

to the bill S. 2410, supra; which was ordered to lie on the table.

SA 3711. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill S. 2410, supra; which was ordered to lie on the table.

SA 3712. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill S. 2410, supra; which was ordered to lie on the table.

SA 3713. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 2410, supra; which was ordered to lie on the table.

SA 3714. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 2410, supra; which was ordered to lie on the table.

SA 3715. Mr. CASEY (for himself, Ms. AYOTTE, Mrs. BOXER, Mr. WARNER, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 2410, supra; which was ordered to lie on the table.

SA 3716. Mr. MCCAIN (for himself, Mr. FLAKE, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 2648, making emergency supplemental appropriations for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table.

SA 3717. Mr. RISCH 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.

SA 3718. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 2410, supra; which was ordered to lie on the table.

SA 3719. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 2648, making emergency supplemental appropriations for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table.

SA 3720. Mr. CRUZ (for himself, Mr. SESSIONS, Mr. VITTER, Mr. INHOFE, Mr. LEE, Mr. JOHANNIS, and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 2648, supra; which was ordered to lie on the table.

SA 3721. 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.

SA 3722. Mr. REED (for himself and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill S. 2648, making emergency supplemental appropriations for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 3706.** Mrs. McCASKILL 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. REPORT ON POW/MIA POLICIES.**

(a) IN GENERAL.—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 policies and proposals for providing access to information and documents to the next of kin of missing service personnel, including under chapter 76 of title 10, United States Code, as amended by section 911.

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

(1) A description of information and documents to be provided to the next of kin, including the status of recovery efforts and service records.

(2) A description of the Department's plans, if any, to review the classification status of records related to past covered conflicts and missing service personnel.

(3) An assessment of whether it is feasible and advisable to develop a public interface for any database of missing personnel being developed.

**SA 3707.** Mrs. McCASKILL 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 VIII, add the following:

#### **SEC. 846. PROGRAM FRAUD CIVIL REMEDIES STATUTE FOR THE DEPARTMENT OF DEFENSE AND THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.**

(a) PURPOSE.—The purpose of this section is to provide the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration with an effective administrative remedy to obtain recompense for the Department of Defense and the National Aeronautics and Space Administration for losses resulting from the submission to the Department or the Administration, respectively, of false, fictitious, or fraudulent claims and statements.

(b) PROGRAM FRAUD CIVIL REMEDIES.—

(1) IN GENERAL.—Part IV of subtitle A of title 10, United States Code, is amended by inserting after chapter 163 the following new chapter:

#### **“CHAPTER 164—ADMINISTRATIVE REMEDIES FOR FALSE CLAIMS AND STATEMENTS**

“Sec.

“2751. Applicability of chapter; definitions.

“2752. False claims and statements; liability.

“2753. Hearing and determinations.

“2754. Payment; interest on late payments.

“2755. Judicial review.

“2756. Collection of civil penalties and assessments.

“2757. Right to administrative offset.

“2758. Limitations.

“2759. Effect on other laws.

“2751. Applicability of chapter; definitions.

#### **“§ 2751. Applicability of chapter; definitions**

“(a) APPLICABILITY OF CHAPTER.—This chapter applies to the following agencies:

“(1) The Department of Defense.

“(2) The National Aeronautics and Space Administration.

“(b) DEFINITIONS.—In this chapter:

“(1) HEAD OF AN AGENCY.—The term ‘head of an agency’ means the Secretary of Defense

and the Administrator of the National Aeronautics and Space Administration.

“(2) CLAIM.—The term ‘claim’ means any request, demand, or submission—

“(A) made to the head of an agency for property, services, or money (including money representing grants, loans, insurance, or benefits);

“(B) made to a recipient of property, services, or money received directly or indirectly from the head of an agency or to a party to a contract with the head of an agency—

“(i) for property or services if the United States—

“(I) provided such property or services;

“(II) provided any portion of the funds for the purchase of such property or services; or

“(III) will reimburse such recipient or party for the purchase of such property or services; or

“(ii) for the payment of money (including money representing grants, loans, insurance, or benefits) if the United States—

“(I) provided any portion of the money requested or demanded; or

“(II) will reimburse such recipient or party for any portion of the money paid on such request or demand; or

“(C) made to the head of an agency which has the effect of decreasing an obligation to pay or account for property, services, or money.

“(3) KNOWS OR HAS REASON TO KNOW.—The term ‘knows or has reason to know’, for purposes of establishing liability under section 2752 of this title, means that a person, with respect to a claim or statement—

“(A) has actual knowledge that the claim or statement is false, fictitious, or fraudulent;

“(B) acts in deliberate ignorance of the truth or falsity of the claim or statement; or

“(C) acts in reckless disregard of the truth or falsity of the claim or statement, and no proof of specific intent to defraud is required.

“(4) RESPONSIBLE OFFICIAL.—The term ‘responsible official’ means a designated debarring and suspending official of the agency named in subsection (a).

“(5) RESPONDENT.—The term ‘respondent’ means a person who has received notice from a responsible official asserting liability under section 2752 of this title.

“(6) STATEMENT.—The term ‘statement’ means any representation, certification, affirmation, document, record, or an accounting or bookkeeping entry made—

“(A) with respect to a claim or to obtain the approval or payment of a claim (including relating to eligibility to make a claim); or

“(B) with respect to (including relating to eligibility for)—

“(i) a contract with, or a bid or proposal for a contract with, the head of an agency; or

“(ii) a grant, loan, or benefit from the head of an agency.

“(c) CLAIMS.—For purposes of paragraph (2) of subsection (b)—

“(1) each voucher, invoice, claim form, or other individual request or demand for property, services, or money constitutes a separate claim;

“(2) each claim for property, services, or money is subject to this chapter regardless of whether such property, services, or money is actually delivered or paid; and

“(3) a claim shall be considered made, presented, or submitted to the head of an agency, recipient, or party when such claim is actually made to an agent, fiscal intermediary, or other entity acting for or on behalf of such authority, recipient, or party.

“(d) STATEMENTS.—For purposes of paragraph (6) of subsection (b)—

“(1) each written representation, certification, or affirmation constitutes a separate statement; and

“(2) a statement shall be considered made, presented, or submitted to the head of an agency when such statement is actually made to an agent, fiscal intermediary, or other entity acting for or on behalf of such authority.

