

amend the provisions of title 46, United States Code, related to the Board of Visitors to the United States Merchant Marine Academy, and for other purposes.

SA 3443. Mr. REID (for Mr. COONS) proposed an amendment to the bill S. 1799, to reauthorize subtitle A of the Victims of Child Abuse Act of 1990.

TEXT OF AMENDMENTS

SA 3388. Mr. REED (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1087. RESOLUTION OF CONTROVERSIES UNDER SERVICEMEMBERS CIVIL RELIEF ACT.

(a) ELECTION OF ARBITRATION.—

(1) IN GENERAL.—Section 102 of the Servicemembers Civil Relief Act (50 U.S.C. App. 512) is amended by adding at the end the following new subsection:

“(d) WRITTEN CONSENT REQUIRED FOR ARBITRATION.—Notwithstanding any other provision of law, whenever a contract with a servicemember, or a servicemember and the servicemember’s spouse jointly, provides for the use of arbitration to resolve a controversy subject to a provision of this Act and arising out of or relating to such contract, arbitration may be used to settle such controversy only if, after such controversy arises, all parties to such controversy consent in writing to use arbitration to settle such controversy.”.

(2) APPLICABILITY.—Subsection (d) of such section, as added by paragraph (1), shall apply with respect to contracts entered into, amended, altered, modified, renewed, or extended after the date of the enactment of this Act.

(b) LIMITATION ON WAIVER OF RIGHTS AND PROTECTIONS.—

(1) IN GENERAL.—Section 107(a) of the Servicemembers Civil Relief Act (50 U.S.C. App. 517(a)) is amended—

(A) in the second sentence, by inserting “and if it is made after a specific dispute has arisen and the dispute is identified in the waiver” after “to which it applies”; and

(B) in the third sentence, by inserting “and if it is made after a specific dispute has arisen and the dispute is identified in the waiver” after “period of military service”.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply with respect to waivers made on or after the date of the enactment of this Act.

(c) PRESERVATION OF RIGHT TO BRING CLASS ACTION.—

(1) IN GENERAL.—Section 802(a) of the Servicemembers Civil Relief Act (50 U.S.C. App. 597a(a)) is amended—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(3) be a representative party on behalf of members of a class or be a member of a class, in accordance with the Federal Rules of Civil Procedure, notwithstanding any previous agreement to the contrary.”.

(2) CONSTRUCTION.—The amendments made by paragraph (1) shall not be construed to imply that a person aggrieved by a violation of such Act did not have a right to bring a civil action as a representative party on behalf of members of a class or be a member of a class in a civil action before the date of the enactment of this Act.

SA 3389. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VI, add the following:

SEC. 605. ROLE FOR DEPARTMENT OF JUSTICE UNDER MILITARY LENDING ACT.

(a) ENFORCEMENT BY THE ATTORNEY GENERAL.—Subsection (f) of section 987 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(7) ENFORCEMENT BY THE ATTORNEY GENERAL.—

“(A) IN GENERAL.—The Attorney General may commence a civil action in any appropriate district court of the United States against any person who—

“(i) engages in a pattern or practice of violating this section; or

“(ii) engages in a violation of this section that raises an issue of general public importance.

“(B) RELIEF.—In a civil action commenced under subparagraph (A), the court—

“(i) may grant any appropriate equitable or declaratory relief with respect to the violation of this section;

“(ii) may award all other appropriate relief, including monetary damages, to any person aggrieved by the violation; and

“(iii) may, to vindicate the public interest, assess a civil penalty—

“(I) in an amount not exceeding \$110,000 for a first violation; and

“(II) in an amount not exceeding \$220,000 for any subsequent violation.

“(C) INTERVENTION.—Upon timely application, a person aggrieved by a violation of this section with respect to which the civil action is commenced may intervene in such action, and may obtain such appropriate relief as the person could obtain in a civil action under paragraph (5) with respect to that violation, along with costs and a reasonable attorney fee.

“(D) ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS.—Whenever the Attorney General, or a designee, has reason to believe that any person may be in possession, custody, or control of any documentary material relevant to an investigation under this section, the Attorney General, or a designee, may, before commencing a civil action under subparagraph (A), issue in writing and cause to be served upon such person, a civil investigative demand requiring—

“(i) the production of such documentary material for inspection and copying;

“(ii) that the custodian of such documentary material answer in writing written questions with respect to such documentary material; or

“(iii) the production of any combination of such documentary material or answers.

“(E) RELATIONSHIP TO FALSE CLAIMS ACT.—The statutory provisions governing the authority to issue, use, and enforce civil investigative demands under section 3733 of title 31 (known as the ‘False Claims Act’) shall

govern the authority to issue, use, and enforce civil investigative demands under subparagraph (D), except that—

“(i) any reference in that section to false claims law investigators or investigations shall be applied for purposes of subparagraph (D) as referring to investigators or investigations under this section;

“(ii) any reference in that section to interrogatories shall be applied for purposes of subparagraph (D) as referring to written questions, and answers to such need not be under oath;

“(iii) the statutory definitions for purposes of that section relating to ‘false claims law’ shall not apply; and

“(iv) provisions of that section relating to qui tam relators shall not apply.”.

(b) CONSULTATION WITH DEPARTMENT OF JUSTICE IN PRESCRIPTION OF REGULATIONS.—Subsection (h)(3) of such section is amended by adding at the end the following new subparagraph:

“(H) The Department of Justice.”.

SA 3390. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle I—Matters Relating to the Servicemembers Civil Relief Act

SEC. 1091. TERMINATION OF RESIDENTIAL LEASES AFTER ASSIGNMENT OR RELOCATION TO QUARTERS OF UNITED STATES OR HOUSING FACILITY UNDER JURISDICTION OF UNIFORMED SERVICE.

(a) TERMINATION OF RESIDENTIAL LEASES.—(1) IN GENERAL.—Section 305 of the Servicemembers Civil Relief Act (50 U.S.C. App. 535) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (A), by striking “or” at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following new subparagraph:

“(C) in the case of a lease described in subsection (b)(1) and subparagraph (C) of such subsection, the date the lessee is assigned to or otherwise relocates to quarters or a housing facility as described in such subparagraph.”; and

(B) in subsection (b)(1)—

(i) in subparagraph (A), by striking “or” at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following new subparagraph:

“(C) the lease is executed by or on behalf of a person who thereafter and during the term of the lease is assigned to or otherwise relocates to quarters of the United States or a housing facility under the jurisdiction of a uniformed service (as defined in section 101 of title 37, United States Code), including housing provided under the Military Housing Privatization Initiative.”.

(2) MANNER OF TERMINATION.—Subsection (c)(1) of such section is amended—

(A) in subparagraph (A)—

(i) by inserting “in the case of a lease described in subsection (b)(1) and subparagraph (A) or (B) of such subsection,” before “by delivery”; and

(ii) by striking “and” at the end;

(B) by redesignating subparagraph (B) as subparagraph (C); and

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

“(B) in the case of a lease described in subsection (b)(1) and subparagraph (C) of such subsection, by delivery by the lessee of written notice of such termination, and a letter from the servicemember’s commanding officer indicating that the servicemember has been assigned to or is otherwise relocating to quarters of the United States or a housing facility under the jurisdiction of a uniformed service (as defined in section 101 of title 37, United States Code), to the lessor (or the lessor’s grantee), or to the lessor’s agent (or the agent’s grantee); and”.

(b) DEFINITION OF MILITARY ORDERS AND CONTINENTAL UNITED STATES FOR PURPOSES OF ACT.—

(1) TRANSFER OF DEFINITIONS.—Such Act is further amended by transferring paragraphs (1) and (2) of section 305(i) (50 U.S.C. App. 535(i)) to the end of section 101 (50 U.S.C. App. 511) and redesignating such paragraphs, as so transferred, as paragraphs (10) and (11).

(2) CONFORMING AMENDMENTS.—Such Act is further amended—

(A) in section 305 (50 U.S.C. App. 535), as amended by paragraph (1), by striking subsection (1); and

(B) in section 705 (50 U.S.C. App. 595), by striking “or naval” both places it appears.

SEC. 1092. PROTECTION OF SURVIVING SPOUSE WITH RESPECT TO MORTGAGE FORECLOSURE.

(a) IN GENERAL.—Title III of the Servicemembers Civil Relief Act (50 U.S.C. App. 531 et seq.) is amended by inserting after section 303 (50 U.S.C. App. 533) the following new section:

“SEC. 303A. PROTECTION OF SURVIVING SPOUSE WITH RESPECT TO MORTGAGE FORECLOSURE.

“(a) IN GENERAL.—Subject to subsection (b), with respect to a servicemember who dies while in military service and who has a surviving spouse who is the servicemember’s successor in interest to property covered under section 303(a), section 303 shall apply to the surviving spouse with respect to that property during the one-year period beginning on the date of such death in the same manner as if the servicemember had not died.

“(b) NOTICE REQUIRED.—

“(1) IN GENERAL.—To be covered under this section with respect to property, a surviving spouse shall submit written notice that such surviving spouse is so covered to the mortgagee, trustee, or other creditor of the mortgage, trust deed, or other security in the nature of a mortgage with which the property is secured.

“(2) TIME.—Notice provided under paragraph (1) shall be provided with respect to a surviving spouse anytime during the one-year period beginning on the date of death of the servicemember with respect to whom the surviving spouse is to receive coverage under this section.

“(3) ADDRESS.—Notice provided under paragraph (1) with respect to property shall be provided via e-mail, facsimile, standard post, or express mail to facsimile numbers and addresses, as the case may be, designated by the servicer of the mortgage, trust deed, or other security in the nature of a mortgage with which the property is secured.

“(4) MANNER.—Notice provided under paragraph (1) shall be provided in writing by using a form designed under paragraph (5) or submitting a copy of a Department of Defense or Department of Veterans Affairs document evidencing the military service-related death of a spouse while in military service.

“(5) OFFICIAL FORMS.—The Secretary of Defense shall design and distribute an official

Department of Defense form that can be used by an individual to give notice under paragraph (1).”.

(b) EFFECTIVE DATE.—Section 303A of such Act, as added by subsection (a), shall apply with respect to deaths that occur on or after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act (50 U.S.C. App. 501) is amended by inserting after the item relating to section 303 the following new item:

“Sec. 303A. Protection of surviving spouse with respect to mortgage foreclosure.”.

SA 3391. Mrs. FEINSTEIN (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, insert the following:

SEC. 1087. TRANSNATIONAL DRUG TRAFFICKING ACT.

(a) SHORT TITLE.—This section may be cited as the “Transnational Drug Trafficking Act of 2014”.

(b) POSSESSION, MANUFACTURE OR DISTRIBUTION FOR PURPOSES OF UNLAWFUL IMPORTATIONS.—Section 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 959) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) in subsection (a), by striking “It shall” and all that follows and inserting the following: “It shall be unlawful for any person to manufacture or distribute a controlled substance in schedule I or II or flunitrazepam or a listed chemical intending, knowing, or having reasonable cause to believe that such substance or chemical will be unlawfully imported into the United States or into waters within a distance of 12 miles of the coast of the United States.

“(b) It shall be unlawful for any person to manufacture or distribute a listed chemical—

“(1) intending or knowing that the listed chemical will be used to manufacture a controlled substance; and

“(2) intending, knowing, or having reasonable cause to believe that the controlled substance will be unlawfully imported into the United States.”.

(c) TRAFFICKING IN COUNTERFEIT GOODS OR SERVICES.—Chapter 113 of title 18, United States Code, is amended—

(1) in section 2318(b)(2), by striking “section 2320(e)” and inserting “section 2320(f)”; and

(2) in section 2320—

(A) in subsection (a), by striking paragraph (4) and inserting the following:

“(4) traffics in a drug and knowingly uses a counterfeit mark on or in connection with such drug.”;

(B) in subsection (b)(3), in the matter preceding subparagraph (A), by striking “counterfeit drug” and inserting “drug that uses a counterfeit mark on or in connection with the drug”; and

(C) in subsection (f), by striking paragraph (6) and inserting the following:

“(6) the term ‘drug’ means a drug, as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).”.

SA 3392. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 737. ANTIMICROBIAL STEWARDSHIP PROGRAM AT MEDICAL FACILITIES OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall carry out an antimicrobial stewardship program at medical facilities of the Department of Defense.

(b) COLLECTION AND USE OF DATA.—In carrying out the antimicrobial stewardship program required by subsection (a), the Secretary shall—

(1) develop a consistent manner in which to collect and analyze data on antibiotic usage, health issues related to antibiotic usage (such as *Clostridium difficile* infections), and antimicrobial resistance trends at medical facilities of the Department in order to evaluate how well the program is improving health care provided to members of the Armed Forces and reducing the inappropriate use of antibiotics at such facilities; and

(2) provide data on antibiotic usage and antimicrobial resistance trends at facilities of the Department to the National Healthcare Safety Network of the Centers for Disease Control and Prevention.

(c) STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a strategy for carrying out the antimicrobial stewardship program required by subsection (a).

SA 3393. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X of division A, add the following:

SEC. 1087. TRANSFER OF ADMINISTRATIVE JURISDICTION, BADGER ARMY AMMUNITION PLANT, BARABOO, WISCONSIN.

(a) DEFINITIONS.—In this section:

(1) PLANT.—The term “plant” means the former Badger Army Ammunition Plant near Baraboo, Wisconsin.

(2) PROPERTY.—The term “Property” includes—

(A) the plant;

(B) any land located in Sauk County, Wisconsin, and managed by the Federal Government relating to the plant; and

(C) any structure on the land described in subparagraph (B).

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—The Secretary of Defense shall transfer to the Secretary of the Interior administrative jurisdiction over the approximately 1,553 acres of land located within the boundary of the Property, to be held in trust by the Secretary of the Interior for the benefit of the Ho-Chunk Nation.

(2) DATE OF TRANSFER.—

(A) IN GENERAL.—The transfer of all land described in paragraph (1) shall be carried out not later than 1 year after the latter of—

(i) the date on which environmental remediation activities on the land described in that paragraph are finalized; and

(ii) the date of enactment of this Act.

(B) FINALIZATION OF ENVIRONMENTAL REMEDIATION ACTIVITIES.—For purposes of this paragraph, environmental remediation activities on a parcel of land to be transferred under paragraph (1) are considered to be finalized on the date on which the Department of Natural Resources of the State of Wisconsin makes a final case closure and no-action-required determination for that parcel of land.

(3) TRANSFER OF PARCELS.—The Secretary of the Army may transfer the land described in paragraph (1) in parcels.

(4) LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary of Defense shall publish in the Federal Register a legal description of the land to be transferred under paragraph (1).

(C) RETENTION OF ENVIRONMENTAL RESPONSIBILITIES BY THE ARMY.—

(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding the transfer of administrative jurisdiction over the Property to the Secretary of the Interior under subsection (b)(1), the Secretary of the Army shall retain sole Federal responsibility and liability to fund and implement actions necessary for compliance with all environmental remediation activities required to support the land reuse identified in the final case closure and no-action-required determination of the Department of Natural Resources of the State of Wisconsin for any transferred parcel of the Property.

(2) LIMITATION.—The responsibility and liability of the Secretary of the Army described in paragraph (1) is limited to the remediation of environmental contamination caused by the activities of the Department of Defense that occurred before the date on which administrative jurisdiction over the land is transferred under this section.

SA 3394. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XXVIII, add the following:

SEC. 2842. WITHDRAWAL AND RESERVATION OF ADDITIONAL PUBLIC LAND FOR NAVAL AIR WEAPONS STATION, CHINA LAKE, CALIFORNIA.

(A) IN GENERAL.—Section 2971(b) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 1044) is amended—

(1) by striking “subsection (a) is the Federal land” and inserting the following: “subsection (a) is—

“(1) the Federal land”; and

(2) by striking “section 2912.” and inserting the following: “section 2912;

“(2) approximately 7,556 acres of public land described at Public Law 88-46 and commonly known as the Cuddeback Lake Air Force Range; and

“(3) approximately 4,480 acres comprised of all the public lands within: Sections 31 and 32 of Township 29S, Range 43E; Sections 12,

13, 24, and 25 of Township 30S, Range 42E; and Section 5 and the northern half of Section 6 of Township 31S, Range 43E, Mount Diablo Meridian, in the county of San Bernardino in the State of California, (but excluding the parcel identified as ‘AF Fee Simple’) as depicted on the map entitled: ‘Cuddeback Area of the Golden Valley Proposed Wilderness Additions, June 2014’.”.

