SA 3762. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2410, supra; which was ordered to lie on the table.

SA 3763. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2410, supra; which was ordered to lie on the table.

SA 3764. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2410, supra; which was ordered to lie on the table.

SA 3765. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2410, supra; which was ordered to lie on the table.

SA 3766. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2410, supra; which was ordered to lie on the table.

SA 3767. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 2410, supra; which was ordered to lie on the table.

SA 3768. Mr. CARPER (for himself, Mr. HARKIN, and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill S. 2410, supra; which was ordered to lie on the table.

SA 3769. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 2410, supra; which was ordered to lie on the table.

SA 3770. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 2410, supra; which was ordered to lie on the table.

SA 3771. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 2410, supra; which was ordered to lie on the table.

SA 3772. Mr. BEGICH (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table.

SA 3773. Mr. PORTMAN 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 3774. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 2410, supra; which was ordered to lie on the table.

SA 3775. Mr. CORNYN 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 3776. Mr. TESTER (for himself and Mr. PORTMAN) 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 3777. Mrs. GILLIBRAND (for herself and Mr. CARPER) submitted an amendment intended to be proposed by her to the bill S. 2410, supra; which was ordered to lie on the table.

SA 3778. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2410, supra; which was ordered to lie on the table.

SA 3779. Mr. PRYOR (for Mr. MURPHY) proposed an amendment to the resolution S. Res. 520, condemning the downing of Malaysia Airlines Flight 17 and expressing condolences to the families of the victims.

TEXT OF AMENDMENTS

SA 3723. Mr. MCCONNELL 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. ___. (a) It is the policy of the United States that unaccompanied alien children (as defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))) should be—

(1) treated humanely; and

(2) expeditiously repatriated to their country of origin.

(b) No funds appropriated under this Act or any other Act may be used to transport, or facilitate the transport of, any unaccompanied alien child into a State unless, at least 30 days before such use, the following preconditions are met:

(1) The Secretary of Health and Human Services, in consultation with the Governor of the affected State, has certified, to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the appropriate congressional committees of jurisdiction, that the unaccompanied alien children will not have a burdensome economic impact or negative public health impact on the State or affected localities.

(2) The Secretary of Health and Human Services and the Secretary of Homeland Security have jointly certified to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the appropriate congressional committees of jurisdiction that the transportation of unaccompanied alien children will not delay their immediate repatriation.

(c) The certification under section (b)(1) shall include—

(1) the number of unaccompanied alien children involved;

(2) the proposed localities and facilities involved; and

(3) the approximate length of stay within the State.

SA 3724. Mr. THUNE 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. ___. (a) Before placing an unaccompanied alien child (as defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))) with an individual, the Secretary of Health and Human Services shall provide the Secretary of Homeland Security with the following information regarding the individual with whom the child will be placed:

(1) The name of the individual.

(2) The social security number of the individual.

(3) The date of birth of the individual.

(4) The location of the individual's residence in which the child will be placed.

(5) The immigration status of the individual, if known.

(6) Contact information for the individual.

(b) If a child who was apprehended on or after June 15, 2012, and before the date of the enactment of this Act, was placed by the Secretary of Health and Human Services with an individual, the Secretary shall provide the information listed in subsection (a) to the Secretary of Homeland Security not later than 90 days after the date of the enactment of this Act.

(c) Not later than 30 days after receiving the information listed in subsection (a), the Secretary of Homeland Security shall—

(1) investigate the immigration status of any individual with whom a child is placed whose immigration status is unknown; and

(2) share the results of such investigation with the Secretary of Health and Human Services.

SA 3725. Mr. THUNE 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. ___. (a) Not later than 24 hours before the Secretary of Homeland Security or the Secretary of Health and Human Services places unaccompanied alien children (as defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))) in a facility, or with a sponsor, in a State, the Secretary who has custody of such child shall notify—

(1) the Governor of each State in which the children are placed of the number of such children who are being placed in such State, broken down by age and placement county; and

(2) the chief law enforcement officer of each county in which the children are placed of the number of such children who are being placed in such county, broken down by age.

(b) If an unaccompanied alien child fails to appear at an immigration proceeding that he or she was legally required to attend, the Secretary of Homeland Security shall notify the Governor of the State and the chief law enforcement officer of the county in which such child was temporarily placed of such failure to appear.

SA 3726. Mr. THUNE 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 of chapter 5 of title I, insert the following:

SEC. ___. Section 4002(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 300u-11) is amended—

(1) by redesignating paragraphs (3) through (5) as paragraphs (6) through (8), respectively; and

(2) by striking paragraph (2) and inserting the following:

''(2) for each of fiscal years 2012 through 2014, $1,000,000,000;

''(3) for fiscal year 2016, $800,000,000;

''(4) for fiscal year 2017, $1,000,000,000;''.