**“§ 2752. False claims and statements; liability**

“(a) FALSE CLAIMS.—Any person who makes, presents, or submits, or causes to be made, presented, or submitted, to the head of an agency a claim that the person knows or has reason to know—

“(1) is false, fictitious, or fraudulent;

“(2) includes or is supported by any written statement which asserts a material fact this is false, fictitious, or fraudulent;

“(3) includes or is supported by any written statement that—

“(A) omits a material fact;

“(B) is false, fictitious, or fraudulent as a result of such omission; and

“(C) is made, presented, or submitted by a person who has a duty to include such material fact; or

“(4) is for payment for the provision of property or services which the person has not provided as claimed,

shall, in addition to any other remedy that may be prescribed by law, be subject to a civil penalty of not more than \$5,000 for each such claim. Such person shall also be subject to an assessment of not more than twice the amount of such claim, or the portion of such claim which is determined by the responsible official to be in violation of the preceding sentence.

“(b) FALSE STATEMENTS.—Any person who makes, presents, submits, or causes to be made, presented, or submitted, a written statement in conjunction with a procurement program or acquisition of the an agency named in section 2751(a) of this title that—

“(1) the person knows or has reason to know—

“(A) asserts a material fact that is false, fictitious, or fraudulent; or

“(B)(i) omits a material fact; and

“(ii) is false, fictitious, or fraudulent as a result of such omission;

“(2) in the case of a statement described in subparagraph (B) of paragraph (1), is a statement in which the person making, presenting, or submitting such statement has a duty to include such material fact; and

“(3) contains or is accompanied by an express certification or affirmation of the truthfulness and accuracy of the contents of the statement,

shall be subject to, in addition to any other remedy that may be prescribed by law, a civil penalty of not more than \$5,000 for each such statement.

**“§ 2753. Hearing and determinations**

“(a) TRANSMITTAL OF NOTICE TO ATTORNEY GENERAL.—If a responsible official determines that there is adequate evidence to believe that a person is liable under section 2752 of this title, the responsible official shall transmit to the Attorney General, or any other officer or employee of the Department of Justice designated by the Attorney General, a written notice of the intention of such official to initiate an action under this section. The notice shall include the following:

“(1) A statement of the reasons for initiating an action under this section.

“(2) A statement specifying the evidence which supports liability under section 2752 of this title.

“(3) A description of the claims or statements for which liability under section 2752 of this title is alleged.

“(4) An estimate of the penalties and assessments that will be demanded under section 2752 of this title.

“(5) A statement of any exculpatory or mitigating circumstances which may relate to such claims or statements.

“(b) STATEMENT FROM ATTORNEY GENERAL.—(1) Within 90 days after receipt of a notice from a responsible official under subsection (a), the Attorney General, or any other officer or employee of the Department of Justice designated by the Attorney General, shall transmit a written statement to the responsible official which specifies—

“(A) that the Attorney General, or any other officer or employee of the Department of Justice designated by the Attorney General, approves or disapproves initiating an action under this section based on the allegations of liability stated in such notice; and

“(B) in any case in which the initiation of an action under this section is disapproved, the reasons for such disapproval.

“(2) If at any time after the initiation of an action under this section the Attorney General, or any other officer or employee of the Department of Justice designated by the Attorney General, transmits to a responsible official a written determination that the continuation of any action under this section may adversely affect any pending or potential criminal or civil action, such action shall be immediately stayed and may be resumed only upon written authorization from the Attorney General, or any other officer or employee of the Department of Justice designated by the Attorney General.

“(c) LIMITATION ON AMOUNT OF CLAIM THAT MAY BE PURSUED UNDER THIS SECTION.—No action shall be initiated under this section, nor shall any assessment be imposed under this section, if the total amount of the claim determined by the responsible official to violate section 2752(a) of this title exceeds \$500,000. The \$500,000 threshold does not include penalties or any assessment permitted under section 2752(a) of this title greater than the amount of the claim determined by the responsible official to violate such section.

“(d) PROCEDURES FOR RESOLVING CLAIMS.—

(1) Upon receiving approval under subsection (b) to initiate an action under this section, the responsible official shall mail, by registered or certified mail, or other similar commercial means, or shall deliver, a notice to the person alleged to be liable under section 2752 of this title. Such notice shall specify the allegations of liability against such person, specify the total amount of penalties and assessments sought by the United States, advise the person of the opportunity to submit facts and arguments in opposition to the allegations set forth in the notice, advise the person of the opportunity to submit offers of settlement or proposals of adjustment, and advise the person of the procedures of the agency governing the resolution of actions initiated under this section.

“(2) Within 30 days after receiving a notice under paragraph (1), or any additional period of time granted by the responsible official, the respondent may submit in person, in writing, or through a representative, facts and arguments in opposition to the allegations set forth in the notice, including any additional information that raises a genuine dispute of material fact.

“(3) If the respondent fails to respond within 30 days, or any additional time granted by the responsible official, the responsible official may issue a written decision disposing of the matters raised in the notice. Such decision shall be based on the record before the responsible official. If the responsible official concludes that the respondent is liable under section 2752 of this title, the decision shall include the findings of fact and conclusions

of law which the responsible official relied upon in determining that the respondent is liable, and the amount of any penalty or assessment to be imposed on the respondent. Any such determination shall be based on a preponderance of the evidence. The responsible official shall promptly send to the respondent a copy of the decision by registered or certified mail, or other similar commercial means, or shall hand deliver a copy of the decision.

“(4) If the respondent makes a timely submission, and the responsible official determines that the respondent has not raised any genuine dispute of material fact, the responsible official may issue a written decision disposing of the matters raised in the notice. Such decision shall be based on the record before the responsible official. If the responsible official concludes that the respondent is liable under section 2752 of this title, the decision shall include the findings of fact and conclusions of law which the responsible official relied upon in determining that the respondent is liable, and the amount of any penalty or assessment to be imposed on the respondent. Any such determination shall be based on a preponderance of the evidence. The responsible official shall promptly send to the respondent a copy of the decision by registered or certified mail, or other similar commercial means, or shall hand deliver a copy of the decision.

“(5) If the respondent makes a timely submission, and the responsible official determines that the respondent has raised a genuine dispute of material fact, the responsible official shall commence a hearing to resolve the genuinely disputed material facts by mailing by registered or certified mail, or other similar commercial means, or by hand delivery of, a notice informing the respondent of—

“(A) the time, place, and nature of the hearing;

“(B) the legal authority under which the hearing is to be held;

“(C) the material facts determined by the responsible official to be genuinely in dispute that will be the subject of the hearing; and

“(D) a description of the procedures for the conduct of the hearing.

“(6) The responsible official and any person against whom liability is asserted under this chapter may agree to a compromise or settle an action at any time. Any compromise or settlement must be in writing.