(b) EXPIRATIONAL REPEAL.—The Act entitled “An Act to provide for the withdrawal and reservation for the use of the Department of the Air Force of certain public lands of the United States at Cuddeback Lake Air Force Range, California, for defense purposes”, as approved June 21, 1963 (Public Law 88-46; 77 Stat. 69), is repealed.

SA 3395. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 557. REPORT ON FEASIBILITY OF ASSESSMENT OF SEXUAL VIOLENCE INVOLVING RESERVE OFFICERS’ TRAINING CORPS CADETS.

(a) REPORT.—Not later than June 30, 2015, the Secretary of Defense shall, in consultation with the Secretary of Education, submit to the congressional defense committees a report setting forth an assessment of the feasibility of conducting a study of sexual violence involving cadets in the Reserve Officers’ Training Corps (ROTC) programs during fiscal years 2009 through 2014 in order to determine the extent of sexual violence in the Reserve Officers’ Training Corps programs and the need for reform of such programs in connection with such violence.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description and prioritization of the quantitative and qualitative data, including collection and assessment methodologies in compliance with applicable privacy laws, that should be used to assess the extent of sexual violence involving Reserve Officers’ Training Corps cadets for each Armed Forces and across the Armed Forces in general, including data on—

(A) alleged and proven incidents of sexual violence by Reserve Officers’ Training Corps cadets as reported to the Reserve Officers’ Training Corps programs, institutions of higher education, and law enforcement officials;

(B) alleged and proven incidents of sexual violence by students of institutions of higher education of demographics similar to the demographics of Reserve Officers’ Training Corps cadets as reported to institutions of higher education and law enforcement officials; and

(C) actions officially and unofficially taken by Reserve Officers’ Training Corps programs, institutions of higher education, and law enforcement officials in response to such alleged and proven incidents of sexual violence.

(2) An assessment of the feasibility of the collection and analysis of the data provided for in paragraph (1), including the methods and resources that would be necessary to collect, for sample sizes of sufficient size as to provide significant evidence for determining the extent, if any, of sexual violence involving Reserve Officers’ Training Corps cadets.

(3) A description of Reserve Officers’ Training Corps classroom information materials, course materials, and lesson plans related to education and training for prevention of sexual violence, and the process for developing such materials and lesson plans.

(4) A description of the processes of communication among Reserve Officers’ Training Corps program officials, institutions of higher education, and law enforcement officials about alleged and proven sexual violence incidents involving Reserve Officers’ Training Corps cadets.

(5) A description of the process to review the records of Reserve Officers’ Training Corps cadets, including disciplinary records, are evaluated prior to commissioning.

(6) Such other matters and recommendations with respect to the study required by subsection (a) as the Secretary considers appropriate.

SA 3396. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 738, in the table relating to Other Procurement, Army, insert after the item relating to Joint Light Tactical Vehicle an item relating to Family Medium Tactical Vehicles (FMTV), with a FY 2015 Request amount of “0” and a Senate Authorized amount of “50,000”.

On page 738, in the table relating to Other Procurement, Army, insert after the item relating to Family of Heavy Tactical Vehicles (FHTV) an item relating to Additional HEMTT ESP Vehicles, with a FY 2015 Request amount of “0” and a Senate Authorized amount of “50,000”.

SA 3397. Mr. CARDIN (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 2363, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

On page 53, after line 11, add the following:

TITLE III—FISH HABITAT CONSERVATION
SEC. 301. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) healthy populations of fish depend on the conservation, protection, restoration, and enhancement of fish habitats in the United States;

(2) fish habitats (including wetlands, streams, rivers, lakes, estuaries, and coastal and marine habitats) perform numerous valuable environmental functions that sustain environmental, social, and cultural values, including recycling nutrients, purifying water, attenuating floods, augmenting and maintaining stream flows, recharging ground water, acting as primary producers in the food chain, and providing essential and significant habitat for plants, fish, wildlife, and other dependent species;

(3) the extensive and diverse fish habitat resources of the United States are of enormous significance to the economy of the United States, providing—

(A) recreation for 60,000,000 anglers;

(B) more than 828,000 jobs and approximately \$115,000,000,000 in economic impact each year relating to recreational fishing; and

(C) approximately 575,000 jobs and an additional \$36,000,000,000 in economic impact each year relating to commercial fishing;

(4) at least 40 percent of all threatened species and endangered species in the United States are directly dependent on fish habitats;

(5) certain fish species are considered to be ecological indicators of fish habitat quality, such that the presence of those species reflects high-quality habitat for fish species;

(6) loss and degradation of fish habitat, riparian habitat, water quality, and water volume caused by activities such as alteration of watercourses, stream blockages, water withdrawals and diversions, erosion, pollution, sedimentation, and destruction or modification of wetlands have—

(A) caused significant declines in fish populations throughout the United States, especially declines in native fish populations; and

(B) resulted in economic losses to the United States;

(7)(A) providing for the conservation and sustainability of fish populations has not been fully realized, despite federally funded fish and wildlife restoration programs and other activities intended to conserve fish habitat; and

(B) conservation and sustainability may be significantly advanced through a renewed commitment and sustained, cooperative efforts that are complementary to existing fish and wildlife restoration programs and clean water programs;

(8) the National Fish Habitat Action Plan provides a framework for maintaining and restoring fish habitats to perpetuate populations of fish species;

(9) the United States can achieve significant progress toward providing fish habitats for the conservation and restoration of fish species through a voluntary, nonregulatory incentive program that is based on technical and financial assistance provided by the Federal Government;

(10) the creation of partnerships between local citizens, Indian tribes, Alaska Native organizations, corporations, nongovernmental organizations, and Federal, State, and tribal agencies is critical to the success of activities to restore fish habitats;

(11) the Federal Government has numerous land and water management agencies that are critical to the implementation of the National Fish Habitat Action Plan, including—

(A) the United States Fish and Wildlife Service;

(B) the Bureau of Land Management;

(C) the National Park Service;

(D) the Bureau of Reclamation;

(E) the Bureau of Indian Affairs;

(F) the National Marine Fisheries Service;

(G) the Forest Service;

(H) the Natural Resources Conservation Service; and

(I) the Environmental Protection Agency;

(12) the United States Fish and Wildlife Service, the Forest Service, the Bureau of Land Management, and the National Marine Fisheries Service each play a vital role in—

(A) the protection, restoration, and enhancement of the fish communities and fish habitats in the United States; and

(B) the development, operation, and long-term success of fish habitat partnerships and project implementation;

(13) the United States Geological Survey, the United States Fish and Wildlife Service, and the National Marine Fisheries Service each play a vital role in scientific evaluation, data collection, and mapping for fishery resources in the United States;

(14) the State and Territorial fish and wildlife agencies play a vital role in—

(A) the protection, restoration, and enhancement of the fish communities and fish

habitats in their respective States and territories; and

(B) the development, operation, and long-term success of fish habitat partnerships and project implementation; and

(15) many of the programs for conservation on private farmland, ranchland, and forestland that are carried out by the Secretary of Agriculture, including the Natural Resources Conservation Service and the State and Private Forestry programs of the Forest Service, are able to significantly contribute to the implementation of the National Fish Habitat Action Plan through the engagement of private landowners.

(b) PURPOSE.—The purpose of this title is to encourage partnerships among public agencies and other interested parties consistent with the mission and goals of the National Fish Habitat Action Plan—

(1) to promote intact and healthy fish habitats;

(2) to improve the quality and quantity of fish habitats and overall health of fish species;

(3) to increase the quality and quantity of fish habitats that support a broad natural diversity of fish and other aquatic species;

(4) to improve fish habitats in a manner that leads to improvement of the annual economic output from recreational, subsistence, and commercial fishing;

(5) to enhance fish and wildlife-dependent recreation;

(6) to coordinate and facilitate activities carried out by Federal departments and agencies under the leadership of—

(A) the Director of the United States Fish and Wildlife Service;

(B) the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration; and

(C) the Director of the United States Geological Survey; and

(7) to achieve other purposes in accordance with the mission and goals of the National Fish Habitat Action Plan.

SEC. 302. DEFINITIONS.

In this title:

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

(A) the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) ASSISTANT ADMINISTRATOR.—The term “Assistant Administrator” means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

(3) BOARD.—The term “Board” means the National Fish Habitat Board established by section 303(a)(1).

(4) CONSERVATION; CONSERVE; MANAGE; MANAGEMENT.—The terms “conservation”, “conserve”, “manage”, and “management” mean to maintain, sustain, and, where practicable, restore and enhance, using methods and procedures associated with modern scientific resource programs (including protection, research, census, law enforcement, habitat management, propagation, live trapping and transplantation, and the regulated harvesting of fish)—

(A) a healthy population of fish;

(B) a habitat required to sustain fish and fish populations; or

(C) a habitat required to sustain fish productivity.

(5) DIRECTOR.—The term “Director” means the Director of the United States Fish and Wildlife Service.

(6) FISH.—

(A) IN GENERAL.—The term “fish” means any freshwater, diadromous, estuarine, or marine finfish or shellfish.

(B) INCLUSIONS.—The term “fish” includes the egg, spawn, spat, larval, and other juvenile stages of an organism described in subparagraph (A).

(7) FISH AND WILDLIFE-DEPENDENT RECREATION.—The term “fish and wildlife-dependent recreation” means a use involving hunting, fishing, wildlife observation and photography, or conservation education and interpretation.

(8) FISH HABITAT.—

(A) IN GENERAL.—The term “fish habitat” means an area on which fish depend to carry out the life processes of the fish, including an area used by the fish for spawning, incubation, nursery, rearing, growth to maturity, food supply, or migration.

(B) INCLUSIONS.—The term “fish habitat” may include—

(i) an area immediately adjacent to an aquatic environment, if the immediately adjacent area—

(I) contributes to the quality and quantity of water sources; or

(II) provides public access for the use of fishery resources; and

(ii) an area inhabited by saltwater and brackish fish, including an offshore artificial marine reef in the Gulf of Mexico.

(9) FISH HABITAT CONSERVATION PROJECT.—

(A) IN GENERAL.—The term “fish habitat conservation project” means a project that—

(i) is submitted to the Board by a Partnership and approved by the Secretary under section 305; and

(ii) provides for the conservation or management of a fish habitat.

(B) INCLUSIONS.—The term “fish habitat conservation project” includes—

(i) the provision of technical assistance to a State, Indian tribe, or local community by the National Fish Habitat Conservation Partnership Program or any other agency to facilitate the development of strategies and priorities for the conservation of fish habitats; or

(ii) the voluntary obtaining of a real property interest in land or water, by a State, local government, or other non-Federal entity, including water rights, in accordance with terms and conditions that ensure that the real property will be administered for the long-term conservation of—

(I) the land or water; and

(II) the fish dependent on the land or water.

(10) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(11) NATIONAL FISH HABITAT ACTION PLAN.—The term “National Fish Habitat Action Plan” means the National Fish Habitat Action Plan dated April 24, 2006, and any subsequent revisions or amendments to that plan.

(12) PARTNERSHIP.—The term “Partnership” means an entity designated by the Board as a Fish Habitat Conservation Partnership pursuant to section 304(a).

(13) REAL PROPERTY INTEREST.—The term “real property interest” means an ownership interest in—

(A) land;

(B) water (including water rights); or

(C) a building or object that is permanently affixed to land.

(14) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(15) STATE.—The term “State” means—

(A) each of the several States;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) the Virgin Islands; and

(F) any other territory or possession of the United States.

(16) STATE AGENCY.—The term “State agency” means—

(A) the fish and wildlife agency of a State; (B) any department or division of a department or agency of a State that manages in the public trust the inland or marine fishery resources or sustains the habitat for those fishery resources of the State pursuant to State law or the constitution of the State; or (C) the fish and wildlife agency of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, or any other territory or possession of the United States.

(C) the fish and wildlife agency of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, or any other territory or possession of the United States.

SEC. 303. NATIONAL FISH HABITAT BOARD.

(a) ESTABLISHMENT.—

(1) FISH HABITAT BOARD.—There is established a board, to be known as the “National Fish Habitat Board”, whose duties are—

(A) to promote, oversee, and coordinate the implementation of this title and the National Fish Habitat Action Plan;

(B) to establish national goals and priorities for fish habitat conservation;

(C) to approve Partnerships; and

(D) to review and make recommendations regarding fish habitat conservation projects.

(2) MEMBERSHIP.—The Board shall be composed of 28 members, of whom—

(A) 1 shall be the Director;

(B) 1 shall be the Assistant Administrator;

(C) 1 shall be the Chief of the Natural Resources Conservation Service;

(D) 1 shall be the Chief of the Forest Service;

(E) 1 shall be the Assistant Administrator for Water of the Environmental Protection Agency;

(F) 1 shall be the President of the Association of Fish and Wildlife Agencies;

(G) 1 shall be the Secretary of the Board of Directors of the National Fish and Wildlife Foundation appointed pursuant to section 3(g)(2)(B) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702(g)(2)(B));

(H) 4 shall be representatives of State agencies, 1 of whom shall be nominated by a regional association of fish and wildlife agencies from each of the Northeast, Southeast, Midwest, and Western regions of the United States;

(I) 1 shall be a representative of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, or any other territory or possession of the United States;

(J) 1 shall be a representative of the American Fisheries Society;

(K) 2 shall be representatives of Indian tribes, of whom—

(i) 1 shall represent Indian tribes from the State of Alaska; and

(ii) 1 shall represent Indian tribes from the other States;

(L) 1 shall be a representative of the Regional Fishery Management Councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852);

(M) 1 shall be a representative of the Marine Fisheries Commissions, which is composed of—

(i) the Atlantic States Marine Fisheries Commission;

(ii) the Gulf States Marine Fisheries Commission; and

(iii) the Pacific States Marine Fisheries Commission;

(N) 1 shall be a representative of the Sportfishing and Boating Partnership Council; and

(O) 10 shall be representatives selected from each of the following groups:

(i) The recreational sportfishing industry.

(ii) The commercial fishing industry.

(iii) Marine recreational anglers.

(iv) Freshwater recreational anglers.

(v) Terrestrial resource conservation organizations.

(vi) Aquatic resource conservation organizations.

(vii) The livestock and poultry production industry.

(viii) The land development industry.

(ix) The row crop industry.

(x) Natural resource commodity interests, such as petroleum or mineral extraction.

(3) COMPENSATION.—A member of the Board shall serve without compensation.

(4) TRAVEL EXPENSES.—A member of the Board may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(b) APPOINTMENT AND TERMS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, a member of the Board described in any of subparagraphs (H) through (O) of subsection (a)(2) shall serve for a term of 3 years.

(2) INITIAL BOARD MEMBERSHIP.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the representatives of the board established by the National Fish Habitat Action Plan shall appoint the initial members of the Board described in subparagraphs (H), (I), (J), (L), (M), (N), and (O) of subsection (a)(2).

(B) TRIBAL REPRESENTATIVES.—Not later than 180 days after the enactment of this Act, the Secretary shall provide to the board established by the National Fish Habitat Action Plan a recommendation of not less than 4 tribal representatives, from which that board shall appoint 2 representatives pursuant to subparagraph (K) of subsection (a)(2).

(3) TRANSITIONAL TERMS.—Of the members described in subsection (a)(2)(O) initially appointed to the Board—

(A) 4 shall be appointed for a term of 1 year;

(B) 4 shall be appointed for a term of 2 years; and

(C) 3 shall be appointed for a term of 3 years.

(4) VACANCIES.—

(A) IN GENERAL.—A vacancy of a member of the Board described in subparagraphs (H), (I), (J), (L), (M), (N), and (O) of subsection (a)(2) shall be filled by an appointment made by the remaining members of the Board.

(B) TRIBAL REPRESENTATIVES.—Following a vacancy of a member of the Board described in subparagraph (K) of subsection (a)(2), the Secretary shall recommend to the Board a list of not less than 4 tribal representatives, from which the remaining members of the Board shall appoint a representative to fill the vacancy.

(5) CONTINUATION OF SERVICE.—An individual whose term of service as a member of the Board expires may continue to serve on the Board until a successor is appointed.