SA 3727. Mr. THUNE 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 20, between lines 10 and 11, insert the following:

(c) LIMITATION ON ACQUISITION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, except as provided in paragraph (2), beginning on the date of enactment of this Act and during each of the subsequent 10 full fiscal years, none of the funds made available to the Secretary under any law may be used—

(A) to survey land for future acquisition as Federal land; or

(B) to enter into discussions with non-Federal landowners to identify land for acquisition as Federal land.

(2) EXCEPTION.—Paragraph (1) does not apply to the use of funds—

(A) to complete land transactions underway on the date of enactment of this Act;

(B) to exchange Federal land for non-Federal land; or

(C) to accept donations of non-Federal land as Federal land.

(3) OFFSETTING USE OF FUNDS.—Funds that would otherwise have been used for purchase of non-Federal land by the Forest Service shall be used to carry out the amendments made by subsections (a) and (b).

SA 3728. Ms. COLLINS (for herself and Mr. KAINE) 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 USERS AND PERSONNEL OF THE DEPARTMENT OF DEFENSE SAFE HELPLINE AND USERS AND PERSONNEL OF THE 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 users and personnel of the Department of Defense Safe Helpline, and between users and personnel of the Department of Defense Safe HelpRoom.

SA 3729. Mr. TOOMEY 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. _____. PROCEDURES FOR PROVISION OF CERTAIN INFORMATION TO STATE VETERANS AGENCIES TO FACILITATE THE TRANSITION OF MEMBERS OF THE ARMED FORCES FROM MILITARY SERVICE TO CIVILIAN LIFE.

(a) PROCEDURES REQUIRED.—The Secretary of Defense shall develop procedures to share the information described in subsection (b) on members of the Armed Forces who are separating from the Armed Forces with State veterans agencies in electronic data format as a means of facilitating the transition of members of the Armed Forces from military service to civilian life.

(b) COVERED INFORMATION.—The information described in this subsection with respect to a member is as follows:

(1) Military service and separation data.

(2) A personal email address.

(3) A personal telephone number.

(4) A mailing address.

(c) CONSENT.—The procedures required by subsection (a) shall include a requirement for consent of a member before sharing information about the member.

(d) USE OF INFORMATION.—The Secretary shall ensure that the information shared with State veterans agencies in accordance with the procedures required by subsection (a) is only shared by such agencies with county government veterans service offices for such purposes as the Secretary shall specify for the administration and delivery of benefits.

(e) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the progress of the Secretary on sharing information with State veterans agencies as described in subsection (a).

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

(A) A description of the procedures developed under subsection (a).

(B) A description of the activities carried out by the Secretary in accordance with such procedures.

(C) Such recommendations as the Secretary may have for legislative or administrative action to improve the sharing of information as described in subsection (a).

SA 3730. Mr. BOOZMAN (for himself and Mr. DONNELLY) 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 DESERT STORM AND DESERT SHIELD MEMORIAL.

(a) DEFINITIONS.—In this section:

(1) ASSOCIATION.—The term ''Association'' means the National Desert Storm Memorial Association, a corporation that is—

(A) organized under the laws of the State of Arkansas; and

(B)(i) described in section 501(c)(3) of the Internal Revenue Code of 1986; and

(ii) exempt from taxation under 501(a) of that Code.

(2) MEMORIAL.—The term ''memorial'' means the National Desert Storm and Desert Shield Memorial authorized to be established under subsection (b).

(b) AUTHORIZATION TO ESTABLISH COMMEMORATIVE WORK.—The Association may establish the National Desert Storm and Desert Shield Memorial as a commemorative work, on Federal land in the District of Columbia to commemorate and honor the members of the Armed Forces that served on active duty in support of Operation Desert Storm or Operation Desert Shield.

(c) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS ACT.—The establishment of the memorial under this section shall be in accordance with chapter 89 of title 40, United States Code (commonly known as the ''Commemorative Works Act'').

(d) USE OF FEDERAL FUNDS PROHIBITED.—

(1) IN GENERAL.—Federal funds may not be used to pay any expense of the establishment of the memorial under this section.

(2) RESPONSIBILITY OF ASSOCIATION.—The Association shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial.

(e) DEPOSIT OF EXCESS FUNDS.—If, on payment of all expenses for the establishment of the memorial (including the maintenance and preservation amount required by section 8906(b)(1) of title 40, United States Code), or on expiration of the authority for the memorial under section 8903(e) of title 40, United States Code, there remains a balance of funds received for the establishment of the memorial, the Association shall transmit the amount of the balance to the Secretary of the Interior for deposit in the account provided for in section 8906(b)(3) of title 40, United States Code.

SA 3731. Mrs. BOXER (for herself and 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, add the following:

SEC. 557. REQUIREMENTS RELATING TO SEXUAL ASSAULT FORENSIC EXAMINERS FOR THE ARMED FORCES.