“(e) RESPONDENT ENTITLED TO COPY OF THE RECORD.—At any time after receiving a notice under paragraph (1) of subsection (d), the respondent shall be entitled to a copy of the entire record before the responsible official.

“(f) HEARINGS.—Any hearing commenced under this section shall be conducted by the responsible official, or a fact-finder designated by the responsible official, solely to resolve genuinely disputed material facts identified by the responsible official and set forth in the notice to the respondent.

“(g) PROCEDURES FOR HEARINGS.—(1) Each hearing shall be conducted under procedures prescribed by the head of the agency. Such procedures shall include the following:

“(A) The provision of written notice of the hearing to the respondent, including written notice of—

“(i) the time, place, and nature of the hearing;

“(ii) the legal authority under which the hearing is to be held;

“(iii) the material facts determined by the responsible official to be genuinely in dispute that will be the subject of the hearing; and

“(iv) a description of the procedures for the conduct of the hearing.

“(B) The opportunity for the respondent to present facts and arguments through oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required to resolve any genuinely disputed material facts identified by the responsible official.

“(C) The opportunity for the respondent to be accompanied, represented, and advised by counsel or such other qualified representative as the head of the agency may specify in such procedures.

“(2) For the purpose of conducting hearings under this section, the responsible official is authorized to administer oaths or affirmations.

“(3) Hearings shall be held at the responsible official's office, or at such other place as may be agreed upon by the respondent and the responsible official.

“(h) **DECISION FOLLOWING HEARING.**—The responsible official shall issue a written decision within 60 days after the conclusion of the hearing. That decision shall set forth specific findings of fact resolving the genuinely disputed material facts that were the subject of the hearing. The written decision shall also dispose of the matters raised in the notice required under paragraph (1) of subsection (d). If the responsible official concludes that the respondent is liable under section 2752 of this title, the decision shall include the findings of fact and conclusions of law which the responsible official relied upon in determining that the respondent is liable, and the amount of any penalty or assessment to be imposed on the respondent. Any decisions issued under this subsection shall be based on the record before the responsible official and shall be supported by a preponderance of the evidence. The responsible official shall promptly send to the respondent a copy of the decision by registered or certified mail, or other similar commercial means, or shall hand deliver a copy of the decision.

#### “§ 2754. Payment; interest on late payments

“(a) **PAYMENT OF ASSESSMENTS AND PENALTIES.**—A respondent shall render payment of any assessment and penalty imposed by a responsible official, or any amount otherwise agreed to as part of a settlement or adjustment, not later than the date—

“(1) that is 30 days after the date of the receipt by the respondent of the responsible official's decision; or

“(2) as otherwise agreed to by the respondent and the responsible official.

“(b) **INTEREST.**—If there is an unpaid balance as of the date determined under subsection (a), interest shall accrue from that date on any unpaid balance. The rate of interest charged shall be the rate in effect as of that date that is published by the Secretary of the Treasury under section 3717 of title 31.

“(c) **TREATMENT OF RECEIPTS.**—All penalties, assessments, or interest paid, collected, or otherwise recovered under this chapter shall be deposited into the Treasury as miscellaneous receipts as provided in section 3302 of title 31.

#### “§ 2755. Judicial review

“A decision by a responsible official under section 2753(d) or 2753(h) of this title shall be final. Any such final decision is subject to judicial review only under chapter 7 of title 5.

#### “§ 2756. Collection of civil penalties and assessments

“(a) **JUDICIAL ENFORCEMENT OF CIVIL PENALTIES AND ASSESSMENTS.**—The Attorney General shall be responsible for judicial enforcement of any civil penalty or assessment imposed under this chapter.

“(b) **CIVIL ACTIONS FOR RECOVERY.**—Any penalty or assessment imposed in a decision

by a responsible official, or amounts otherwise agreed to as part of a settlement or adjustment, along with any accrued interest, may be recovered in a civil action brought by the Attorney General. In any such action, no matter that was raised or that could have been raised in a proceeding under this chapter or pursuant to judicial review under section 2755 of this title may be raised as a defense, and the determination of liability and the determination of amounts of penalties and assessments shall not be subject to review.

“(c) **JURISDICTION OF UNITED STATES DISTRICT COURTS.**—The district courts of the United States shall have jurisdiction of any action commenced by the United States under subsection (b).

“(d) **JOINING AND CONSOLIDATING ACTIONS.**—Any action under subsection (b) may, without regard to venue requirements, be joined and consolidated with or asserted as a counterclaim, cross-claim, or setoff by the United States in any other civil action which includes as parties the United States, and the person against whom such action may be brought.

“(e) **JURISDICTION OF UNITED STATES COURT OF FEDERAL CLAIMS.**—The United States Court of Federal Claims shall have jurisdiction of any action under subsection (b) to recover any penalty or assessment, or amounts otherwise agreed to as part of a settlement or adjustment, along with any accrued interest, if the cause of action is asserted by the United States as a counterclaim in a matter pending in such court. The counterclaim need not relate to the subject matter of the underlying claim.

#### “§ 2757. Right to administrative offset

“The amount of any penalty or assessment that has been imposed by a responsible official, or any amount agreed upon in a settlement or compromise, along with any accrued interest, may be collected by administrative offset.

#### “§ 2758. Limitations

“(a) **LIMITATION ON PERIOD FOR INITIATION OF ADMINISTRATIVE ACTION.**—An action under section 2752 of this title with respect to a claim or statement shall be commenced within six years after the date on which such claim or statement is made, presented, or submitted.

“(b) **LIMITATION PERIOD FOR INITIATION OF CIVIL ACTION FOR RECOVERY OF ADMINISTRATIVE PENALTY OR ASSESSMENT.**—A civil action to recover a penalty or assessment under section 2756 of this title shall be commenced within three years after the date of the decision of the responsible official imposing the penalty or assessment.

#### “§ 2759. Effect on other laws

“(a) **RELATIONSHIP TO TITLE 44 AUTHORITIES.**—This chapter does not diminish the responsibility of the head of an agency to comply with the provisions of chapter 35 of title 44, relating to coordination of Federal information policy.

“(b) **RELATIONSHIP TO TITLE 31 AUTHORITIES.**—The procedures set forth in this chapter apply to the agencies named in section 2751(a) of this title in lieu of the procedures under chapter 38 of title 31, relating to administrative remedies for false claims and statements.

“(c) **RELATIONSHIP TO OTHER AUTHORITIES.**—Any action, inaction, or decision under this chapter shall be based solely upon the information before the responsible official and shall not limit or restrict any agency of the Government from instituting any other action arising outside this chapter, including suspension or debarment, based upon the same information. Any action, inaction, or decision under this chapter shall not re-

strict the ability of the Attorney General to bring judicial action, based upon the same information as long as such action is not otherwise prohibited by law.”