(6) REMOVAL.—If a member of the Board described in any of subparagraphs (H) through (O) of subsection (a)(2) misses 3 consecutive regularly scheduled Board meetings, the members of the Board may—

(A) vote to remove that member; and

(B) appoint another individual in accordance with paragraph (4).

(c) CHAIRPERSON.—

(1) IN GENERAL.—The Board shall elect a member of the Board to serve as Chairperson of the Board.

(2) TERM.—The Chairperson of the Board shall serve for a term of 3 years.

(d) MEETINGS.—

(1) IN GENERAL.—The Board shall meet—

(A) at the call of the Chairperson; but

(B) not less frequently than twice each calendar year.

(2) PUBLIC ACCESS.—All meetings of the Board shall be open to the public.

(e) PROCEDURES.—

(1) IN GENERAL.—The Board shall establish procedures to carry out the business of the Board, including—

(A) a requirement that a quorum of the members of the Board be present to transact business;

(B) a requirement that no recommendations may be adopted by the Board, except by the vote of $\frac{2}{3}$ of all members;

(C) procedures for establishing national goals and priorities for fish habitat conservation for the purposes of this title;

(D) procedures for designating Partnerships under section 304; and

(E) procedures for reviewing, evaluating, and making recommendations regarding fish habitat conservation projects.

(2) QUORUM.—A majority of the members of the Board shall constitute a quorum.

SEC. 304. FISH HABITAT PARTNERSHIPS.

(a) AUTHORITY TO APPROVE.—The Board may approve and designate Fish Habitat Partnerships in accordance with this section.

(b) PURPOSES.—The purposes of a Partnership shall be—

(1) to coordinate the implementation of the National Fish Habitat Action Plan at a regional level;

(2) to identify strategic priorities for fish habitat conservation;

(3) to recommend to the Board fish habitat conservation projects that address a strategic priority of the Board; and

(4) to develop and carry out fish habitat conservation projects.

(c) APPLICATIONS.—An entity seeking to be designated as a Partnership shall submit to the Board an application at such time, in such manner, and containing such information as the Board may reasonably require.

(d) APPROVAL.—The Board may approve an application for a Partnership submitted under subsection (c) if the Board determines that the applicant—

(1) identifies representatives to provide support and technical assistance to the Partnership from a diverse group of public and private partners, which may include Federal, State, or local governments, nonprofit entities, Indian tribes, and private individuals, that are focused on conservation of fish habitats to achieve results across jurisdictional boundaries on public and private land;

(2) is organized to promote the health of important fish habitats and distinct geographical areas, important fish species, or system types, including reservoirs, natural lakes, coastal and marine environments, and estuaries;

(3) identifies strategic fish and fish habitat priorities for the Partnership area in the form of geographical focus areas or key stressors or impairments to facilitate strategic planning and decisionmaking;

(4) is able to address issues and priorities on a nationally significant scale;

(5) includes a governance structure that—

(A) reflects the range of all partners; and

(B) promotes joint strategic planning and decisionmaking by the applicant;

(6) demonstrates completion of, or significant progress toward the development of, a strategic plan to address the decline in fish populations, rather than simply treating symptoms in accordance with the National Fish Habitat Action Plan; and

(7) promotes collaboration in developing a strategic vision and implementation program that is scientifically sound and achievable.

SEC. 305. FISH HABITAT CONSERVATION PROJECTS.

(a) **SUBMISSION TO BOARD.**—Not later than March 31 of each calendar year, each Partnership shall submit to the Board a list of fish habitat conservation projects recommended by the Partnership for annual funding under this title.

(b) **RECOMMENDATIONS BY BOARD.**—Not later than July 1 of each calendar year, the Board shall submit to the Secretary a description, including estimated costs, of each fish habitat conservation project that the Board recommends that the Secretary approve and fund under this title, in order of priority, for the following fiscal year.

(c) **CONSIDERATIONS.**—The Board shall select each fish habitat conservation project to be recommended to the Secretary under subsection (b)—

(1) based on a recommendation of the Partnership that is, or will be, participating actively in carrying out the fish habitat conservation project; and

(2) after taking into consideration—

(A) the extent to which the fish habitat conservation project fulfills a purpose of this title or a goal of the National Fish Habitat Action Plan;

(B) the extent to which the fish habitat conservation project addresses the national priorities established by the Board;

(C) the availability of sufficient non-Federal funds to match Federal contributions for the fish habitat conservation project, as required by subsection (e);

(D) the extent to which the fish habitat conservation project—

(i) increases recreational fishing opportunities for the public;

(ii) will be carried out through a cooperative agreement among Federal, State, and local governments, Indian tribes, and private entities;

(iii) increases public access to land or water for fish and wildlife-dependent recreational opportunities;

(iv) advances the conservation of fish and wildlife species that have been identified by the States as species in greatest need of conservation;

(v) where appropriate, advances the conservation of fish and fish habitats under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), other relevant Federal law, and State wildlife action plans; and

(vi) promotes strong and healthy fish habitats such that desired biological communities are able to persist and adapt; and

(E) the substantiality of the character and design of the fish habitat conservation project.

(d) **LIMITATIONS.**—

(1) **REQUIREMENTS FOR EVALUATION.**—No fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this title unless the fish habitat conservation project includes an evaluation plan designed—

(A) to appropriately assess the biological, ecological, or other results of the habitat protection, restoration, or enhancement activities carried out using the assistance;

(B) to reflect appropriate changes to the fish habitat conservation project if the assessment substantiates that the fish habitat conservation project objectives are not being met;

(C) to identify improvements to existing recreational fishing opportunities and the overall economic benefits for the local community of the fish habitat conservation project; and

(D) to require the submission to the Board of a report describing the findings of the assessment.

(2) **ACQUISITION OF REAL PROPERTY INTERESTS.**—

(A) **ACQUISITION OF REAL PROPERTY INTERESTS.**—

(i) **IN GENERAL.**—Subject to clause (ii), a State, local government, or other non-Federal entity shall be eligible to receive funds under this title for the acquisition of real property.

(ii) **RESTRICTION.**—No fish habitat conservation project that will result in the acquisition by a State, local government, or other non-Federal entity, in whole or in part, of any real property interest may be recommended by the Board under subsection (b) or provided financial assistance under this title unless the project meets the requirements of subparagraph (B).

(B) **REQUIREMENTS.**—

(i) **IN GENERAL.**—A real property interest may not be acquired pursuant to a fish habitat conservation project by a State, local government, or other non-Federal entity unless—

(I) the Secretary determines that the State, local government, or other non-Federal entity is obligated to undertake the management of the real property being acquired in accordance with the purposes of this title; and

(II) the owner of the real property authorizes the State, local government, or other non-Federal entity to acquire the real property.

(ii) **ADDITIONAL CONDITIONS.**—Any real property interest acquired by a State, local government, or other non-Federal entity pursuant to a fish habitat conservation project shall be subject to terms and conditions established by the Secretary providing for the long-term conservation and management of the fish habitat and the fish and wildlife dependent on that habitat.

(iii) **PUBLIC ACCESS.**—

(I) **IN GENERAL.**—Any acquisition of fee title to real property by a State, local government, or non-Federal entity pursuant to this title shall, where applicable and consistent with State laws and regulations, provide public access to that real property for compatible fish and wildlife-dependent recreation.

(II) **PUBLIC ACCESS.**—Public access to real property described in subclause (I) shall be closed only for purposes of protecting public safety, the property, or habitat.

(iv) **STATE AGENCY APPROVAL.**—

(I) **IN GENERAL.**—Any real property interest acquired by a State, local government, or other non-Federal entity under this title shall be approved by the applicable State agency in the State in which the fish habitat conservation project is carried out.

(II) **ADMINISTRATION.**—The Board shall not recommend, and the Secretary shall not provide any funding under this title for, the acquisition of any real property interest described in subclause (I) that has not been approved by the applicable State agency.

(v) **VIOLATION.**—If the State, local government, or other non-Federal entity violates any term or condition established by the Secretary under clause (ii), the Secretary may require the State, local government, or other non-Federal entity to refund all or part of any payments received under this title, with interest on the payments as determined appropriate by the Secretary.

(e) **NON-FEDERAL CONTRIBUTIONS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), no fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this title unless at least 50 percent of the cost of the fish habitat conservation project will be funded with non-Federal funds.

(2) **PROJECTS ON FEDERAL LAND OR WATER.**—Notwithstanding paragraph (1), Federal funds may be used for payment of 100 percent of the costs of a fish habitat conservation project located on Federal land or water.

(3) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of a fish habitat conservation project—

(A) may not be derived from a Federal grant program; but

(B) may include in-kind contributions and cash.

(4) **SPECIAL RULE FOR INDIAN TRIBES.**—Notwithstanding paragraph (1) or any other provision of law, any funds made available to an Indian tribe pursuant to this title may be considered to be non-Federal funds for the purpose of paragraph (1).

(f) **APPROVAL.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of receipt of the recommendations of the Board for fish habitat conservation projects under subsection (b), subject to the limitations under subsection (d), and based, to the maximum extent practicable, on the criteria described in subsection (c)—

(A) the Secretary shall approve, reject, or reorder the priority of any fish habitat conservation project recommended by the Board that is not within a marine or estuarine habitat; and

(B) the Secretary and the Secretary of Commerce shall jointly approve, reject, or reorder the priority of any fish habitat conservation project recommended by the Board that is within a marine or estuarine habitat.

(2) **FUNDING.**—If a fish habitat conservation project under paragraph (1) is approved by the Secretary, or the Secretary and the Secretary of Commerce jointly, the Secretary, or the Secretary and the Secretary of Commerce jointly, as applicable, shall use amounts made available to carry out this title to provide funds to carry out the fish habitat conservation project.

(3) **NOTIFICATION.**—If the priority of any fish habitat conservation project recommended by the Board under subsection (b) is rejected or reordered by the Secretary, or the Secretary and the Secretary of Commerce jointly, the Secretary, or the Secretary and the Secretary of Commerce jointly, shall, not later than 180 days after the date of receipt of the recommendations, provide to the Board, the appropriate Partnership, and the appropriate congressional committees a written statement of the Secretary, or the Secretary and the Secretary of Commerce jointly, as applicable, detailing the reasons why the Secretary or the Secretary and the Secretary of Commerce jointly rejected or reordered the priority of the fish habitat conservation project.

SEC. 306. NATIONAL FISH HABITAT CONSERVATION PARTNERSHIP PROGRAM.

(a) **ESTABLISHMENT.**—Not later than 1 year after the date of enactment of this Act, the Director shall establish a program, to be known as the “National Fish Habitat Conservation Partnership Program”, within the Division of Fish and Aquatic Conservation of the United States Fish and Wildlife Service.

(b) **FUNCTIONS.**—The National Fish Habitat Conservation Partnership Program shall—

(1) provide funding for the operational needs of the Partnerships, including funding for activities such as planning, project development and implementation, coordination, monitoring, evaluation, communication, and outreach;

(2) provide funding to support the detail of State and tribal fish and wildlife staff to the Program;

(3) facilitate the cooperative development and approval of Partnerships;

(4) assist the Secretary and the Board in carrying out this title;

(5) assist the Secretary in carrying out the requirements of sections 307 and 309;

(6) facilitate communication, cohesiveness, and efficient operations for the benefit of Partnerships and the Board;

(7) facilitate, with assistance from the Director, the Assistant Administrator, and the President of the Association of Fish and Wildlife Agencies, the consideration of fish habitat conservation projects by the Board;

(8) provide support to the Director regarding the development and implementation of the interagency operational plan under subsection (c);

(9) coordinate technical and scientific reporting as required by section 310;

(10) facilitate the efficient use of resources and activities of Federal departments and agencies to carry out this title in an efficient manner; and

(11) provide support to the Board for national communication and outreach efforts that promote public awareness of fish habitat conservation.

(c) **INTERAGENCY OPERATIONAL PLAN.**—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Director, in cooperation with the Assistant Administrator and the heads of other appropriate Federal departments and agencies, shall develop an interagency operational plan for the National Fish Habitat Conservation Partnership Program that describes—

(1) the functional, operational, technical, scientific, and general staff, administrative, and material needs of the Program; and

(2) any interagency agreements between or among Federal departments and agencies to address those needs.

(d) **STAFF AND SUPPORT.**—

(1) **DEPARTMENTS OF INTERIOR AND COMMERCE.**—The Director and the Assistant Administrator shall each provide appropriate staff to support the National Fish Habitat Conservation Partnership Program, subject to the availability of funds under section 313.

(2) **STATES AND INDIAN TRIBES.**—Each State and Indian tribe is encouraged to provide staff to support the National Fish Habitat Conservation Partnership Program.

(3) **DETAILLEES AND CONTRACTORS.**—The National Fish Habitat Conservation Partnership Program may accept staff or other administrative support from other entities—

(A) through interagency details; or

(B) as contractors.

(4) **QUALIFICATIONS.**—The staff of the National Fish Habitat Conservation Partnership Program shall include members with education and experience relating to the principles of fish, wildlife, and habitat conservation.

(e) **REPORTS.**—Not less frequently than once each year, the Director shall provide to the Board a report describing the activities of the National Fish Habitat Conservation Partnership Program.

SEC. 307. TECHNICAL AND SCIENTIFIC ASSISTANCE.

(a) **IN GENERAL.**—The Director, the Assistant Administrator, and the Director of the United States Geological Survey, in coordination with the Forest Service and other appropriate Federal departments and agencies, shall provide scientific and technical assistance to the Partnerships, participants in fish habitat conservation projects, and the Board.

(b) **INCLUSIONS.**—Scientific and technical assistance provided pursuant to subsection (a) may include—

(1) providing technical and scientific assistance to States, Indian tribes, regions, local communities, and nongovernmental organizations in the development and implementation of Partnerships;

(2) providing technical and scientific assistance to Partnerships for habitat assessment, strategic planning, and prioritization;

(3) supporting the development and implementation of fish habitat conservation projects that are identified as high priorities by Partnerships and the Board;

(4) supporting and providing recommendations regarding the development of science-based monitoring and assessment approaches for implementation through Partnerships;

(5) supporting and providing recommendations for a national fish habitat assessment;

(6) ensuring the availability of experts to conduct scientifically based evaluation and reporting of the results of fish habitat conservation projects; and

(7) providing resources to secure State agency scientific and technical assistance to support Partnerships, participants in fish habitat conservation projects, and the Board.

SEC. 308. CONSERVATION OF FISH HABITAT ON FEDERAL LAND.

To the extent consistent with the mission and authority of the applicable department or agency, the head of each Federal department and agency may coordinate with the Assistant Administrator and the Director to promote healthy fish populations and fish habitats.

SEC. 309. COORDINATION WITH STATES AND INDIAN TRIBES.

The Secretary shall provide a notice to, and cooperate with, the appropriate State agency or tribal agency, as applicable, of each State and Indian tribe within the boundaries of which an activity is planned to be carried out pursuant to this title, including notification, by not later than 30 days before the date on which the activity is implemented.

SEC. 310. ACCOUNTABILITY AND REPORTING.

(a) **REPORTING.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the progress of—

(A) this title; and

(B) the National Fish Habitat Action Plan.

(2) **CONTENTS.**—Each report submitted under paragraph (1) shall include—

(A) an estimate of the number of acres, stream miles, or acre-feet (or other suitable measure) of fish habitat that was maintained or improved under the National Fish Habitat Action Plan by Federal, State, or local governments, Indian tribes, or other entities in the United States during the 2-year period ending on the date of submission of the report;

(B) a description of the public access to fish habitats established or improved under the National Fish Habitat Action Plan during that 2-year period;

(C) a description of the opportunities for public recreational fishing established under the National Fish Habitat Action Plan during that period; and

(D) an assessment of the status of fish habitat conservation projects carried out with funds provided under this title during that period, disaggregated by year, including—

(i) a description of the fish habitat conservation projects recommended by the Board under section 305(b);

(ii) a description of each fish habitat conservation project approved by the Secretary under section 305(f), in order of priority for funding;

(iii) a justification for—

(I) the approval of each fish habitat conservation project; and

(II) the order of priority for funding of each fish habitat conservation project;

(iv) a justification for any rejection or reordering of the priority of each fish habitat conservation project recommended by the

Board under section 305(b) that was based on a factor other than the criteria described in section 305(c); and

(v) an accounting of expenditures by Federal, State, or local governments, Indian tribes, or other entities to carry out fish habitat conservation projects.

