deep political divisions at home, this program is one that has bipartisan support here and has generated good will toward the United States abroad. Every American should be proud of the success of this initiative as it represents what is great about our Nation and has restored hope for so many.

The Senate Foreign Relations Committee worked hard to get S. 1545, the PEPFAR Stewardship and Oversight Act, through this Chamber. I thank Chairman MENENDEZ and Ranking Member CORKER for their cooperation and attentiveness in the process. This bill, which became law on December 2, is a positive step toward increasing program transparency and accountability in PEPFAR's annual report. It also renews and strengthens several components of the last reauthorization, including Global Fund governance provisions and the requirement that more than 50 percent of PEPFAR's appropriations to be spent on treatment and essential medical care.

This latter component, the treatment spending requirement, is one of the key accountability provisions my colleagues and I fought for in the past. In short, PEPFAR is required to spend at least 50 percent of its appropriations on essential medical treatment and care. Members on both sides of the aisle voted for authorizations with this treatment floor. Congress sought to prevent the program from straying from its core mission of treating and caring for patients. If PEPFAR were to lose sight of this goal, the result would not just be a waste of money, it would

be lives lost on account of mission creep. We cannot let PEPFAR become another well-intentioned but unfruitful and nebulous international development program.

This statutory treatment floor has changed somewhat over the last decade, but the purpose has remained the same throughout: to focus more than half of PEPFAR's total appropriations on essential treatment and medical care. Unfortunately, as I will discuss in a moment, the Office of the U.S. Global Coordinator, OGAC, at the Department of State has not been following this law. Rather, it has excluded a significant portion of its appropriations from the calculation and is now spending less than is statutorily required on treatment and care.

The original PEPFAR authorization in 2003, P.L. 108-25, first included a treatment spending floor that said, "Not less than 55 percent of the amounts appropriated pursuant to the authorization of appropriations . . . shall be expended for therapeutic medical care of individuals infected with HIV, of which such amount at least 75 percent should be expended for the purchase and distribution of antiretroviral pharmaceuticals and at least 25 percent should be for related care."

Similarly, the full reauthorization of PEPFAR in 2008, P.L. 110-293, included a treatment requirement that said, "More than half of the amounts appropriated for bilateral global HIV/AIDS assistance . . . shall be expended for . . . (1) antiretroviral treatment for HIV/AIDS; (2) clinical monitoring of HIV-seropositive people not in need of antiretroviral treatment; (3) care for associated opportunistic infections; (4) nutrition and food support for people living with HIV/AIDS; and (5) other essential HIV/AIDS-related medical care for people living with HIV/AIDS."

This version expanded somewhat on the original category of "therapeutic medical care," but Congress maintained a minimum percentage of appropriations intended for direct care and treatment services.

Lastly, the recent PEPFAR legislation, S.1545, now P.L. 113-56, reiterates and even clarifies the treatment requirement further. This new law says more than half of the funds appropriated for activities under section 104A of the Foreign Assistance Act—which contains all of PEPFAR's functions ranging from drug treatment to training health professionals and capacity building—need to be going to these five categories of essential medical treatment and care.

None of these definitions from laws in 2003, 2008, or 2013 has allowed for an exclusion of certain components of PEPFAR's funding from the treatment calculation. No appropriations bill has implemented an exception to the calculation. The charge and requirement has always been to examine total PEPFAR appropriations in a given year and ensure at least half goes to services in these five categories.