(2) **CLERICAL AMENDMENT.**—The tables of chapters at the beginning of subtitle A, and at the beginning of part IV of subtitle A, of such title are each amended by inserting after the item relating to chapter 163 the following new item:

“164. Administrative Remedies for False Claims and Statements ..... 2751”.

(c) **CONFORMING AMENDMENTS.**—Section 3801(a)(1) of title 31, United States Code, is amended—

(1) in subparagraph (A), by inserting “(other than the Department of Defense)” after “executive department”;

(2) by striking subparagraph (B);

(3) by redesignating subparagraphs (C), (D), (E), and (F) as subparagraphs (B), (C), (D), and (E), respectively; and

(4) in subparagraph (B), as redesignated by paragraph (3), by inserting “(other than the National Aeronautics and Space Administration)” after “not an executive department”.

(d) **EFFECTIVE DATE.**—Chapter 164 of title 10, United States Code, as added by subsection (b), and the amendments made by subsection (c), shall apply to any claim or statement made, presented, or submitted on or after the date of the enactment of this Act.

**SA 3708.** Mrs. McCASKILL 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. ADDITIONAL ELEMENTS IN MILITARY JUSTICE REVIEW COMMITTEE COMPREHENSIVE REVIEW OF MILITARY JUSTICE REFORM.**

The Secretary of Defense shall provide that the matters considered by the Military Justice Review Committee in its current comprehensive review of military justice reform shall include the following:

(1) A recommendation as to the feasibility and advisability of specifying separately as an offense under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), each of the following offenses that are currently encompassed by general article section 934 of title 10, United States Code (article 134 of the Uniform Code of Military Justice):

(A) Assault with intent to commit murder, voluntary manslaughter, rape, robbery, forcible sodomy, arson, burglary, and house-breaking.

(B) Child endangerment.

(C) Child pornography.

(D) Negligent homicide.

(E) Kidnapping.

(F) Obstruction of justice.

(G) Pandering and prostitution.

(H) Subordination of perjury.

(I) Soliciting another to commit an offense.

(J) Any other offense currently encompassed by general article section 934 of title 10, United States Code that the Military Justice Review Committee considers appropriate.

(2) A recommendation as to the feasibility and advisability of terminating the authority of the Courts of Criminal Appeals to

overturn a finding of guilt based on factual insufficiency, including an assessment of any efficiencies that could be achieved in the appellate process by the termination of such authority.

**SA 3709.** Mrs. McCASKILL 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. 567. APPLICABILITY OF ELIMINATION OF FIVE-YEAR STATUTE OF LIMITATIONS ON TRIAL BY COURT-MARTIAL TO OFFENSES INVOLVING SEX-RELATED CRIMES TO CERTAIN OFFENSES COMMITTED BEFORE ELIMINATION OF THE STATUTE OF LIMITATIONS.**

Section 1703(c) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 958; 10 U.S.C. 843 note) is amended—

(1) by striking “the date of the enactment of this Act” and inserting “December 26, 2013”; and

(2) by striking “that is committed on or after that date.” and inserting “that is committed as follows:

“(1) On or after December 26, 2013.

“(2) Before December 26, 2013, but only if such offense was committed on such a date that the statute of limitations on such offense, as in effect on December 25, 2013, had not expired as of the date of the enactment of the Carl Levin National Defense Authorization Act for Fiscal Year 2015.”.

**SA 3710.** Mrs. McCASKILL 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:

**SEC. 827. PROHIBITION ON REIMBURSEMENT OF CONTRACTORS FOR CONGRESSIONAL INVESTIGATIONS AND INQUIRIES.**

(a) **CIVILIAN CONTRACTS.**—Section 4304(a) of title 41, United States Code, is amended by adding at the end the following new paragraph:

“(17) Costs incurred by a contractor in connection with any congressional investigation or inquiry.”.

(b) **DEFENSE CONTRACTS.**—Section 2324(e)(1) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(Q) Costs incurred by a contractor in connection with a congressional investigation or inquiry into an issue that is the subject matter of a proceeding resulting in a disposition as described in subsection (k)(2).”.

**SA 3711.** Mrs. McCASKILL 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 B of title VIII, add the following:

**SEC. 830. EXTENSION OF WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES TO EMPLOYEES OF CONTRACTORS OF THE ELEMENTS OF THE INTELLIGENCE COMMUNITY.**

(a) **CONTRACTORS OF DoD AND RELATED AGENCIES.**—Subsection (e) of section 2409 of title 10, United States Code, is amended to read as follows:

“(e) **DISCLOSURES WITH RESPECT TO ELEMENTS OF INTELLIGENCE COMMUNITY AND INTELLIGENCE-RELATED ACTIVITIES.**—(1) Any disclosure under this section by an employee of a contractor, subcontractor, or grantee of an element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)) with respect to an element of the intelligence community or an activity of an element of the intelligence community shall comply with applicable provisions of section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(d)(5)) and section 8H of the Inspector General Act of 1978 (5 U.S.C. App.)

“(2) Any disclosure described in paragraph (1) of information required by Executive order to be kept classified in the interests of national defense or the conduct of foreign affairs that is made to a court shall be treated by the court in a manner consistent with the interests of the national security of the United States, including through the use of summaries or ex parte submissions if the element of the intelligence community awarding the contract or grant concerned advises the court that the national security interests of the United States warrant the use of such summaries or submissions.”.

(b) **PILOT PROGRAM ON OTHER CONTRACTOR EMPLOYEES.**—Subsection (f) of section 4712 of title 41, United States Code, is amended to read as follows:

“(f) **DISCLOSURES WITH RESPECT TO ELEMENTS OF INTELLIGENCE COMMUNITY AND INTELLIGENCE-RELATED ACTIVITIES.**—

“(1) **MANNER OF DISCLOSURES.**—Any disclosure under this section by an employee of a contractor, subcontractor, or grantee of an element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)) with respect to an element of the intelligence community or an activity of an element of the intelligence community shall comply with applicable provisions of section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(d)(5)) and section 8H of the Inspector General Act of 1978 (5 U.S.C. App.)

“(2) **TREATMENT BY COURTS.**—Any disclosure described in paragraph (1) of information required by Executive order to be kept classified in the interests of national defense or the conduct of foreign affairs that is made to a court shall be treated by the court in a manner consistent with the interests of the national security of the United States, including through the use of summaries or ex parte submissions if the element of the intelligence community awarding the contract or grant concerned advises the court that the national security interests of the United States warrant the use of such summaries or submissions.”.