(b) **STATUS AND TRENDS REPORT.**—Not later than December 31, 2015, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the status of fish habitats in the United States.

(c) **REVISIONS.**—Not later than December 31, 2015, and every 5 years thereafter, the Board shall revise the goals and other elements of the National Fish Habitat Action Plan, after consideration of each report required by subsection (b).

SEC. 311. EFFECT OF TITLE.

(a) **WATER RIGHTS.**—Nothing in this title—

(1) establishes any express or implied reserved water right in the United States for any purpose;

(2) affects any water right in existence on the date of enactment of this Act;

(3) preempts or affects any State water law or interstate compact governing water; or

(4) affects any Federal or State law in existence on the date of enactment of this Act regarding water quality or water quantity.

(b) **AUTHORITY TO ACQUIRE WATER RIGHTS OR RIGHTS TO PROPERTY.**—In carrying out section 305(d)(2), only a State, local government, or other non-Federal entity may acquire, in accordance with applicable State law, water rights or rights to property pursuant to a fish habitat conservation project funded under this title.

(c) **STATE AUTHORITY.**—Nothing in this title—

(1) affects the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under the laws and regulations of the State; or

(2) authorizes the Secretary to control or regulate within a State the fishing or hunting of fish and wildlife.

(d) **EFFECT ON INDIAN TRIBES.**—Nothing in this title abrogates, abridges, affects, modifies, supersedes, or alters any right of an Indian tribe recognized by treaty or any other means, including—

(1) an agreement between the Indian tribe and the United States;

(2) Federal law (including regulations);

(3) an Executive order; or

(4) a judicial decree.

(e) **ADJUDICATION OF WATER RIGHTS.**—Nothing in this title diminishes or affects the ability of the Secretary to join an adjudication of rights to the use of water pursuant to subsection (a), (b), or (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666).

(f) **DEPARTMENT OF COMMERCE AUTHORITY.**—Nothing in this title affects the authority, jurisdiction, or responsibility of the Department of Commerce to manage, control, or regulate fish or fish habitats under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(g) **EFFECT ON OTHER AUTHORITIES.**—

(1) **PRIVATE PROPERTY PROTECTION.**—Nothing in this title permits the use of funds made available to carry out this title to acquire real property or a real property interest without the written consent of each owner of the real property or real property interest.

(2) **MITIGATION.**—Nothing in this title permits the use of funds made available to carry out this title for fish and wildlife mitigation purposes under—

(A) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(B) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(C) the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082); or

(D) any other Federal law or court settlement.

(3) CLEAN WATER ACT.—Nothing in this title affects or alters any provision of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), including any definition in that Act.

SEC. 312. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to—

- (1) the Board; or
- (2) any Partnership.

SEC. 313. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) FISH HABITAT CONSERVATION PROJECTS.—There is authorized to be appropriated to the Secretary \$7,200,000 for each of fiscal years 2014 through 2018 to provide funds for fish habitat conservation projects approved under section 305(f), of which 5 percent shall be made available for each fiscal year for projects carried out by Indian tribes.

(2) NATIONAL FISH HABITAT CONSERVATION PARTNERSHIP PROGRAM.—

(A) IN GENERAL.—There is authorized to be appropriated to the Secretary for each of fiscal years 2014 through 2018 for the National Fish Habitat Conservation Partnership Program, and to carry out section 310, an amount equal to 5 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1).

(B) REQUIRED TRANSFERS.—The Secretary shall annually transfer to other Federal departments and agencies such percentage of the amounts made available pursuant to subparagraph (A) as is required to support participation by those departments and agencies in the National Fish Habitat Conservation Partnership Program pursuant to the interagency operational plan under section 306(c).

(3) TECHNICAL AND SCIENTIFIC ASSISTANCE.—There are authorized to be appropriated for each of fiscal years 2014 through 2018 to carry out, and provide technical and scientific assistance under, section 307—

(A) \$500,000 to the Secretary for use by the United States Fish and Wildlife Service;

(B) \$500,000 to the Assistant Administrator for use by the National Oceanic and Atmospheric Administration; and

(C) \$500,000 to the Secretary for use by the United States Geological Survey.

(4) PLANNING AND ADMINISTRATIVE EXPENSES.—There is authorized to be appropriated to the Secretary for each of fiscal years 2014 through 2018 for use by the Board, the Director, and the Assistant Administrator for planning and administrative expenses an amount equal to 3 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1).

(b) AGREEMENTS AND GRANTS.—The Secretary may—

(1) on the recommendation of the Board, and notwithstanding sections 6304 and 6305 of title 31, United States Code, and the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note; Public Law 106-107), enter into a grant agreement, cooperative agreement, or contract with a Partnership or other entity for a fish habitat conservation project or restoration or enhancement project;

(2) apply for, accept, and use a grant from any individual or entity to carry out the purposes of this title; and

(3) make funds available to any Federal department or agency for use by that department or agency to provide grants for any fish habitat protection project, restoration project, or enhancement project that the Secretary determines to be consistent with this title.

(c) DONATIONS.—

(1) IN GENERAL.—The Secretary may—

(A) enter into an agreement with any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code to solicit private donations to carry out the purposes of this title; and

(B) accept donations of funds, property, and services to carry out the purposes of this title.

(2) TREATMENT.—A donation accepted under this section—

(A) shall be considered to be a gift or bequest to, or otherwise for the use of, the United States; and

(B) may be—

(i) used directly by the Secretary; or

(ii) provided to another Federal department or agency through an interagency agreement.

SA 3398. Mrs. FEINSTEIN (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, insert the following:

SEC. 1087. SAVING KIDS FROM DANGEROUS DRUGS ACT.

(a) SHORT TITLE.—This section may be cited as the “Saving Kids From Dangerous Drugs Act of 2014”.

(b) OFFENSES INVOLVING CONTROLLED SUBSTANCES MARKETED TO MINORS.—Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended by adding at the end the following:

“(i) OFFENSES INVOLVING CONTROLLED SUBSTANCES MARKETED TO MINORS.—

“(1) UNLAWFUL ACT.—Except as authorized under this title, including paragraph (3), it shall be unlawful for any person at least 18 years of age to—

“(A) knowingly or intentionally manufacture or create a controlled substance listed in schedule I or II that is—

“(i) combined with a beverage or candy product;

“(ii) marketed or packaged to appear similar to a beverage or candy product; or

“(iii) modified by flavoring or coloring; and

“(B) know, or have reasonable cause to believe, that the combined, marketed, packaged, or modified controlled substance will be distributed, dispensed, or sold to a person under 18 years of age.

“(2) PENALTIES.—Except as provided in section 418, 419, or 420, any person who violates paragraph (1) of this subsection shall be subject to—

“(A) an additional term of imprisonment of not more than 10 years for a first offense involving the same controlled substance and schedule; and

“(B) an additional term of imprisonment of not more than 20 years for a second or subsequent offense involving the same controlled substance and schedule.

“(3) EXCEPTIONS.—Paragraph (1) shall not apply to any controlled substance that—

“(A) has been approved by the Secretary under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), if the contents, marketing, and packaging of the controlled substance have not been altered from the form approved by the Secretary; or

“(B) has been altered at the direction of a practitioner who is acting for a legitimate medical purpose in the usual course of professional practice.”.

(c) SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this subsection, the United States Sentencing Commission shall review its guidelines and policy statements to ensure that the guidelines provide an appropriate additional penalty increase to the sentence otherwise applicable in Part D of the Guidelines Manual if the defendant was convicted of a violation of section 401(i) of the Controlled Substances Act, as added by subsection (b) of this section.

SA 3399. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 830. INCREASED MICRO-PURCHASE THRESHOLD FOR PURCHASES BY COMBATANT COMMANDS IN SUPPORT OF OPERATIONS OVERSEAS.

(a) INCREASED MICRO-PURCHASE THRESHOLD.—In the case of any purchase by a combatant command in support of an operation overseas, the micro-purchase threshold for purposes of section 1902 of title 41, United States Code, shall be deemed to be \$10,000 rather than the amount otherwise provided for in subsection (a) of such section.

(b) OTHER REQUIREMENTS.—In applying subsections (d) and (e) of section 1902 of title 41, United States Code, to purchases described in subsection (a), the purchases covered by such subsection (d) or (e) shall be deemed to be purchases not greater than \$10,000 rather than the amount otherwise provided for in such subsection (d) or (e).

SA 3400. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1268. AUTHORITY FOR TAIWAN C-130 FLIGHTS BETWEEN GUAM AND TAIWAN.

Notwithstanding any other provision of law, Taiwan C-130 aircraft are authorized to fly between Taiwan and Guam.

SA 3401. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

SEC. 1213. AUTHORITY TO TRANSFER VESSELS TO TAIWAN.

Notwithstanding subsection (a) of section 7307 of title 10, United States Code, vessels otherwise subject to restrictions under such subsection may be disposed of to Taiwan without regard to such restrictions on or before December 31, 2019.

SA 3402. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XVI, add the following:

SEC. 1647. PLAN FOR CONTINUING EDUCATION ON CYBER MATTERS.

(a) **PLAN REQUIRED.**—Not later than 360 days after the date of the enactment of this Act, the Secretary of Defense, in cooperation with the Secretaries of the military departments, shall submit to the congressional defense committees a plan for the continuing education of officers and enlisted members of the Armed Forces relating to cyber security and cyber activities of the Department of Defense.

(b) **ELEMENTS.**—The plan submitted under subsection (a) shall include the following:

(1) Requirements for provision of basic cyber threat education for all members of the Armed Forces.

(2) Requirements for postgraduate education, joint professional military education, and strategic war gaming for cyber strategic and operational leadership.

(3) Definitions of military occupational specialties and rating specialties for each military department along with the corresponding level of cyber training, education, qualifications, or certifications required for each specialty.

SA 3403. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1087. MAKING PERMANENT EXTENDED PERIOD OF PROTECTIONS FOR MEMBERS OF UNIFORMED SERVICES RELATING TO MORTGAGES, MORTGAGE FORECLOSURE, AND EVICTION.

Section 710(d) of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 (Public Law 112-154; 126 Stat. 1208) is amended by striking paragraphs (1) and (3).

SA 3404. Ms. HEITKAMP submitted an amendment intended to be proposed by her to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title III, add the following:

SEC. 854. MANAGEMENT OF MILITARY AIRSPACE.

(a) **INFORMATION ON MILITARY AIRSPACE.**—

(1) **IN GENERAL.**—The Secretary of Defense shall, to the maximum extent possible, work to ensure that publicly available Internet websites or other information sources that enable members of the public to monitor the use by the Department of Defense of new military airspace include sufficient information to allow the public to obtain reasonable information regarding Department use of the airspace.

(2) **REASONABLE INFORMATION.**—For purposes of paragraph (1), the term “reasonable information” means, at a minimum—

(A) a schedule of current and future planned uses of new military airspace;

(B) a list of restrictions corresponding to different uses of the airspace, including a clear representation of what specific segments of new military airspace are scheduled to be used on specific dates; and

(C) contact information and procedures for interested parties to inquire about scheduled uses of new military airspace, receive general information about new military airspace, and request, including by electronic means, modifications to military use related to economic activity or other priorities.

(3) **CREATION OF DOD MANAGED INTERNET WEBSITE APPLICATION.**—Nothing in this subsection shall be construed as precluding the Department from creating its own Internet website application to improve communication with the general public over the use of new military airspace.

(b) **MEMORANDA OF UNDERSTANDING.**—The Secretary of Defense shall prioritize reaching memoranda of understanding with private enterprises that utilize new military airspace as part of their regular business model, with the goal of minimizing disruption to affected enterprises while also protecting the national security needs of the Department.

(c) **PERIODIC REVIEW OF MILITARY AIRSPACE.**—

(1) **IN GENERAL.**—Every five years after the creation of new military airspace or the changing of current military airspace, the Department of Defense shall conduct a review of the airspace to determine if the amount of military airspace is still in the interests of national security.

(2) **SCOPE.**—The review conducted under paragraph (1) shall include—

(A) an examination of what units use the space for operations or training;

(B) an assessment of how the number and type of those units has changed in the previous five years; and

(C) a review of changes in military installations that use the airspace and how those changes impact the use of the airspace.

(d) **NEW MILITARY AIRSPACE DEFINED.**—In this section, the term “new military airspace” means—

(1) military airspace designated after the date of the enactment of this Act; and

(2) military airspace the boundaries of which are modified after the date of the enactment of this Act.

SA 3405. Ms. HEITKAMP submitted an amendment intended to be proposed by her to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 737. STUDY ON REDUCING STIGMA AND IMPROVING TREATMENT OF POST-TRAUMATIC STRESS DISORDER AMONG MEMBERS OF THE ARMED FORCES AND VETERANS.

(a) **STUDY.**—

(1) **IN GENERAL.**—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly conduct a study on reducing the stigma and improving the treatment of post-traumatic stress disorder among members of the Armed Forces and veterans.

(2) **CONSULTATION.**—In conducting the study required by paragraph (1), the Secretary of Defense and the Secretary of Veterans Affairs shall consult with individuals with relevant experience relating to post-traumatic stress disorder, the treatment of post-traumatic stress disorder, and the impact of post-traumatic stress disorder on members of the Armed Forces, veterans, and their families, including the following:

(A) Representatives of military service organizations.

(B) Representatives of veterans service organizations.

(C) Health professionals with experience in treating members of the Armed Forces and veterans with mental illness, including those health professionals who work for the Federal Government and those who do not.

(3) **ELEMENTS.**—In conducting the study required by paragraph (1), the Secretary of Defense and the Secretary of Veterans Affairs shall assess the following:

(A) The feasibility and advisability of strategies to improve the treatment of the full spectrum of post-traumatic stress disorder among members of the Armed Forces and veterans.

(B) The feasibility and advisability of strategies to diminish the stigma attached to post-traumatic stress disorder among members of the Armed Forces and veterans.

(C) The impact of the term “disorder” on the stigma attached to post-traumatic stress disorder among members of the Armed Forces and veterans, including the impact of dropping the term “disorder”, when medically appropriate, when referring to post-traumatic stress.

(D) Whether using the term “disorder” is the most accurate way to describe post-traumatic stress disorder in instances in which members of the Armed Forces and veterans have experienced traumatic events but have not been formally diagnosed with post-traumatic stress disorder.

(E) Whether there is a need to update the next version of the “VA/DOD Clinical Practice Guideline for Management of Post-Traumatic Stress”, published by the Department of Defense and the Department of Veterans Affairs after the date of the enactment of this Act.

(F) Whether there is a need to update information provided to members of the Armed Forces and veterans, including information on Internet websites of the Department of Defense or the Department of Veterans Affairs, on post-traumatic stress disorder to reduce the stigma and more accurately describe the medical conditions for which members of the Armed Forces and veterans are receiving treatment.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report

on the results of the study required by subsection (a), including recommendations for any actions that the Department of Defense and the Department of Veterans Affairs can take to reduce the stigma and improve the treatment of post-traumatic stress disorder among members of the Armed Forces and veterans.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Veterans’ Affairs, and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Veterans’ Affairs, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(2) VETERANS SERVICE ORGANIZATION.—The term “veterans service organization” means an organization recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

SA 3406. Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 607, strike line 21 and all that follows through “Not later than” on line 24, and insert the following:

SEC. 1625. SELECTION OF CONTRACTORS FOR EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.

(a) REQUIREMENT TO CONSIDER GOVERNMENT-PROVIDED COMPETITIVE ADVANTAGE.—In evaluating any offers submitted to the Department of Defense in response to a solicitation for offers for the Evolved Expendable Launch Vehicle program (or any successor to that program), the Secretary of Defense shall consider any situation in which the cost of production or manufacturing operations, including systems and factory engineering, program management, standard integration and testing, launch and range activities, infrastructure, and parts obsolescence mitigation, or certification-related activities, is not fully borne by the offeror for such contract because of government-provided funds.

(b) REPORT ON RELIANCE OF EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM ON FOREIGN MANUFACTURERS.—Not later than

SA 3407. Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

SEC. 2835. LAND CONVEYANCE, FORMER AIR FORCE NORWALK DEFENSE FUEL SUPPLY POINT, NORWALK, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without

consideration, to the City of Norwalk, California (in this section referred to as the “City”), all right, title, and interest of the United States in and to the real property, including any improvements thereon, consisting of approximately 15 acres at the former Norwalk Defense Fuel Supply Point for public purposes.