**SA 3712.** Mrs. McCASKILL 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 VIII, add the following:

**SEC. 864. DEFENSE BASE ACT INSURANCE IMPROVEMENTS.**

(a) **REQUIREMENT FOR USE OF GOVERNMENT SELF-INSURANCE PROGRAM FOR INSURANCE UNDER DEFENSE BASE ACT.**—Section 1 of the Defense Base Act (42 U.S.C. 1651) is amended by adding at the end the following new subsection:

“(g) **TRANSITION TO GOVERNMENT SELF-INSURANCE PROGRAM.**—

“(1) **IN GENERAL.**—On the effective date of this subsection, the requirements in paragraphs (1) through (6) of subsection (a) imposed on contractors to secure the payment of compensation and other benefits under the provisions of this Act and to maintain in full force and effect such security for the payment of such compensation and benefits shall, for injuries sustained after such effective date, be satisfied through the Government Defense Base Act self-insurance program.

“(2) **GOVERNMENT DEFENSE BASE ACT SELF-INSURANCE PROGRAM DEFINED.**—In this subsection, the term ‘Government Defense Base Act self-insurance program’ means a self-insurance program developed in the implementation strategy required by section 864(b) of the Carl Levin National Defense Authorization Act for Fiscal Year 2015 and under which—

“(A) compensation and benefits for injuries sustained are satisfied directly by the Federal Government, without action of the contractor (or subcontractor or subordinate contractor with respect to such contractor); and

“(B) compensation and benefits are funded by the agencies whose contracts are affected.

“(3) **EFFECTIVE DATE.**—The effective date of this subsection is the date occurring one year after the date of the enactment of the Carl Levin National Defense Authorization Act for Fiscal Year 2015.”.

(b) **IMPLEMENTATION STRATEGY FOR GOVERNMENT DEFENSE BASE ACT SELF-INSURANCE PROGRAM.**—

(1) **REQUIREMENT.**—The Secretary of Defense and the Secretary of Labor shall jointly develop and execute an implementation strategy for a self-insurance program for insurance required by the Defense Base Act (42 U.S.C. 1651 et seq.).

(2) **MATTERS COVERED.**—The implementation strategy required under paragraph (1) shall address and provide a plan for the following:

(A) Appropriate administration of the self-insurance program, including appropriate program financing.

(B) Appropriate procedures for claims processing, claims adjudication, and benefits delivery, taking into consideration the unique circumstances of insuring overseas contractors.

(C) A timeline and strategy to transfer existing claims covered under the Defense Base Act (42 U.S.C. 1651 et seq.) and the War Hazards Compensation Act (42 U.S.C. 1701 et seq.) by private carriers to a Federal Government self-insurance program.

(D) Recommendations for any additional statutory revisions necessary to carry out the strategy.

(3) **REPORT AND DEADLINE.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Labor shall jointly prepare and submit to the appropriate congressional committees a report on the implementation strategy.









et seq.) by completing an environmental assessment that assesses the direct environmental effects of each covered project proposed to be conducted within a Forest Management Emphasis Area, except that the Secretary shall not be required to study, develop, or describe more than the proposed agency action and 1 alternative to the proposed agency action for purposes of that Act.

(2) **PUBLIC NOTICE AND COMMENT.**—In preparing an environmental assessment for a covered project under paragraph (1), the Secretary shall provide—

(A) public notice of the covered project; and

(B) an opportunity for public comment on the covered project.

(3) **LENGTH.**—The environmental assessment prepared for a covered project under paragraph (1) shall not exceed 100 pages in length.

(4) **INCLUSION OF CERTAIN DOCUMENTS.**—The Secretary may incorporate, by reference, into an environmental assessment any documents that the Secretary, in the sole discretion of the Secretary, determines are relevant to the assessment of the environmental effects of the covered project.

(5) **DEADLINE FOR COMPLETION.**—Not later than 180 days after the date on which the Secretary has published notice of a covered project in accordance with paragraph (2), the Secretary shall complete the environmental assessment for the covered project.

(c) **COMPLIANCE WITH ENDANGERED SPECIES ACT.**—To comply with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Secretary shall use qualified professionals on the staff of the Forest Service to make determinations required under section 7 of that Act (16 U.S.C. 1536).

(d) **LIMITATION ON REVISION OF NATIONAL FOREST PLANS.**—The Secretary may not, during a revision of a forest plan under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604), reduce the acres designated as suitable for timber harvest under a covered project, unless the Secretary determines, in consultation with the Secretary of the Interior, that the reduction in acreage is necessary to prevent a jeopardy finding under section 7(b) of the Endangered Species Act of 1973 (16 U.S.C. 1536(b)).

#### **SEC. 2303. ADMINISTRATIVE REVIEW; ARBITRATION.**

(a) **ADMINISTRATIVE REVIEW.**—Administrative review of a covered project shall occur only in accordance with the special administrative review process established by section 105 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6515).

(b) **ARBITRATION.**—

(1) **IN GENERAL.**—There is established in the Department of Agriculture a pilot program that—

(A) authorizes the use of arbitration instead of judicial review of a decision made following the special administrative review process for a covered project described in subsection (a); and

(B) shall be the sole means to challenge a covered project in a Forest Management Emphasis Area during the 15-year period beginning on the date that is 60 days after the date on which the Secretary assigns the acreage treatment requirements under section 202(a)(4)(B).

(2) **ARBITRATION PROCESS PROCEDURES.**—

(A) **IN GENERAL.**—Any person who sought administrative review for a covered project in accordance with subsection (a) and who is not satisfied with the decision made under the administrative review process may file a demand for arbitration in accordance with—

(i) chapter 1 of title 9, United States Code; and

(ii) this paragraph.

(B) **REQUIREMENTS FOR DEMAND.**—A demand for arbitration under subparagraph (A) shall—

(i) be filed not more than 30 days after the date on which the special administrative review decision is issued under subsection (a); and

(ii) include a proposal containing the modifications sought to the covered project.

(C) **INTERVENING PARTIES.**—

(i) **DEADLINE FOR SUBMISSION; REQUIREMENTS.**—Any person that submitted a public comment on the covered project subject to the demand for arbitration may intervene in the arbitration under this subsection by submitting a proposal endorsing or modifying the covered project by the date that is 30 days after the date on which the demand for arbitration is filed under subparagraph (A).

(ii) **MULTIPLE PARTIES.**—Multiple objectors or intervening parties that meet the requirements of clause (i) may submit a joint proposal under that clause.