(b) APPLICATION OF ENVIRONMENTAL LAWS.—Nothing in this section shall affect the applicability to the Department of the Air Force of Federal, State, or local environmental laws and regulations, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(c) PAYMENT OF COST OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Air Force shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for such costs to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation related to the conveyance, and any other administrative costs related to the conveyance. If amounts paid to the Secretary in advance exceed the actual costs incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance or, if the period of availability for obligations for that appropriation has expired, to the appropriations or fund that is currently available to the Secretary for the same purpose. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Air Force.

(e) ADDITIONAL TERMS.—The Secretary of the Air Force may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 3408. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 601.

Strike section 603.

Strike section 702.

At the end of subtitle A of title VI, add the following:

SEC. 605. PROHIBITION ON CHANGES TO MILITARY COMPENSATION AND BENEFITS IN FISCAL YEAR 2015 PENDING THE REPORT OF THE MILITARY COMPENSATION AND RETIREMENT MODERNIZATION COMMISSION.

(a) PROHIBITION.—Notwithstanding any other provision of law, the Department of Defense is prohibited from making any changes to military compensation and benefits during fiscal year 2015 until after the date of the report of the Military Compensation and Retirement Modernization Commis-

sion under section 674(f) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1792).

(b) DEFINITIONS.—In this section:

(1) The term “benefits” means provisions of law providing eligibility for benefits, including medical and dental care, cost-sharing for prescription drug copayments under the TRICARE program, educational assistance and related benefits, and commissary and exchange benefits and related benefits and activities.

(2) The term “compensation” means provisions of law providing eligibility for and the computation of military compensation, including basic pay, special and incentive pays and allowances, basic allowance for housing, and basic allowance for subsistence.

SA 3409. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 317. REDESIGNATION OF THE PU’U PA LOCAL TRAINING AREA, HAWAII.

(a) ENVIRONMENTAL RESTORATION PROJECT.—To provide necessary response actions in a fiscally responsible manner that strengthens environmental and cultural protections, the environmental restoration project at the Pu’u Pa Local Training Area, Hawaii, shall be redesignated from the Military Munitions Response Program to the Formerly Used Defense Sites Program.

(b) TRANSFER OF FUNDS.—Funds authorized for the environment restoration project at the Pu’u Pa Local Training Area may be transferred to the Environmental Restoration Account, Formerly Used Defense Sites account in order to carry out the environmental restoration functions of the Secretary of Defense and the Secretaries of the military departments. Any funds so transferred shall remain available until expended.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made between accounts under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) SOURCE OF DEPARTMENT OF DEFENSE FUNDS.—Pursuant to section 2703(c) of title 10, United States Code, the Secretary may use funds available in the Environmental Restoration, Formerly Used Defense Sites account of the Department of Defense for environmental restoration projects conducted for or by the Secretary under subsection (a).

(e) NO EFFECT ON COMPLIANCE WITH ENVIRONMENTAL LAWS.—Nothing in this section affects or limits the application of or obligation to comply with any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

SA 3410. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 582. REVIEW OF DISCHARGE CHARACTERIZATION.

(a) IN GENERAL.—In accordance with this section, the appropriate discharge boards—

(1) shall review the discharge characterization of covered members at the request of the covered member; and

(2) if such characterization is any characterization except honorable, may change such characterization to honorable.

(b) CRITERIA.—In changing the discharge characterization of a covered member to honorable under subsection (a)(2), the Secretary of Defense shall ensure that such changes are carried out consistently and uniformly across the military departments using the following criteria:

(1) The original discharge must be based on Don't Ask Don't Tell (in this Act referred to as "DADT") or a similar policy in place prior to the enactment of DADT.

(2) Such discharge characterization shall be so changed if, with respect to the original discharge, there were no aggravating circumstances, such as misconduct, that would have independently led to a discharge characterization that was any characterization except honorable. For purposes of this paragraph, such aggravating circumstances may not include—

(A) an offense under section 925 of title 10, United States Code (article 125 of the Uniform Code of Military Justice), committed by a covered member against a person of the same sex with the consent of such person; or

(B) statements, consensual sexual conduct, or consensual acts relating to sexual orientation or identity, or the disclosure of such statements, conduct, or acts, that were prohibited at the time of discharge but after the date of such discharge became permitted.

(3) When requesting a review, a covered member, or the member's representative, shall be required to provide either—

(A) documents consisting of—

(i) a copy of the DD-214 form of the member;

(ii) a personal affidavit of the circumstances surrounding the discharge; and

(iii) any relevant records pertaining to the discharge; or

(B) an affidavit certifying that the member, or the member's representative, does not have the documents specified in subparagraph (A).

(4) If a covered member provides an affidavit described in subparagraph (B) of paragraph (3)—

(A) the appropriate discharge board shall make every effort to locate the documents specified in subparagraph (A) of such paragraph within the records of the Department of Defense; and

(B) the absence of such documents may not be considered a reason to deny a change of the discharge characterization under subsection (a)(2).

(c) REQUEST FOR REVIEW.—The appropriate discharge board shall ensure the mechanism by which covered members, or their representative, may request to have the discharge characterization of the covered member reviewed under this section is simple and straightforward.

(d) REVIEW.—

(1) IN GENERAL.—After a request has been made under subsection (c), the appropriate discharge board shall review all relevant laws, records of oral testimony previously taken, service records, or any other relevant information regarding the discharge characterization of the covered member.

(2) ADDITIONAL MATERIALS.—If additional materials are necessary for the review, the appropriate discharge board—

(A) may request additional information from the covered member or the member's representative, in writing, and specifically detailing what is being requested; and

(B) shall be responsible for obtaining a copy of the necessary files of the covered member from the member, or when applicable, from the Department of Defense.

(e) CHANGE OF CHARACTERIZATION.—The appropriate discharge board shall change the discharge characterization of a covered member to honorable if such change is determined to be appropriate after a review is conducted under subsection (d) pursuant to the criteria under subsection (b). A covered member, or the member's representative, may appeal a decision by the appropriate discharge board to not change the discharge characterization by using the regular appeals process of the board.

(f) CHANGE OF RECORDS.—For each covered member whose discharge characterization is changed under subsection (e), or for each covered member who was honorably discharged but whose DD-214 form reflects the sexual orientation of the member, the Secretary of Defense shall reissue to the member or the member's representative a revised DD-214 form that reflects the following:

(1) For each covered member discharged, the Separation Code, Reentry Code, Narrative Code, and Separation Authority shall not reflect the sexual orientation of the member and shall be placed under secretarial authority. Any other similar indication of the sexual orientation or reason for discharge shall be removed or changed accordingly to be consistent with this paragraph.

(2) For each covered member whose discharge occurred prior to the creation of general secretarial authority, the sections of the DD-214 form referred to in paragraph (1) shall be changed to similarly reflect a universal authority with codes, authorities, and language applicable at the time of discharge.

(g) STATUS.—

(1) IN GENERAL.—Each covered member whose discharge characterization is changed under subsection (e) shall be treated without regard to the original discharge characterization of the member, including for purposes of—

(A) benefits provided by the Federal Government to an individual by reason of service in the Armed Forces; and

(B) all recognitions and honors that the Secretary of Defense provides to members of the Armed Forces.

(2) REINSTATEMENT.—In carrying out paragraph (1)(B), the Secretary shall reinstate all recognitions and honors of a covered member whose discharge characterization is changed under subsection (e) that the Secretary withheld because of the original discharge characterization of the member.

(h) REPORTS.—

(1) REVIEW.—The Secretary of Defense shall conduct a review of the consistency and uniformity of the reviews conducted under this section.

(2) REPORTS.—Not later than 270 days after the date of the enactment of this Act, and each year thereafter for a four-year period, the Secretary shall submit to Congress a report on the reviews under paragraph (1). Such reports shall include any comments or recommendations for continued actions.

(i) HISTORICAL REVIEW.—The Secretary of each military department shall ensure that oral historians of the department—

(1) review the facts and circumstances surrounding the estimated 100,000 members of the Armed Forces discharged from the Armed Forces between World War II and September 2011 because of the sexual orientation of the member; and

(2) receive oral testimony of individuals who personally experienced discrimination and discharge because of the actual or perceived sexual orientation of the individual so that such testimony may serve as an official record of these discriminatory policies and their impact on American lives.

(j) DEFINITIONS.—In this section:

(1) The term "appropriate discharge board" means the boards for correction of military records under section 1552 of title 10, United States Code, or the discharge review boards under section 1553 of such title, as the case may be.

(2) The term "covered member" means any former member of the Armed Forces who was discharged from the Armed Forces because of the sexual orientation of the member.

(3) The term "discharge characterization" means the characterization under which a member of the Armed Forces is discharged or released, including "dishonorable", "general", "other than honorable", and "honorable".

(4) The term "Don't Ask Don't Tell" means section 654 of title 10, United States Code, as in effect before such section was repealed pursuant to the Don't Ask, Don't Tell Repeal Act of 2010 (Public Law 111-321).

(5) The term "representative" means the surviving spouse, next of kin, or legal representative of a covered member.

SA 3411. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 317. REPORT ON CLIMATE CHANGE ADAPTATION PLANNING.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretaries of the military departments, submit to the congressional defense committees a report on the progress of the Department of Defense in developing a project plan and milestones for climate change adaptation.

(b) ELEMENTS.—The report required by subsection (a) shall address the following:

(1) Completion of climate change vulnerability assessments at military installations.

(2) Completion of data analysis and collection through site surveys.

(3) Measures the Department has taken to review and clarify relevant processes and criteria for construction project approval to ensure that climate change adaptation is considered as beneficial to the mission and readiness of the Department and for the protection of infrastructure and facilities.

SA 3412. Mrs. FEINSTEIN (for herself, Mr. LEE, Mr. UDALL of New Mexico, Mr. PAUL, Mr. WHITEHOUSE, Mr. CRUZ, Mr. COONS, Ms. COLLINS, Mr. FRANKEN, Mr. ROBERTS, Mr. HEINRICH, Mr. ENZI, Mr. ROCKEFELLER, Mr. KIRK, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by her to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. ____ . PROHIBITION ON THE INDEFINITE DETENTION OF CITIZENS AND LAWFUL PERMANENT RESIDENTS.

Section 4001 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

“(a) No citizen shall be imprisoned or otherwise detained by the United States except consistent with the Constitution and pursuant to an act of Congress that expressly authorizes such detention.”;

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

(3) by inserting after subsection (a) the following:

“(b)(1) A general authorization to use military force, a declaration of war, or any similar authority, on its own, shall not be construed to authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States.

“(2) Paragraph (1) applies to an authorization to use military force, a declaration of war, or any similar authority enacted before, on, or after the date of the enactment of the Carl Levin National Defense Authorization Act for Fiscal Year 2015.

“(3) This section shall not be construed to authorize the detention of a citizen of the United States, a lawful permanent resident of the United States, or any other person who is apprehended in the United States.”.

SA 3413. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1034.

SA 3414. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle E—Matters Relating to the Asia Pacific

SEC. 1271. SENSE OF CONGRESS ON THE ASIA-PACIFIC REBALANCE.

It is the sense of Congress that—

(1) the Asia-Pacific region has nearly a third of the world's population and over one-quarter of global gross domestic product, and its future prosperity and security are intertwined with the United States;

(2) In addition to long-standing historic ties with Asia-Pacific countries, such as Japan, the Republic of Korea, Australia and New Zealand, the United States welcomes its growing partnerships and collaboration with member states of the Association of South-

east Asian Nations and with governments across the Pacific Islands;

(3) throughout the Asia-Pacific, a strong defense posture provides the foundation for United States national security as well as for United States diplomatic, economic, humanitarian, and people-to-people engagement in the region;

(4) a regional defense posture must therefore include a balance of traditional and non-traditional military engagement in order to make use of the capabilities and capacities of United States partners and allies in the region with fewer resources;

(5) traditional military engagement is especially important in areas such as non-proliferation, ballistic and cruise missile defense, maritime security assistance, and combined military exercises;

(6) nontraditional defense engagement should include collaboration on combating emerging infectious diseases, responding to humanitarian disasters and extreme weather events, effectively addressing the security challenges posed by human and drug trafficking, civilian educational partnerships and foreign language learning, and joint research endeavors devoted to meeting the region's energy needs;

(7) while the Department of Defense is traditionally the United States Government agency with the resources and capacity to lead engagement throughout the region, whenever and wherever possible it should work closely with interagency partners to accomplish shared foreign policy objectives and should encourage those interagency partners to lead when appropriate in order to better achieve United States objectives in the Asia Pacific;

(8) regionally-focused security studies organizations managed by the Defense Security Cooperation Agency, such as the Asia-Pacific Center for Security Studies established with the support of the late Senator Daniel K. Inouye, are critical to building broad, multilateral approaches to regional security concerns; and

(9) to support the rebalance to the Asia Pacific, the Department of Defense is encouraged to—

(A) enhance the use of the National Guard State Partnership Program to broaden and deepen mutually beneficial relationships with partner militaries and facilitate interoperability across a range of issues, such as humanitarian assistance and disaster relief;

(B) advance shared goals in the area of global health, including through biosurveillance and disease monitoring, as well as collaboration between partner governments and the United States Army Research Institute of Infectious Disease to protect military and civilian interests from all biological threats;

(C) improve resilience to extreme weather and other natural disasters through humanitarian assistance and disaster relief exercises that build the capacities and capabilities of partners and allies in the Pacific;

(D) reduce the strategic vulnerability of fossil fuel consumption through science and technology agreements that help the Department and partner governments improve energy efficiency of military platforms and conservation at bases, and engineer non-petroleum alternative fuels that can be dropped into existing military platforms;

(E) utilize to the fullest extent possible the National Security Education Program to continue to build a broader and more qualified pool of United States citizens with critical-need foreign language and cultural competency skills relevant to the Asia-Pacific, and increase collaboration with appropriate interagency partners, such as the Department of State, that sponsor similar language training and other scholarship programs with an Asia-Pacific focus; and

(F) explore additional ways to leverage the highly-effective nontraditional military and civilian academic partnership and capacity-building programs at the Asia-Pacific Center for Strategic Studies and further develop the Center's alliances with its Defense Security Cooperation Agency sister organizations, the George C. Marshall European Center for Security Studies, the Africa Center for Strategic Studies, the William J. Perry Center for Hemispheric Defense Studies, and the Near East South Asia Center for Strategic Studies.

SA 3415. Ms. KLOBUCHAR (for herself and Mr. ENZI) submitted an amendment intended to be proposed by her to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . GRANTS FOR EMERGENCY MEDICAL SERVICES PERSONNEL TRAINING FOR VETERANS.

Section 330J(c) of the Public Health Service Act (42 U.S.C. 254c-15(c)) is amended—

(1) in paragraph (7), by striking “and” at the end;

(2) in paragraph (8), by striking the period and inserting “; or”;

(3) by adding at the end the following:

“(9) furnish coursework and training to veterans to enable such veterans to satisfy emergency medical services personnel certification requirements, as determined by the appropriate State regulatory entity, except that in providing such coursework and training, such entity shall take into account previous medical coursework and training received when such veterans were members of the Armed Forces on active duty.”.

SA 3416. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, line 17, insert “during any period, regardless of the duty status of the individual at the time of the alleged offense,” after “sex-related offense”.

SA 3417. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 544 and insert the following:

SEC. 544. ACCESS TO SPECIAL VICTIMS' COUNSEL.

(a) IN GENERAL.—Subsection (a) of section 1044e of title 10, United States Code, is amended to read as follows:

“(a) DESIGNATION; PURPOSES.—(1) The Secretary concerned shall designate legal counsel (to be known as ‘Special Victims’ Counsel’) for the purpose of providing legal assistance to an individual described in paragraph (2) who is the victim of an alleged sex-related offense, regardless of whether the report of that offense is restricted or unrestricted.

“(2) An individual described in this paragraph is any of the following:

“(A) An individual eligible for military legal assistance under section 1044 of this title.

“(B) An individual who is—

“(i) not covered under subparagraph (A);

“(ii) a member of a reserve component of the armed forces; and

“(iii) a victim of an alleged sex-related offense as described in paragraph (1)—

“(I) during a period in which the individual served on active duty, full-time National Guard duty, or inactive-duty training; or

“(II) during any period, regardless of the duty status of the individual, if the circumstances of the alleged sex-related offense have a nexus to the military service of the victim.”

(b) CONFORMING AMENDMENT.—Subsection (f) of such section is amended by striking “eligible for military legal assistance under section 1044 of this title” each place it appears and inserting “described in subsection (a)(2)”.

SA 3418. Mr. WALSH (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D, of title VIII, add the following:

SEC. 864. REPORTING ON USE OF SERVICE CONTRACTS BY INTELLIGENCE COMMUNITY.

(a) ANNUAL REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Director of National Intelligence shall submit to the congressional defense committees and the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report with an inventory of service contractors used by each element of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), including, for each such contract, the contractor, a description of the service provided, and the amount obligated or expended.

(b) FORM.—The report required under subsection (a) may be submitted in classified form, but shall contain an unclassified summary including the total amount expended by each element of the intelligence community on service contracts.

SA 3419. Mr. WALSH (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 830. REQUIREMENT FOR POLICIES AND STANDARD CHECKLIST IN PROCUREMENT OF SERVICES.

(a) REQUIREMENT.—Section 2330a of title 10, United States Code, is amended—

(1) by redesignating subsections (g), (h), (i), and (j) as subsections (h), (i), (j), and (k), respectively; and

(2) by inserting after subsection (f) the following new subsection:

“(g) REQUEST FOR SERVICE CONTRACT APPROVAL.—The Under Secretary of Defense for Personnel and Readiness shall—

“(1) establish a standard checklist to be completed before the issuance of a solicitation for any new contract for services or exercising an option under an existing contract for services, including services provided under a contract for goods;

“(2) issue policies implementing the standard checklist;

“(3) draft guidelines regulating the checklist; and

“(4) ensure such policies and checklist are incorporated into the Department of Defense Supplement to the Federal Acquisition Regulation.”

(b) ARMY MODEL.—In implementing section 2330a(g) of title 10, United States Code, as added by subsection (a), the Under Secretary of Defense for Personnel and Readiness shall model, to the maximum extent practicable, its policies and checklist on the policies and checklist relating to services contract approval established and in use by the Department of the Army (as set forth in the request for services contract approval form updated as of August 2012, or any successor form).

(c) DEADLINE.—The policies required under such section 2330a(g) shall be issued within 120 days after the date of the enactment of this Act.

(d) REPORT.—The Comptroller General of the United States shall submit to the congressional defense committees a report on the implementation of the standard checklist required under such section 2330a(g) for each of fiscal years 2015, 2016, and 2017 within 120 days after the end of each such fiscal year.

SA 3420. Mr. WALSH (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1087. EXTENSION OF ELIGIBILITY FOR HOSPITAL CARE, MEDICAL SERVICES, AND NURSING HOME AND DOMICILIARY CARE FOR CERTAIN VETERANS WHO SERVED IN A THEATER OF COMBAT OPERATIONS.

Section 1710(e)(3)(A) of title 38, United States Code, is amended by striking “period of five years” and inserting “period of 10 years”.

SA 3421. Mr. TESTER (for himself and Mr. WALSH) submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Depart-

ment of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 141. AUTHORIZATION OF MODERNIZATION PROGRAMS FOR C-130 AIRCRAFT.

The Air Force may use programs other than, and in addition to, the avionics modernization program for C-130 aircraft to modernize such aircraft.

SA 3422. Mr. TESTER (for himself and Mr. WALSH) submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 577. DEFERRAL OF PRINCIPAL OF FEDERAL STUDENT LOANS FOR CERTAIN PERIOD IN CONNECTION WITH RECEIPT OF ORDERS FOR MOBILIZATION FOR WAR OR NATIONAL EMERGENCY.

(a) FEDERAL FAMILY EDUCATION LOANS.—Section 428(b)(1)(M) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)(M)) is amended—

(1) in the matter preceding clause (i), by striking “, during any period”;

(2) in clause (i), by striking “during which” and inserting “during any period during which”;

(3) in clause (ii), by striking “during which” and inserting “during any period during which”;

(4) in clause (iii)—

(A) by striking “during which” and inserting “during any period during which”; and

(B) in the matter following subclause (II), by striking “ or” after the semicolon;

(5) by redesignating clause (iv) as clause (vi);

(6) by inserting after clause (iii) the following:

“(iv) in the case of any borrower who has received a call or order to duty described in subclause (I) or (II) of clause (iii), during the shorter of—

“(I) the period beginning on the date such call or order to duty is received by the borrower and ending on the first day of the service described in subclause (I) or (II) of clause (iii); and

“(II) the 180-day period preceding the first day of such service;

“(v) notwithstanding clause (iv)—

“(I) in the case of any borrower described in such clause whose call or order to duty is cancelled before the first day of the service described in subclause (I) or (II) of clause (iii) because of a personal injury in connection with training to prepare for such service, during the period described in clause (iv) and during an additional period equal to the duration of such service, as specified by or otherwise determined in the original call or order to duty; and

“(II) in the case of any borrower whose call or order to duty is cancelled before the first day of such service for a reason other than an injury described in subclause (I), during the period beginning on the date the call or order to duty is received by the borrower and ending on the date that is 14 days after such call or order to duty is cancelled; and”;

(7) in clause (vi) (as redesignated by paragraph (5)), by striking “not in excess” and inserting “during any period not in excess”.

(b) DIRECT LOANS.—Section 455(f)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087e(f)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking “during any period”;

(2) in subparagraph (A), by striking “during which” and inserting “during any period during which”;

(3) in subparagraph (B), by striking “not in excess” and inserting “during any period not in excess”;

(4) in subparagraph (C)—

(A) by striking “during which” and inserting “during any period during which”;

(B) in the matter following clause (ii), by striking “or” after the semicolon;

(5) by redesignating subparagraph (D) as subparagraph (F);

(6) by inserting after subparagraph (C) the following:

“(D) in the case of any borrower who has received a call or order to duty described in clause (i) or (ii) of subparagraph (C), during the shorter of—

“(i) the period beginning on the date such call or order to duty is received by the borrower and ending on the first day of the service described in clause (i) or (ii) of subparagraph (C); and

“(ii) the 180-day period preceding the first day of such service;

“(E) notwithstanding subparagraph (D)—

“(i) in the case of any borrower described in such subparagraph whose call or order to duty is cancelled before the first day of the service described in clause (i) or (ii) of subparagraph (C) because of a personal injury in connection with training to prepare for such service, during the period described in subparagraph (D) and during an additional period equal to the duration of such service, as specified by or otherwise determined in the original call or order to duty; and

“(ii) in the case of any borrower whose call or order to duty is cancelled before the first day of such service for a reason other than an injury described in clause (i), during the period beginning on the date the call or order to duty is received by the borrower and ending on the date that is 14 days after such call or order to duty is cancelled; and”;

(7) in subparagraph (F) (as redesignated by paragraph (5)), by striking “not in excess” and inserting “during any period not in excess”.

(c) PERKINS LOANS.—Section 464(c)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1087dd(c)(2)(A)) is amended—

(1) in the matter preceding clause (i), by striking “during any period”;

(2) in clause (i), by striking “during which” and inserting “during any period during which”;

(3) in clause (ii), by striking “not in excess” and inserting “during any period not in excess”;

(4) in clause (iii), by striking “during which” and inserting “during any period during which”;

(5) by redesignating clauses (iv) and (v) as clauses (vi) and (vii), respectively;

(6) by inserting after clause (iii) the following:

“(iv) in the case of any borrower who has received a call or order to duty described in subclause (I) or (II) of clause (iii), during the shorter of—

“(I) the period beginning on the date such call or order to duty is received by the borrower and ending on the first day of the service described in subclause (I) or (II) of clause (iii); and

“(II) the 180-day period preceding the first day of such service;

“(v) notwithstanding clause (iv)—

“(I) in the case of any borrower described in such clause whose call or order to duty is cancelled before the first day of the service described in subclause (I) or (II) of clause (iii) because of a personal injury in connection with training to prepare for such service, during the period described in clause (iv) and during an additional period equal to the duration of such service, as specified by or otherwise determined in the original call or order to duty; and

“(II) in the case of any borrower whose call or order to duty is cancelled before the first day of such service for a reason other than an injury described in subclause (I), during the period beginning on the date the call or order to duty is received by the borrower and ending on the date that is 14 days after such call or order to duty is cancelled;”;

(7) in clause (vi) (as redesignated by paragraph (5)), by striking “not in excess” and inserting “during any period not in excess”;

(8) in clause (vii) (as redesignated by paragraph (5)), by striking “during which” and inserting “during any period during which”.

(d) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to authorize any refunding of any repayment of a loan.

(e) APPLICABILITY.—The amendments made by this section shall apply with respect to all loans made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

SA 3423. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 1105. APPELLATE PROCEDURES FOR ELIGIBILITY FOR SENSITIVE POSITIONS.

(a) AMENDMENTS.—Section 7701 of title 5, United States Code, is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following:

“(k)(1) The Board has authority to review on the merits an appeal by an employee or applicant for employment of an action arising from a determination that the employee or applicant for employment is ineligible for a sensitive position if—

“(A) the sensitive position does not require a security clearance or access to classified information; and

“(B) such action is otherwise appealable.

“(2) In this subsection, the term ‘sensitive position’ means a position designated as a sensitive position under Executive Order 10450 (5 U.S.C. 7311 note), or any successor thereto.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any appeal that is pending on, or commenced on or after, the date of enactment of this Act.

SA 3424. Mr. TESTER (for himself and Mr. WALSH) submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military

personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 141. TEMPORARY LIMITATION ON AVAILABILITY OF FUNDS FOR TRANSFER OF CERTAIN RED HORSE UNITS.

None of the funds authorized to be appropriated by this Act or otherwise made available for the Air Force may be obligated or expended to transfer from one facility to another any Rapid Engineer Deployable Heavy Operational Repair Squadron Engineer (RED HORSE) unit based in the continental United States until 60 days after the Secretary of the Air Force submits to the congressional defense committees a report that includes the following:

(1) A recommended basing alignment for RED HORSE units.

(2) An assessment of the national security benefits and any other benefits of the proposed transfer.

(3) An assessment of the costs of the proposed transfer, including the impact of the proposed transfer on the facility or facilities from which a RED HORSE unit will be transferred.

(4) An analysis of the recommended basing alignment that demonstrates that the recommendation is the most effective and efficient alternative for such basing alignment.

(5) An assessment of how the basing alignment affects the national emergency response mission of RED HORSE Reserve Component units.

SA 3425. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 332. REPORT ON ASSET TRACKING.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of creating a specific line item in the Operations and Maintenance, Defense-wide budget to fund asset tracking and in-transit visibility initiatives, including implementation of an item unique identification (IUID) system.

SA 3426. Mr. KING (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1087. CONSOLIDATED DEFINITION OF SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY VETERANS.

(a) SHORT TITLE.—This section may be cited as the “Improving Opportunities for Service-Disabled Veteran-Owned Small Businesses Act of 2014”.

(b) SMALL BUSINESS DEFINITION OF SMALL BUSINESS CONCERN CONSOLIDATED.—Section 3(q) of the Small Business Act (15 U.S.C. 632(q)) is amended—

(1) by amending paragraph (2) to read as follows:

“(2) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.—The term ‘small business concern owned and controlled by service-disabled veterans’ means a small business concern—

“(A)(i) not less than 51 percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more service-disabled veterans; and

“(ii) the management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran; or

“(B) not less than 51 percent of which is owned by one or more veterans with service-connected disabilities that are permanent and total who are unable to manage the daily business operations of such concern or, in the case of a publicly owned business, not less than 51 percent of the stock of which is owned by one or more such veterans.”; and

(2) by adding at the end the following:

“(6) TREATMENT OF BUSINESSES AFTER DEATH OF VETERAN-OWNER.—

“(A) IN GENERAL.—If the death of a service-disabled veteran causes a small business concern to be less than 51 percent owned by one or more such veterans, the surviving spouse of such veteran who acquires ownership rights in such small business concern shall, for the period described in subparagraph (B), be treated as if the surviving spouse were that veteran for the purpose of maintaining the status of the small business concern as a small business concern owned and controlled by service-disabled veterans.

“(B) PERIOD DESCRIBED.—The period referred to in subparagraph (A) is the period beginning on the date on which the service-disabled veteran dies and ending on the earliest of the following dates:

“(i) The date on which the surviving spouse remarries.

“(ii) The date on which the surviving spouse relinquishes an ownership interest in the small business concern.

“(iii) The date that—

“(I) in the case of a surviving spouse of a veteran with a service-connected disability rated as 100 percent disabling or who dies as a result of a service-connected disability, is 10 years after the date of the veteran’s death; or

“(II) in the case of a surviving spouse of a veteran with a service-connected disability rated as less than 100 percent disabling who does not die as a result of a service-connected disability, is three years after the date of the veteran’s death.”.

(c) VETERANS AFFAIRS DEFINITION OF SMALL BUSINESS CONCERN CONSOLIDATED.—Section 8127 of title 38, United States Code, is amended—

(1) by striking subsection (h); and

(2) in subsection (l)(2), by striking “means” and all that follows through the period at the end and inserting the following: “has the meaning given that term under section 3(q) of the Small Business Act (15 U.S.C. 632(q)).”.

(d) GAO REPORT ON VERIFICATION OF STATUS.—Not later than 270 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Veterans’ Affairs and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Veterans’ Affairs and the Committee on

Small Business of the House of Representatives a report—

(1) evaluating whether it is practicable for the Administrator of the Small Business Administration or the Secretary of Veterans Affairs to have Government-wide responsibility for verifying whether a business concern purporting to be a small business concern owned and controlled by service-disabled veterans (as defined under section 3(q) of the Small Business Act (15 U.S.C. 632(q)), as amended by this section) qualifies as a small business concern owned and controlled by service-disabled veterans; and

(2) making recommendations on the advisability of the Administrator of the Small Business Administration or the Secretary of Veterans Affairs having such Government-wide responsibility.

SA 3427. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 1522, strike subsection (b).

SA 3428. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1247. REPORT ON ACCOUNTABILITY FOR WAR CRIMES AND CRIMES AGAINST HUMANITY IN SYRIA.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and again not later than 180 days after the cessation of violence in Syria, the Secretary of State shall submit to the appropriate congressional committees a report on war crimes and crimes against humanity in Syria.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) A description of violations of internationally recognized human rights and crimes against humanity perpetrated during the civil war in Syria, including—

(A) an account of the war crimes and crimes against humanity committed by the regime of President Bashar al-Assad;

(B) an account of the war crimes and crimes against humanity committed by violent extremist groups and other combatants in the conflict; and

(C) a description of the conventional and unconventional weapons used for such crimes and, where possible, the origins of the weapons.

(2) A description of efforts by the Department of State and the United States Agency for International Development to ensure accountability for violations of internationally recognized human rights and crimes against humanity perpetrated against the people of Syria by the regime of President Bashar al-Assad, violent extremist groups, and other combatants involved in the conflict, including—

(A) a description of initiatives that the United States Government has undertaken to train investigators in Syria on how to document, investigate, and develop findings of war crimes, including the number of United States Government or contract personnel currently designated to work full-time on these issues and an identification of the authorities and appropriations being used to support training efforts;

(B) a description of the strategy and implementation efforts to ensure accountability for crimes committed during the Syrian conflict, including efforts to promote the establishment of an ad hoc tribunal to prosecute the perpetrators of war crimes committed during the civil war in Syria; and

(C) an assessment of the impact of those initiatives.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SA 3429. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1268. FULBRIGHT UNIVERSITY VIETNAM.

(a) DEFINITIONS.—Section 203 of the Vietnam Education Foundation Act of 2000 (title II of division B of H.R. 5666, as enacted into law by section 1(a)(4) of Public Law 106-554 and contained in appendix D of that Act; 114 Stat. 2763A-254; 22 U.S.C. 2452 note) is amended—

(1) by redesignating paragraph (4) as paragraph (6); and

(2) by inserting after paragraph (3) the following:

“(4) FULBRIGHT UNIVERSITY VIETNAM.—The term ‘Fulbright University Vietnam’ means an independent, not-for-profit academic institution to be established in the Socialist Republic of Vietnam.