(D) **APPOINTMENT OF ARBITRATOR.**—The United States District Court in the district in which a covered project subject to a demand for arbitration filed under subparagraph (A) is located shall appoint an arbitrator to conduct the arbitration proceedings in accordance with this subsection.

(E) **SELECTION OF PROPOSALS.**—

(i) **IN GENERAL.**—An arbitrator appointed under subparagraph (D)—

(I) may not modify any of the proposals submitted under this paragraph; and

(II) shall select to be conducted—

(aa) a proposal submitted by an objector under subparagraph (B)(i) or an intervening party under subparagraph (C); or

(bb) the covered project, as approved by the Secretary.

(ii) **SELECTION CRITERIA.**—An arbitrator shall select the proposal that best meets the purpose and needs described in the environmental assessment conducted under section 202(b)(1) for the covered project.

(iii) **EFFECT.**—The decision of an arbitrator with respect to a selection under clause (i)(II)—

(I) shall not be considered a major Federal action;

(II) shall be binding; and

(III) shall not be subject to judicial review.

(F) **DEADLINE FOR COMPLETION.**—Not later than 90 days after the date on which a demand for arbitration is filed under subparagraph (A), the arbitration process shall be completed.

#### **SEC. 2304. DISTRIBUTION OF REVENUE.**

(a) **PAYMENTS TO COUNTIES.**—

(1) **IN GENERAL.**—Effective for fiscal year 2015 and each fiscal year thereafter until the termination date under section 206, the Secretary shall provide to each county in which a covered project is carried out annual payments in an amount equal to 25 percent of the amounts received for the applicable fiscal year by the Secretary from the covered project.

(2) **LIMITATION.**—A payment made under paragraph (1) shall be in addition to any payments the county receives under the payment to States required by the sixth paragraph under the heading “FOREST SERVICE” in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

(b) **DEPOSIT IN KNUTSON-VANDENBERG AND SALVAGE SALE FUNDS.**—After compliance with subsection (a), the Secretary shall use amounts received by the Secretary from covered projects during each of the fiscal years during the period described in subsection (a) to make deposits into the fund established under section 3 of the Act of June 9, 1930 (commonly known as the “Knutson-Vandenberg Act”) (16 U.S.C. 576b), and the fund es-

tablished under section 14(h) of the National Forest Management Act of 1976 (16 U.S.C. 472a(h)) in contributions equal to the amounts otherwise collected under those Acts for projects conducted on National Forest System land.

(c) **DEPOSIT IN GENERAL FUND OF THE TREASURY.**—After compliance with subsections (a) and (b), the Secretary shall deposit into the general fund of the Treasury any remaining amounts received by the Secretary for each of the fiscal years referred to in those subsections from covered projects.

#### **SEC. 2305. PERFORMANCE MEASURES; REPORTING.**

(a) **PERFORMANCE MEASURES.**—The Secretary shall develop performance measures that evaluate the degree to which the Secretary is achieving—

(1) the purposes of this chapter; and

(2) the minimum acreage requirements established under section 2302(a)(4).

(b) **ANNUAL REPORTS.**—Annually, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives—

(1) a report that describes the results of evaluations using the performance measures developed under subsection (a); and

(2) a report that describes—

(A) the number and substance of the covered projects that are subject to administrative review and arbitration under section 2303; and

(B) the outcomes of the administrative review and arbitration under that section.

#### **SEC. 2306. TERMINATION.**

The authority of this chapter terminates on the date that is 15 years after the date of enactment of this Act.

### **CHAPTER 4—FOREST STEWARDSHIP CONTRACTING**

#### **SEC. 2401. CANCELLATION CEILINGS.**

Section 604(d) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c(d)) is amended—

(1) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively; and

(2) by inserting after paragraph (4) the following:

“(5) **CANCELLATION CEILINGS.**—

“(A) **IN GENERAL.**—The Chief and the Director may obligate funds to cover any potential cancellation or termination costs for an agreement or contract under subsection (b) in stages that are economically or program-matically viable.

“(B) **NOTICE.**—

“(i) **SUBMISSION TO CONGRESS.**—Not later than 30 days before entering into a multiyear agreement or contract under subsection (b) that includes a cancellation ceiling in excess of \$25,000,000, but does not include proposed funding for the costs of cancelling the agreement or contract up to the cancellation ceiling established in the agreement or contract, the Chief and the Director shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a written notice that includes—

“(I)(aa) the cancellation ceiling amounts proposed for each program year in the agreement or contract; and

“(bb) the reasons for the cancellation ceiling amounts proposed under item (aa);

“(II) the extent to which the costs of contract cancellation are not included in the budget for the agreement or contract; and

“(III) a financial risk assessment of not including budgeting for the costs of agreement or contract cancellation.

“(ii) **TRANSMITTAL TO OMB.**—At least 14 days before the date on which the Chief and Director enter into an agreement or contract



under subsection (b), the Chief and Director shall transmit to the Director of the Office of Management and Budget a copy of the written notice submitted under clause (i).”.

**SA 3717.** Mr. RISCH 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. REPLACEMENT OF LOCALLY EMPLOYED STAFF SERVING AT UNITED STATES DIPLOMATIC FACILITIES IN THE RUSSIAN FEDERATION.**

(a) EMPLOYMENT REQUIREMENT.—

(1) IN GENERAL.—The Secretary of State shall ensure that, not later than one year after the date of the enactment of this Act, every supervisory position at a United States diplomatic facility in the Russian Federation shall be occupied by a citizen of the United States who has passed, and shall be subject to, a thorough background check.

(2) EXTENSION.—The Secretary of State may extend the deadline under paragraph (1) for up to one year by providing advance written notification and justification of such extension to the appropriate congressional committees.

(3) PROGRESS REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on progress made toward meeting the employment requirement under paragraph (1).

(b) PLAN FOR REDUCED USE OF LOCALLY EMPLOYED STAFF.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with other appropriate government agencies, shall submit to the appropriate congressional committees a plan to further reduce the reliance on Locally Employed Staff in United States diplomatic facilities in the Russian Federation. The plan shall, at a minimum, include cost estimates, timelines, and numbers of employees to be replaced.

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

(1) the congressional defense committees, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the congressional defense committees, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

**SA 3718.** Mr. RISCH 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. INCLUSION OF RESTRICTED ACCESS SPACES IN UNITED STATES DIPLOMATIC FACILITIES IN THE RUSSIAN FEDERATION AND ADJACENT COUNTRIES.**

(a) RESTRICTED ACCESS SPACE REQUIREMENT.—Each United States diplomatic facility that, after the date of the enactment of this Act, is constructed in, or undergoes a construction upgrade in, the Russian Federation, any country that shares a land border with the Russian Federation, or any country that is a former member of the Soviet Union shall be constructed to include a restricted access space.