“(5) TRUST FOR UNIVERSITY INNOVATION IN VIETNAM.—The term ‘Trust for University Innovation in Vietnam’ means a not-for-profit organization founded in 2012, which is engaged in promoting institutional innovation in Vietnamese higher education.”.

(b) USE OF VIETNAM DEBT REPAYMENT FUND FOR FULBRIGHT UNIVERSITY VIETNAM.—Section 207(c)(3) of the Vietnam Education Foundation Act of 2000 (title II of division B of H.R. 5666, as enacted into law by section 1(a)(4) of Public Law 106-554 and contained in appendix D of that Act; 114 Stat. 2763A-257; 22 U.S.C. 2452 note) is amended to read as follows:

“(3) USE OF EXCESS FUNDS FOR FULBRIGHT UNIVERSITY VIETNAM.—During each of the fiscal years 2014 through 2018, amounts deposited into the Fund, in excess of the amounts made available to the Foundation under paragraph (1), shall be made available by the Secretary of the Treasury, upon the request of the Secretary of State, for grants to the Trust for University Innovation in Vietnam for the purpose of supporting the establishment of Fulbright University Vietnam.”.

(c) GRANTS AUTHORIZED.—The Vietnam Education Foundation Act of 2000 (22 U.S.C.

2452 note) is amended by adding at the end the following:

“SEC. 211. FULBRIGHT UNIVERSITY VIETNAM.

“(a) GRANTS AUTHORIZED.—The Secretary of State may award 1 or more grants to the Trust for University Innovation in Vietnam, which shall be used to support the establishment of Fulbright University Vietnam.

“(b) APPLICATION.—In order to receive 1 or more grants pursuant to subsection (a), Trust for University Innovation in Vietnam shall submit an application to the Secretary of State at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

“(c) MINIMUM STANDARDS.—As a condition of receiving grants under this section, Trust for University Innovation in Vietnam shall ensure that Fulbright University Vietnam—

“(1) achieves standards comparable to those required for accreditation in the United States;

“(2) offers graduate and undergraduate level teaching and research programs in a broad range of fields, including public policy, management, and engineering; and

“(3) establishes a policy of academic freedom and prohibits the censorship of dissenting or critical views.

“(d) ANNUAL REPORT.—Not later than 90 days after the last day of each fiscal year, the Secretary of State shall submit a report to the appropriate congressional committees that summarizes the activities carried out under this section during such fiscal year.”.

SA 3430. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1087. MAKING PERMANENT SPECIAL EFFECTIVE DATE FOR AWARDS OF DISABILITY COMPENSATION BY SECRETARY OF VETERANS AFFAIRS FOR VETERANS WHO SUBMIT APPLICATIONS FOR ORIGINAL CLAIMS THAT ARE FULLY-DEVELOPED.

Section 5110(b)(2)(C) of title 38, United States Code, is amended by striking “and shall not apply with respect to claims filed after the date that is three years after the date of the enactment of such Act”.

SEC. 1088. PROVISIONAL BENEFITS AWARDED BY SECRETARY OF VETERANS AFFAIRS FOR FULLY DEVELOPED CLAIMS PENDING FOR MORE THAN 180 DAYS.

(a) IN GENERAL.—Chapter 53 of title 38, United States Code, is amended by adding at the end the following:

“§ 5319A. Provisional benefits awarded for fully developed claims pending for extended period

“(a) PROVISIONAL AWARDS REQUIRED.—For each application for disability compensation that is filed for an individual with the Secretary, that sets forth an original claim that is fully-developed (as determined by the Secretary) as of the date of submittal, and for which the Secretary has not made a decision, beginning on the date that is 180 days after the date on which such application is filed with the Secretary, the Secretary shall award the individual a provisional benefit under this section.

“(b) PROVISIONAL AWARDS ESTABLISHED.—A provisional benefit awarded pursuant to subsection (a) for a claim for disability com-

pensation shall be for such monthly amount as the Secretary shall establish for each classification of disability claimed as the Secretary shall establish.

“(c) RECOVERY.—Notwithstanding any other provision of law, the Secretary may recover a payment of a provisional benefit awarded under this section for an application for disability compensation only—

“(1) in a case in which the Secretary awards the disability compensation for which the individual filed the application and the Secretary may only recover such provisional benefit by subtracting it from payments made for the disability compensation awarded; or

“(2) in a case in which the Secretary determines not to award the disability compensation for which the individual filed the application and the Secretary determines that the application was the subject of intentional fraud, misrepresentation, or bad faith on behalf of the individual.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by inserting after the item relating to section 5319 the following new item:

“5319A. Provisional benefits awarded for fully developed claims pending for extended period.”.

SA 3431. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. 515. EDUCATIONAL ASSISTANCE TO ENCOURAGE MEMBERSHIP IN THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) PROGRAMS OF ASSISTANCE AUTHORIZED.—Chapter 1611 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 16402. National Guard and Reserves: educational assistance to encourage membership

“(a) AUTHORITY.—Each Secretary of a military department may carry out a program to encourage membership in the reserve components of the armed forces under the jurisdiction of such Secretary through the provision of educational assistance to individuals who participate in such program in order to develop skills that are critical to such reserve components as determined by such Secretary.

“(b) PARTICIPATION BY INDIVIDUALS BEFORE COMMENCEMENT OF GRADE 12.—(1) An individual who is more than sixteen years of age may participate in a program under this section before commencing grade 12 in a secondary school with the written consent of the individual’s parent or guardian (if the individual has a parent or guardian entitled to the custody and control of the individual).

“(2) An individual who participates in a program under this section pursuant to paragraph (1) may complete entry level and skill training before commencing grade 12 in a secondary school.

“(c) ADMINISTRATION REQUIREMENTS.—In carrying out a program under this section, the Secretary of a military department shall—

“(1) establish and maintain a current list of the skills that are, or are anticipated to

become, critical to one or more reserve components under the jurisdiction of such Secretary; and

“(2) prescribe academic and other performance standards to be met by individuals participating in the program.

“(d) PARTICIPATION AGREEMENT.—An individual who participates in a program under this section shall enter into a written agreement with the Secretary of the military department concerned—

“(1) to enlist in or accept an appointment as an officer in a reserve component of the armed forces;

“(2) to complete entry level and skill training (if enlisting) or entry level training and officer candidate school (if accepting appointment as an officer);

“(3) to pursue on a full-time basis a course of education—

“(A) leading to a bachelor’s or associate’s degree at an institution of higher education; or

“(B) that—

“(i) is offered by an institution of higher education; and

“(ii) upon completion, will provide the individual with a level of education that is similar to a course of education described in subparagraph (A), as determined pursuant to subsection (c)(2);

“(4) while pursuing a course of education under paragraph (3), to perform such active duty for training during periods between academic terms of the institution of higher education involved as such Secretary shall specify in the agreement; and

“(5) as provided in subsection (i), to serve in the reserve component of the armed forces specified in such agreement for two years for each academic year for which the individual receives educational assistance under this section.

“(e) AMOUNT OF EDUCATIONAL ASSISTANCE.—The amount of educational assistance provided under a program under this section to an individual pursuing a course of education described in subsection (d)(3) during an academic year shall be the lesser of—

“(1) the maximum amount of in-State tuition and fees assessed during such academic year for programs of education leading to a bachelor’s degree by public institutions of higher education in the State whose National Guard the individual is a member of or where the individual resides, as applicable; or

“(2) the amount of tuition and fees assessed during such academic year for such course of education by the institution of higher education providing such course of education.

“(f) PAYMENT OF EDUCATIONAL ASSISTANCE.—(1) The Secretary of the military department concerned shall pay educational assistance to individuals participating in programs under this section on a monthly basis.

“(2) The maximum number of months of educational assistance payable to an individual participating in a program under this section may not exceed the aggregate number of months comprising four academic years at the institution or institutions attended by the individual pursuant to the program.

“(g) RESERVE STATUS.—(1) Each individual participating in a program under this section shall, while pursuing a course of education under such program, be the following:

“(A) A member of the inactive National Guard or the Individual Ready Reserve, as applicable, during academic terms of pursuit of such course of education pursuant to subsection (d)(3).

“(B) A member of the National Guard or the Ready Reserve, as applicable, in active

status while performing training during periods between such academic terms pursuant to subsection (d)(4)

“(2) Notwithstanding status under paragraph (1), an individual may not be called or ordered to active duty (other than active duty for training in accordance with subsection (d)(4)) while pursuing a course of education under a program under this section.

“(h) INELIGIBILITY FOR OTHER EDUCATIONAL ASSISTANCE DURING PARTICIPATION IN PROGRAM.—(1) An individual who participates in a program under this section is not, while so participating, eligible for educational assistance under any other provision of this title, any other law administered by the Secretary of Defense or the Secretaries of the military departments, any law administered by the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy), or any law administered by the Secretary of Veterans Affairs.

“(2) Any service in the armed forces by an individual described in paragraph (1) while participating in a program under this section shall be treated as qualifying the individual for education assistance under provisions of law referred to in that paragraph to the extent provided in such provisions of law.

“(i) COMMENCEMENT OF SERVICE REQUIREMENT.—The service requirement of an individual pursuant to subsection (d)(5) shall commence as follows:

“(1) When the individual obtains the bachelor's or associate's degree, or completes the course of education described in subsection (d)(3)(B), for which the individual was paid educational assistance under this section.

“(2) If the individual ceases pursuit on a full-time basis of a course of education at an institution of higher education as agreed to pursuant to subsection (d)(3).

“(3) If the individual otherwise fails to obtain a bachelor's or associate's degree, or course of education described in subsection (d)(3)(B), as so agreed to.

“(j) REPAYMENT.—An individual who participates in a program under this section and who fails to complete the equivalent of a single academic year of education pursuant to subsection (d)(3) or complete the period of service or meet the types or conditions of serve for which educational assistance was provided the individual under the program, as specified in the written agreement of the individual under subsection (d), shall be subject to the repayment provisions of section 373 of title 37.

“(k) FUNDING.—Amounts available to the Secretary of the military department concerned for the payment of recruitment and retention bonuses and special pays shall be available to such Secretary to carry out a program under this section.

“(l) DEFINITIONS.—In this section:

“(1) The term ‘entry level and skill training’ means the following:

“(A) In the case of members of the Army National Guard of the United States or the Army Reserve, Basic Combat Training and Advanced Individual Training or One Station Unit Training.

“(B) In the case of members of the Navy Reserve, Recruit Training (or Boot Camp) and Skill Training (or so-called ‘A School’).

“(C) In the case of members of the Air National Guard of the United States of the Air Force Reserve, Basic Military Training and Technical Training.

“(D) In the case of members of the Marine Corps Reserve, Recruit Training and Marine Corps Training (or School of Infantry Training).

“(2) The term ‘institution of higher education’ has the meaning given that term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1611 of such title is amended by adding at the end the following new item:

“16402. National Guard and Reserves: educational assistance to encourage membership.”

SA 3432. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII, add the following:

SEC. 810. EXTENSION OF LIMITATION ON AGGREGATE ANNUAL AMOUNT AVAILABLE FOR CONTRACT SERVICES.

Section 808 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1489), as amended by section 802 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 804) is further amended—

(1) in subsections (a) and (b), by striking “or 2014” and inserting “2014, or 2015”;

(2) in subsection (c)(3), by striking “and 2014” and inserting “2014, and 2015”;

(3) in subsection (d)(4), by striking “or 2014” and inserting “2014, or 2015”; and

(4) in subsection (e), by striking “2014” and inserting “2015”.

SA 3433. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1087. NATIONAL BLUE ALERT COMMUNICATIONS NETWORK.

(a) SHORT TITLE.—This section may be cited as the “National Blue Alert Act of 2014”.

(b) DEFINITIONS.—In this section:

(1) COORDINATOR.—The term “Coordinator” means the Blue Alert Coordinator of the Department of Justice designated under subsection (d)(1).

(2) BLUE ALERT.—The term “Blue Alert” means information relating to the serious injury or death of a law enforcement officer in the line of duty sent through the network.

(3) BLUE ALERT PLAN.—The term “Blue Alert plan” means the plan of a State, unit of local government, or Federal agency participating in the network for the dissemination of information received as a Blue Alert.

(4) LAW ENFORCEMENT OFFICER.—The term “law enforcement officer” shall have the same meaning as in section 1204(6) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(6)).

(5) NETWORK.—The term “network” means the Blue Alert communications network established by the Attorney General under subsection (c).

(6) STATE.—The term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, Amer-

ican Samoa, and the Commonwealth of the Northern Mariana Islands.

(c) BLUE ALERT COMMUNICATIONS NETWORK.—The Attorney General shall establish a national Blue Alert communications network within the Department of Justice to issue Blue Alerts through the initiation, facilitation, and promotion of Blue Alert plans, in coordination with States, units of local government, law enforcement agencies, and other appropriate entities.

(d) BLUE ALERT COORDINATOR; GUIDELINES.—

(1) COORDINATION WITHIN DEPARTMENT OF JUSTICE.—The Attorney General shall assign an existing officer of the Department of Justice to act as the national coordinator of the Blue Alert communications network.

(2) DUTIES OF THE COORDINATOR.—The Coordinator shall—

(A) provide assistance to States and units of local government that are using Blue Alert plans;

(B) establish voluntary guidelines for States and units of local government to use in developing Blue Alert plans that will promote compatible and integrated Blue Alert plans throughout the United States, including—

(i) a list of the resources necessary to establish a Blue Alert plan;

(ii) criteria for evaluating whether a situation warrants issuing a Blue Alert;

(iii) guidelines to protect the privacy, dignity, independence, and autonomy of any law enforcement officer who may be the subject of a Blue Alert and the family of the law enforcement officer;

(iv) guidelines that a Blue Alert should only be issued with respect to a law enforcement officer if—

(I) the law enforcement agency involved—

(aa) confirms—

(AA) the death or serious injury of the law enforcement officer; or

(BB) the attack on the law enforcement officer and that there is an indication of the death or serious injury of the officer; or

(bb) concludes that the law enforcement officer is missing in the line of duty;

(II) there is an indication of serious injury to or death of the law enforcement officer;

(III) the suspect involved has not been apprehended; and

(IV) there is sufficient descriptive information of the suspect involved and any relevant vehicle and tag numbers;

(v) guidelines—

(I) that information relating to a law enforcement officer who is seriously injured or killed in the line of duty should be provided to the National Crime Information Center database operated by the Federal Bureau of Investigation under section 534 of title 28, United States Code, and any relevant crime information repository of the State involved;

(II) that a Blue Alert should, to the maximum extent practicable (as determined by the Coordinator in consultation with law enforcement agencies of States and units of local governments), be limited to the geographic areas most likely to facilitate the apprehension of the suspect involved or which the suspect could reasonably reach, which should not be limited to State lines;

(III) for law enforcement agencies of States or units of local government to develop plans to communicate information to neighboring States to provide for seamless communication of a Blue Alert; and

(IV) providing that a Blue Alert should be suspended when the suspect involved is apprehended or when the law enforcement agency involved determines that the Blue Alert is no longer effective; and

(vi) guidelines for—

(I) the issuance of Blue Alerts through the network; and

(II) the extent of the dissemination of alerts issued through the network;

(C) develop protocols for efforts to apprehend suspects that address activities during the period beginning at the time of the initial notification of a law enforcement agency that a suspect has not been apprehended and ending at the time of apprehension of a suspect or when the law enforcement agency involved determines that the Blue Alert is no longer effective, including protocols regulating—

(i) the use of public safety communications;

(ii) command center operations; and

(iii) incident review, evaluation, debriefing, and public information procedures;

(D) work with States to ensure appropriate regional coordination of various elements of the network;

(E) establish an advisory group to assist States, units of local government, law enforcement agencies, and other entities involved in the network with initiating, facilitating, and promoting Blue Alert plans, which shall include—

(i) to the maximum extent practicable, representation from the various geographic regions of the United States; and

(ii) members who are—

(I) representatives of a law enforcement organization representing rank-and-file officers;

(II) representatives of other law enforcement agencies and public safety communications;

(III) broadcasters, first responders, dispatchers, and radio station personnel; and

(IV) representatives of any other individuals or organizations that the Coordinator determines are necessary to the success of the network;

(F) act as the nationwide point of contact for—

(i) the development of the network; and

(ii) regional coordination of Blue Alerts through the network; and

(G) determine—

(i) what procedures and practices are in use for notifying law enforcement and the public when a law enforcement officer is killed or seriously injured in the line of duty; and

(ii) which of the procedures and practices are effective and that do not require the expenditure of additional resources to implement.