(b) NATIONAL SECURITY WAIVER.—The Secretary of State may waive the requirement under subsection (a) if the Secretary determines that it is in the national security interest of the United States and submits a written justification to the appropriate congressional committees not later than 180 days before exercising such waiver.

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

(1) the congressional defense committees, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the congressional defense committees, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

**SA 3719.** Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 2648, making emergency supplemental appropriations for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. No agency or instrumentality of the Federal Government may expend funds or resources made available under this Act or any other Act to consider or adjudicate any new or previously denied application of any alien requesting consideration of deferred action for childhood arrivals, as announced by Executive memorandum on June 15, 2012, or any successor memorandum.

**SA 3720.** Mr. CRUZ (for himself, Mr. SESSIONS, Mr. VITTER, Mr. INHOFE, Mr. LEE, Mr. JOHANNIS, and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 2648, making emergency supplemental appropriations for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, after line 22, add the following:

SEC. 1503. No agency or instrumentality of the Federal Government may use Federal funding or resources—

(1) to consider or adjudicate any new or previously denied application of any alien requesting consideration of deferred action for childhood arrivals, as authorized by Executive memorandum on August 15, 2012, or by any other succeeding executive memorandum authorizing a similar program; or

(2) to issue a new work authorization to any alien who—

(A) was not lawfully admitted into the United States in compliance with the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(B) is not in lawful status in the United States on the date of the enactment of this Act.

**SA 3721.** 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) A framework for provision of basic cyber threat education for all members of the Armed Forces.

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

(3) Definitions of required positions, including 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 3722.** Mr. REED (for himself and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill S. 2648, making emergency supplemental appropriations for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**DIVISION B—EMERGENCY UNEMPLOYMENT COMPENSATION EXTENSION**

**SEC. 1. SHORT TITLE OF DIVISION.**

This division may be cited as the “Emergency Unemployment Compensation Extension Act of 2014”.

**SEC. 2. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.**

(a) EXTENSION.—Section 4007(a)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by striking “January 1, 2014” and inserting “the date that is 5 months after the date of the enactment of the Emergency Unemployment Compensation Extension Act of 2014”.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (I), by striking “and” at the end;

(2) in subparagraph (J), by inserting “and” at the end; and

(3) by inserting after subparagraph (J) the following:

“(K) the amendment made by section 2(a) of the Emergency Unemployment Compensation Extension Act of 2014;”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to weeks of unemployment beginning on or after the date of the enactment of this division.

**SEC. 3. TEMPORARY EXTENSION OF EXTENDED BENEFIT PROVISIONS.**

(a) IN GENERAL.—Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note), is amended—

(1) by striking “December 31, 2013” each place it appears and inserting “the date that is 5 months after the date of the enactment of the Emergency Unemployment Compensation Extension Act of 2014”; and

(2) in subsection (c), by striking “June 30, 2014” and inserting “the date that is 11 months after the date of the enactment of the Emergency Unemployment Compensation Extension Act of 2014”.

(b) EXTENSION OF MATCHING FOR STATES WITH NO WAITING WEEK.—Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking “June 30, 2014” and inserting “the date that is 11 months after the date of the enactment of the Emergency Unemployment Compensation Extension Act of 2014”.

(c) EXTENSION OF MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.—Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) in subsection (d), by striking “December 31, 2013” and inserting “the date that is 5 months after the date of the enactment of the Emergency Unemployment Compensation Extension Act of 2014”; and

(2) in subsection (f)(2), by striking “December 31, 2013” and inserting “the date that is 5 months after the date of the enactment of the Emergency Unemployment Compensation Extension Act of 2014”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to weeks of unemployment beginning on or after the date of the enactment of this division.

**SEC. 4. EXTENSION OF FUNDING FOR REEMPLOYMENT SERVICES AND REEMPLOYMENT AND ELIGIBILITY ASSESSMENT ACTIVITIES.**

(a) EXTENSION.—

(1) IN GENERAL.—Section 4004(c)(2)(A) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by striking “through fiscal year 2014” and inserting “through fiscal year 2015”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the enactment of the American Taxpayer Relief Act of 2012 (Public Law 112-240).

(b) TIMING FOR SERVICES AND ACTIVITIES.—

(1) IN GENERAL.—Section 4001(i)(1)(A) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by adding at the end the following new sentence:

“At a minimum, such reemployment services and reemployment and eligibility assessment activities shall be provided to an individual within a time period (determined appropriate by the Secretary) after the date the individual begins to receive amounts under section 4002(b) (first tier benefits) and, if applicable, again within a time period (determined appropriate by the Secretary) after the date the individual begins to receive amounts under section 4002(d) (third tier benefits).”

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply on and after the date of the enactment of this division.

(c) PURPOSES OF SERVICES AND ACTIVITIES.—The purposes of the reemployment services and reemployment and eligibility assessment activities under section 4001(i) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) are—

(1) to better link the unemployed with the overall workforce system by bringing indi-

viduals receiving unemployment insurance benefits in for personalized assessments and referrals to reemployment services; and

(2) to provide individuals receiving unemployment insurance benefits with early access to specific strategies that can help get them back into the workforce faster, including through—

(A) the development of a reemployment plan;

(B) the provision of access to relevant labor market information;

(C) the provision of access to information about industry-recognized credentials that are regionally relevant or nationally portable;

(D) the provision of referrals to reemployment services and training; and

(E) an assessment of the individual's ongoing eligibility for unemployment insurance benefits.

**SEC. 5. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.**

(a) EXTENSION.—

(1) IN GENERAL.—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(c)(2)(D)(iii)) is amended—

(A) by striking “June 30, 2013” and inserting “June 30, 2014”; and

(B) by striking “December 31, 2013” and inserting “December 31, 2014”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to weeks of unemployment beginning on or after the date of the enactment of this division.

(b) CLARIFICATION ON AUTHORITY TO USE FUNDS.—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of enactment of this division.

(c) FUNDING FOR ADMINISTRATION.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Railroad Retirement Board \$250,000 for administrative expenses associated with the payment of additional extended unemployment benefits provided under section 2(c)(2)(D) of the Railroad Unemployment Insurance Act by reason of the amendments made by subsection (a), to remain available until expended.

**SEC. 6. FLEXIBILITY FOR UNEMPLOYMENT PROGRAM AGREEMENTS.**

(a) FLEXIBILITY.—

(1) IN GENERAL.—Subsection (g) of section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) shall not apply with respect to a State that has enacted a law before June 30, 2014, that, upon taking effect, would violate such subsection.

(2) EFFECTIVE DATE.—Paragraph (1) is effective with respect to weeks of unemployment beginning on or after the date of the enactment of this division.

(b) PERMITTING A SUBSEQUENT AGREEMENT.—Nothing in title IV of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) shall preclude a State whose agreement under such title was terminated from entering into a subsequent agreement under such title on or after the date of the enactment of this division if the State, taking into account the application of subsection (a), would otherwise meet the requirements for an agreement under such title.

**SEC. 7. ENDING UNEMPLOYMENT PAYMENTS TO JOBLESS MILLIONAIRES AND BILLIONAIRES.**

(a) PROHIBITION.—Notwithstanding any other provision of law, no Federal funds may be used for payments of unemployment compensation under the emergency unemployment compensation program under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) to an individual whose adjusted gross income in the preceding year was equal to or greater than \$1,000,000.

(b) COMPLIANCE.—Unemployment Insurance applications shall include a form or procedure for an individual applicant to certify the individual's adjusted gross income was not equal to or greater than \$1,000,000 in the preceding year.

(c) AUDITS.—The certifications required by subsection (b) shall be auditable by the U.S. Department of Labor or the U.S. Government Accountability Office.

(d) STATUS OF APPLICANTS.—It is the duty of the States to verify the residency, employment, legal, and income status of applicants for Unemployment Insurance and no Federal funds may be expended for purposes of determining whether or not the prohibition under subsection (a) applies with respect to an individual.

(e) EFFECTIVE DATE.—The prohibition under subsection (a) shall apply to weeks of unemployment beginning on or after the date of the enactment of this division.

**SEC. 8. GAO STUDY ON THE USE OF WORK SUITABILITY REQUIREMENTS IN UNEMPLOYMENT INSURANCE PROGRAMS.**

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the use of work suitability requirements to strengthen requirements to ensure that unemployment insurance benefits are being provided to individuals who are actively looking for work and who truly want to return to the labor force. Such study shall include an analysis of—

(1) how work suitability requirements work under both State and Federal unemployment insurance programs; and

(2) how to incorporate and improve such requirements under Federal unemployment insurance programs; and

(3) other items determined appropriate by the Comptroller General.

(b) BRIEFING.—Not later than 90 days after the date of the enactment of this division, the Comptroller General of the United States shall brief Congress on the ongoing study required under subsection (a). Such briefing shall include preliminary recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

**SEC. 9. DESIGNATION OF AMOUNTS.**

Amounts made available in this division are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and section 4101 of this Act shall apply to such amounts.

**SEC. 10. BUDGETARY EFFECTS.**

(a) PAYGO SCORECARD.—The budgetary effects of this division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(d)).

(b) SENATE PAYGO SCORECARD.—The budgetary effects of this division shall not be entered on any PAYGO scorecard maintained for purposes of section 201 of S. Con. Res. 21 (110th Congress).

## AUTHORITY FOR COMMITTEES TO MEET

## COMMITTEE ON ARMED SERVICES

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 30, 2014, at 2:30 p.m.

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

## COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 30, 2014, at 2:30 p.m. in room SR-253 of the Russell Senate Office Building to conduct a hearing entitled, "Cramming on Wireless Phone Bills: A Review of Consumer Protection Practices and Gaps."

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

## COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on July 30, 2014.

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

## COMMITTEE ON FINANCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on July 30, 2014, at 2 p.m., in room SD-215 of the Dirksen Senate Office Building, to conduct a hearing entitled "The African Growth and Opportunity Act at 14: The Road Ahead."

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

## COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on July 30, 2014, at 10:15 a.m., in room SD-430 of the Dirksen Senate Office Building to conduct a hearing entitled "Paid Family Leave: The Benefits for Businesses and Working Families."

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

## COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on July 30, 2014, at 9:30 a.m.

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

## COMMITTEE ON INDIAN AFFAIRS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on July 30, 2014, in room SD-628 of

the Dirksen Senate Office Building, at 2:30 p.m. to conduct a hearing entitled "When Catastrophe Strikes: Responses to Natural Disasters in Indian Country."

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

## COMMITTEE ON THE JUDICIARY

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on July 30, 2014, at 10 a.m., in room SD-106 of the Dirksen Senate Office Building, to conduct a hearing entitled "VAWA Next Steps: Protecting Women from Gun Violence."

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

## SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy, and Consumer Rights be authorized to meet during the session of the Senate, on July 30, 2014, at 2:15 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Pricing Policies and Competition in the Contact Lens Industry: Is What You See What You Get?"

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

## SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Housing, Transportation, and Community Development be authorized to meet during the session of the Senate on Wednesday, July 30, 2014, at 10 a.m. to conduct a hearing entitled "The Flood Insurance Claims Process in Communities After Sandy: Lessons Learned and Potential Improvements."

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

## SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, Forests, and Mining be authorized to meet during the session of the Senate on July 30, 2014, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

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

## SPECIAL COMMITTEE ON AGING

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on July 30, 2014, in room SR-418 of the Russell Senate Office Building, at 2:15 p.m. to conduct a hearing entitled "Admitted or Not? The Impact of Medicare Observation Status on Seniors."

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

## PRIVILEGES OF THE FLOOR

Mr. COONS. Mr. President, I ask unanimous consent that Akunna Cook be granted floor privileges for the duration of the consideration of the Bring Jobs Home Act.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that Joshua Wolff, a fellow with the Health, Education, Labor and Pension Committee, be granted floor privileges for the remainder of today's session and that Aly Boyce and Kate Kollars, interns with the committee, also be granted floor privileges for today's session.

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

## MEASURES READ THE FIRST TIME—S. 2709

Mr. CASEY. Mr. President, I understand that S. 2709, introduced earlier today by Senator MANCHIN, is at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2709) to extend and reauthorize the Export-Import Bank of the United States, and for other purposes.

Mr. CASEY. I now ask for a second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

## ORDERS FOR THURSDAY, JULY 31, 2014

Mr. CASEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, July 31, 2014; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of the motion to proceed to S. 2648, the emergency supplemental appropriations bill, postcloture, with the time until 10 a.m. equally divided between the two leaders or their designees, with Senator SESSIONS controlling the time from 10 a.m. to 11 a.m., and the majority controlling the time from 11 a.m. to 12 noon; and finally, that the time during the adjournment count postcloture.

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

## PROGRAM

Mr. CASEY. Mr. President, Senators will be notified when any votes are scheduled.