(3) LIMITATIONS.—

(A) VOLUNTARY PARTICIPATION.—The guidelines established under paragraph (2)(B), protocols developed under paragraph (2)(C), and other programs established under paragraph (2), shall not be mandatory.

(B) DISSEMINATION OF INFORMATION.—The guidelines established under paragraph (2)(B) shall, to the maximum extent practicable (as determined by the Coordinator in consultation with law enforcement agencies of States and units of local government), provide that appropriate information relating to a Blue Alert is disseminated to the appropriate officials of law enforcement agencies, public health agencies, and other agencies.

(C) PRIVACY AND CIVIL LIBERTIES PROTECTIONS.—The guidelines established under paragraph (2)(B) shall—

(i) provide mechanisms that ensure that Blue Alerts comply with all applicable Federal, State, and local privacy laws and regulations; and

(ii) include standards that specifically provide for the protection of the civil liberties, including the privacy, of law enforcement officers who are seriously injured or killed in the line of duty and the families of the officers.

(4) COOPERATION WITH OTHER AGENCIES.—The Coordinator shall cooperate with the Secretary of Homeland Security, the Secretary of Transportation, the Chairman of the Federal Communications Commission, and appropriate offices of the Department of Justice in carrying out activities under this section.

(5) RESTRICTIONS ON COORDINATOR.—The Coordinator may not—

(A) perform any official travel for the sole purpose of carrying out the duties of the Coordinator;

(B) lobby any officer of a State regarding the funding or implementation of a Blue Alert plan; or

(C) host a conference focused solely on the Blue Alert program that requires the expenditure of Federal funds.

(6) REPORTS.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Coordinator shall submit to Congress a report on the activities of the Coordinator and the effectiveness and status of the Blue Alert plans that are in effect or being developed.

SA 3434. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

SEC. 864. SBA SURETY BOND GUARANTEE.

Section 411(c)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(c)(1)) is amended by striking “70” and inserting “90”.

SA 3435. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. 223. REPORT ON INTERAGENCY INTEROPERABILITY FOR RESEARCH AND DEVELOPMENT.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on interagency interoperability of research and development, including on how the Secretary can encourage innovation, strengthen collaboration, and realize cost savings in scientific research.

SA 3436. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, the following:

SEC. 557. PRIVILEGE AGAINST DISCLOSURE OF COMMUNICATIONS BETWEEN A VICTIM OF SEXUAL ASSAULT AND PERSONNEL OF THE DEPARTMENT OF DEFENSE SAFE HELPLINE AND DEPARTMENT OF DEFENSE SAFE HELPROOM.

Not later than one year after the date of the enactment of this Act, the Military Rules of Evidence shall be modified to establish a privilege against the disclosure of communications between the victim of a sexual assault and personnel of the Department of Defense Safe Helpline, and between the victim of a sexual assault and personnel of the Department of Defense Safe HelRoom, with respect to such sexual assault.

SA 3437. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title III, add the following:

SEC. 354. AUTHORITY FOR NATIONAL GUARD BUREAU ACQUISITION OF CERTAIN DUAL USE EQUIPMENT IDENTIFIED AS SIGNIFICANT MAJOR ITEMS SHORTAGES.

Notwithstanding any other provision of law, during fiscal year 2015, the National Guard Bureau may acquire the modification, repair, recapitalization, modernization, or upgrade of critical dual use equipment identified as “Significant Major Items Shortages” from the Readiness Sustainment Maintenance Sites utilizing funds appropriated within the National Guard and Reserve equipment appropriation, including semitrailer recapitalization, High Mobility Multi-Purpose Wheeled Vehicle ambulance recapitalization, construction engineer equipment, combat mobility, and Palletized Loading Systems.

SA 3438. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 737. EXTENSION OF QUALIFICATION OF CERTAIN MENTAL HEALTH COUNSELORS UNDER THE TRICARE PROGRAM.

(a) IN GENERAL.—Notwithstanding the interim final rule entitled “TRICARE: Certified Mental Health Counselors” prescribed by the Secretary of Defense and published on December 27, 2011, or any other provision of law—

(1) any mental health counselor who is, as of October 1, 2014, a qualified mental health provider under section 199.4 of title 32, Code of Federal Regulations, only while practicing under the supervision of a physician, shall continue to be a qualified mental health provider under such section for purposes of the TRICARE program until not earlier than December 31, 2015, if such mental health counselor maintains all qualifications to serve as a qualified mental health

provider under such section (including practicing under the supervision of a physician); and

(2) any mental health counselor described in paragraph (1) shall remain eligible for reimbursement under the TRICARE program while continuing to qualify as a mental health provider under such section, in accordance with such paragraph.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the following:

(1) The number of certified mental health counselors who are available to provide mental health counseling to beneficiaries of the TRICARE program, disaggregated by State and territory of the United States.

(2) The number of mental health counselors who are, as of the date of the submission of the report, qualified mental health providers under section 199.4 of title 32, Code of Federal Regulations, in accordance with subsection (a)(1), only while practicing under the supervision of a physician, disaggregated by State and territory of the United States.

(3) An assessment of whether a sufficient number of certified mental health counselors will be available to provide mental health counseling to beneficiaries of the TRICARE program after December 31, 2015, or any later date to which the Secretary extends the qualification of mental health counselors described in paragraph (2) as qualified mental health providers pursuant to subsection (a)(1), with emphasis on the availability of certified mental health counselors—

- (A) in Alaska;
 - (B) in predominantly rural States;
 - (C) in rural communities of States that are not predominantly rural States; and
 - (D) in the territories of the United States.
- (4) A description and assessment of the availability of the following:

(A) Mental health counseling and training programs accredited by the Council for Accreditation of Counseling and Related Educational Programs.

(B) Certified mental health counselors in States and territories of the United States in which such programs are not available.

(5) An assessment of the costs and benefits of requiring beneficiaries of the TRICARE program to abandon existing patient relationships with mental health counselors described in paragraph (2) after December 31, 2015, or any later date described in paragraph (3), including an assessment of the impact of that requirement on the continuity of mental health care to such beneficiaries.

(6) A description of any evidence available to the Secretary suggesting that patients of mental health counselors described in paragraph (2) under the TRICARE program are dissatisfied with their professional relationships with such counselors.

(7) A justification for the determination by the Secretary that it is necessary to eliminate the qualification of mental health counselors described in paragraph (2) under the TRICARE program to maintain high-quality services under such program, including whether evidence is available to the Secretary demonstrating that a statistically significant number of such mental health counselors currently credentialed as qualified mental health providers under such program are providing standard care to beneficiaries of such program.

(8) An assessment of whether it is equitable to terminate experienced mental health counselors described in paragraph (2) from further participation under the TRICARE program in favor of potentially less experienced certified mental health counselors.

(9) A description of the obstacles faced by mental health counselors described in paragraph (2) who seek to become certified mental health counselors, including obstacles related to such mental health counselors not having graduated from an educational program certified by the Council of Accreditation of Counseling and Related Educational Programs.

(10) A description of any modifications to regulations that the Secretary intends to propose or implement in light of the following:

(A) The extension of qualification required by subsection (a).

(B) The matters covered by the report.

(c) CERTIFIED MENTAL HEALTH COUNSELOR DEFINED.—In this section, the term “certified mental health counselor” has the meaning given such term in section 199.6(c)(3)(iii)(N) of title 32, Code of Federal Regulations.

SA 3439. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XVI, add the following:

SEC. 1632. ALLOCATION OF FUNDING FOR CERTAIN COMMERCIALLY LICENSED SPACEPORTS AND RANGE COMPLEXES.

(a) SENSE OF CONGRESS.—Congress finds that it is critical to continue to support the national security priorities of the United States by preserving launch range capabilities that support access to space.

(b) ALLOCATION OF FUNDING FOR SPACE LAUNCH CAPABILITY.—Of the funds authorized to be appropriated by this Act for fiscal year 2015 for infrastructure and overhead for space launch capabilities, \$10,000,000 shall be available for spaceports and launch and range complexes that—

- (1) are commercially licensed by the Federal Aviation Administration;
- (2) receive funding from the government of the State or locality in which the spaceport or complex is located;
- (3) have launched national security payloads; and
- (4) have the capacity to provide mid-to-low inclination orbits or polar-to-high inclination orbits in support of the national security space program.

SA 3440. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1087. ELIGIBILITY FOR INTERMENT IN NATIONAL CEMETERIES OF INDIVIDUALS WHO SUPPORTED UNITED STATES IN LAOS DURING VIETNAM WAR ERA.

(a) IN GENERAL.—Section 2402(a) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(10) Any individual—

“(A) who—

“(i) was naturalized pursuant to section 2(1) of the Hmong Veterans’ Naturalization Act of 2000 (Public Law 106-207; 8 U.S.C. 1423 note); and

“(ii) at the time of the individual’s death resided in the United States; or

“(B) who—

“(i) the Secretary determines served with a special guerrilla unit or irregular forces operating from a base in Laos in support of the Armed Forces of the United States at any time during the period beginning February 28, 1961, and ending May 7, 1975; and

“(ii) at the time of the individual’s death—

“(I) was a citizen of the United States or an alien lawfully admitted for permanent residence in the United States; and

“(II) resided in the United States.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to an individual dying on or after the date of the enactment of this Act.

SA 3441. Mr. CASEY (for himself and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill H.R. 4660, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2015, and for other purposes; which was ordered to lie on the table; as follows:

On page 53, line 10, strike “\$257,500,000” and insert “\$294,500,000”.

On page 53, line 21, strike “\$53,000,000” and insert “\$90,000,000”.

SA 3442. Mr. REID (for Mr. BOOZMAN) proposed an amendment to the bill S. 2076, to amend the provisions of title 46, United States Code, related to the Board of Visitors to the United States Merchant Marine Academy, and for other purposes; as follows:

On page 3, strike lines 10 and 11.

On page 7, strike lines 1 and 2.

SA 3443. Mr. REID (for Mr. COONS) proposed an amendment to the bill S. 1799, to reauthorize subtitle A of the Victims of Child Abuse Act of 1990; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Victims of Child Abuse Act Reauthorization Act of 2013”.

SEC. 2. IMPROVING INVESTIGATION AND PROSECUTION OF CHILD ABUSE CASES.

(a) REAUTHORIZATION.—Section 214B of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13004) is amended—

(1) in subsection (a), by striking “fiscal years 2004 and 2005” and inserting “fiscal years 2014, 2015, 2016, 2017, and 2018”; and

(2) in subsection (b), by striking “fiscal years 2004 and 2005” and inserting “fiscal years 2014, 2015, 2016, 2017, and 2018”.

(b) ACCOUNTABILITY.—Subtitle A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended by adding at the end the following:

“SEC. 214C. ACCOUNTABILITY.

“All grants awarded by the Administrator under this subtitle shall be subject to the following accountability provisions:

“(1) AUDIT REQUIREMENT.—

“(A) DEFINITION.—In this paragraph, the term ‘unresolved audit finding’ means a finding in the final audit report of the Inspector General of the Department of Justice that

the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date when the final audit report is issued and any appeal has been completed.

“(B) AUDIT.—The Inspector General of the Department of Justice shall conduct audits of recipients of grants under this subtitle to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

“(C) MANDATORY EXCLUSION.—A recipient of grant funds under this subtitle that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this subtitle during the following 2 fiscal years.

“(D) PRIORITY.—In awarding grants under this subtitle, the Administrator shall give priority to eligible entities that did not have an unresolved audit finding during the 3 fiscal years prior to submitting an application for a grant under this subtitle.

“(E) REIMBURSEMENT.—If an entity is awarded grant funds under this subtitle during the 2-fiscal-year period in which the entity is barred from receiving grants under paragraph (2), the Administrator shall—

“(i) deposit an amount equal to the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

“(ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

“(2) NONPROFIT ORGANIZATION REQUIREMENTS.—

“(A) DEFINITION.—For purposes of this paragraph, the term ‘nonprofit organization’ means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

“(B) PROHIBITION.—The Administrator may not award a grant under any grant program described in this subtitle to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

“(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant under this subtitle and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Administrator, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Administrator shall make the information disclosed under this subparagraph available for public inspection.

“(3) CONFERENCE EXPENDITURES.—

“(A) LIMITATION.—No amounts authorized to be appropriated to the Department of Justice under this subtitle may be used by the Administrator, or by any individual or organization awarded discretionary funds through a cooperative agreement under this Act, to host or support any expenditure for conferences that uses more than \$20,000 in Department funds, unless the Deputy Attorney General or such Assistant Attorney Generals, Directors, or principal deputies as the Deputy Attorney General may designate, including the Administrator, provides prior written authorization through an award process or subsequent application that the funds may be expended to host a conference.

“(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include

a written estimate of all costs associated with the conference, including the cost of all food and beverages, audiovisual equipment, honoraria for speakers, and any entertainment.

“(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all approved conference expenditures referenced in this paragraph.”

SEC. 3. CRIME VICTIMS FUND.

Section 1402(d)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(3)) is amended—

(1) by inserting “(A)” before “Of the sums”; and

(2) by striking “available for the United States Attorneys Offices” and all that follows and inserting the following: “available only for—

“(i) the United States Attorneys Offices and the Federal Bureau of Investigation to provide and improve services for the benefit of crime victims in the Federal criminal justice system (as described in 3771 of title 18, United States Code, and section 503 of the Victims’ Rights and Restitution Act of 1990 (42 U.S.C. 10607)) through victim coordinators, victims’ specialists, and advocates, including for the administrative support of victim coordinators and advocates providing such services; and

“(ii) a Victim Notification System.

“(B) Amounts made available under subparagraph (A) may not be used for any purpose that is not specified in clause (i) or (ii) of subparagraph (A).”

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. LANDRIEU. Mr. President, I would like to announce for the information of the Senate and the public that a field hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Monday, July 7, 2014, at 1:30 p.m. in the Cajundome Convention Center, 444 Cajundome Blvd., Lafayette, LA 70506.

The purpose of the hearing is to examine Outer Continental Shelf production and to identify what actions the Federal Government can take to maximize the opportunities and minimize the challenges.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, U.S. Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150, or by email to herman_gesser@energy.senate.gov.

For further information, please contact Herman Gesser, III, at (202) 224-7826, or Clayton Allen at (202) 224-8164.

COMMITTEE ON INDIAN AFFAIRS

Mr. TESTER. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on Wednesday, July 9, 2014, in room SD-628 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct a legislative hearing to receive testimony on the following

bills: S. 2442, A bill to direct the Secretary of the Interior to take certain land and mineral rights on the reservation of the Northern Cheyenne Tribe of Montana and other culturally important land into trust for the benefit of the Northern Cheyenne Tribe, and for other purposes; S. 2465, A bill to require the Secretary of the Interior to take into trust 4 parcels of Federal land for the benefit of certain Indian Pueblos in the State of New Mexico; S. 2479, A bill to provide for a land conveyance in the State of Nevada; S. 2480, A bill to require the Secretary of the Interior to convey certain Federal land to Elko County, Nevada, and to take land into trust for certain Indian tribes, and for other purposes; and S. 2503, A bill to direct the Secretary of the Interior to enter into the Big Sandy River-Planet Ranch Water Rights Settlement Agreement and the Hualapai Tribe Bill Williams River Water Rights Settlement Agreement, to provide for the lease of certain land located within Planet Ranch on the Bill Williams River in the State of Arizona to benefit the Lower Colorado River Multi-Species Conservation Program, and to provide for the settlement of specific water rights claims in the Bill Williams River watershed in the State of Arizona.

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. TESTER. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on Wednesday, July 16, 2014, in room SD-628 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct an oversight hearing entitled “Improving the Trust System: Continuing Oversight of the Department of the Interior’s Land Buy-Back Program.”

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. TESTER. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on Wednesday, July 23, 2014, in room SD-628 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct an oversight hearing entitled “Indian Gaming: The Next 25 Years.”

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. TESTER. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on Wednesday, July 30, 2014, in room SD-628 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct an oversight hearing entitled “When Catastrophe Strikes: Responses to Natural Disasters in Indian Country.”

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.