(a) PERSONNEL ELIGIBLE FOR ASSIGNMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the individuals who may be assigned to duty as a sexual assault forensic examiner (SAFE) for the Armed Forces shall be members of the Armed Forces and civilian personnel of the Department of Defense or Department of Homeland Security who are as follows:

(A) Physicians.

(B) Nurse practitioners.

(C) Nurse midwives.

(D) Physician assistants.

(E) Registered nurses.

(2) INDEPENDENT DUTY CORPSMEN.—An independent duty corpsman or equivalent may be assigned to duty as a sexual assault forensic examiner for the Armed Forces if the assignment of an individual specified in paragraph (1) is impracticable.

(b) AVAILABILITY OF EXAMINERS.—

(1) IN GENERAL.—The Secretary concerned shall ensure the availability of an adequate number of sexual assault forensic examiners for the Armed Forces through the following:

(A) Assignment of at least one sexual assault forensic examiner at each military medical treatment facility under the jurisdiction of such Secretary, whether in the United States or overseas.

(B) If assignment as described in subparagraph (A) is infeasible or impracticable, entry into agreements with facilities, whether Governmental or otherwise, with appropriate resources for the provision of sexual assault forensic examinations, for the provision of sexual assault forensic examinations for the Armed Forces.

(2) NAVAL VESSELS.—The Secretary concerned shall ensure the availability of an adequate number of sexual assault forensic

examiners for naval vessels through the assignment of at least one sexual assault forensic examiner for each naval vessel.

(c) TRAINING AND CERTIFICATION.—

(1) IN GENERAL.—The Secretary concerned shall establish and maintain, and update when appropriate, a training and certification program for sexual assault forensic examiners under the jurisdiction of such Secretary. The training and certification programs shall apply uniformly to all sexual assault forensic examiners under the jurisdiction of the Secretaries.

(2) ELEMENTS.—Each training and certification program under this subsection shall include the following:

(A) Training in sexual assault forensic examinations by qualified personnel who possess—

(i) a Sexual Assault Nurse Examiner—adolescent/adult (SANE–A) certification or equivalent certification; or

(ii) training and clinical or forensic experience in sexual assault forensic examinations similar to that required for a certification described in clause (i).

(B) A minimum of 40 hours of coursework for participants in sexual assault forensic examinations of adults and adolescents.

(C) Ongoing examinations and evaluations on sexual assault forensic examinations.

(D) Clinical mentoring.

(E) Continuing education.

(3) NATURE OF TRAINING.—The training provided under each training and certification program under this subsection shall incorporate and reflect current best practices and standards on sexual assault forensic examinations.

(4) APPLICABILITY OF TRAINING REQUIREMENTS.—An individual may not be assigned to duty as a sexual assault forensic examiner for the Armed Forces after the date that is one year after the date of the enactment of this Act unless the individual has completed all training required under the training and certification program under this subsection at the time of assignment.

(5) SENSE OF CONGRESS ON CERTIFICATION.—It is the sense of Congress that each participant who successfully completes all training required under the certification and training program under this subsection should obtain a Sexual Assault Nurse Examiner—adolescent/adult certification or equivalent certification by not later than five years after completion of such training.

(6) EXAMINERS UNDER AGREEMENTS.—Any individual providing sexual assault forensic examinations for the Armed Forces under an agreement under subsection (b)(1)(B) shall possess training and experience equivalent to the training and experience required under the training and certification program under this subsection.

(d) SECRETARY CONCERNED DEFINED.—In this section, the term ''Secretary concerned'' means—

(1) the Secretary of Defense with respect to matters concerning the Department of Defense; and

(2) the Secretary of Homeland Security with respect to matters concerning the Coast Guard when it is not operating as a service in the Navy.

(e) REPEAL OF SUPERSEDED REQUIREMENTS.—Section 1725 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 971) is amended by striking subsection (b) (10 U.S.C. 1561 note).

SA 3732. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 1233, to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, after the matter following line 7, add the following:

SEC. 11. ENHANCEMENT OF THE NATIONAL DECLASSIFICATION CENTER.

(a) IN GENERAL.—The President shall take appropriate actions to enhance the authority and capacity of the National Declassification Center under Executive Order No. 13526, or any successor Executive order, in order to facilitate, enhance, and advance a government-wide strategy for the declassification of information.

(b) REQUIRED ACTIONS.—The actions taken under subsection (a) shall include the following:

(1) A requirement that Federal agencies complete the review of Presidential and Federal records proposed for declassification, in accordance with priorities established by the National Declassification Center, within one year of the start of the declassification process, except that agencies may complete such review within two years of the start of the declassification process upon the written approval of the Director of the National Declassification Center.

(2) A requirement that Federal agencies with authority to classify information share their declassification guidance with other such Federal agencies and with the National Declassification Center.

SEC. 12. PUBLIC CONSULTATION WITH ADVISORY PANEL TO THE NATIONAL DECLASSIFICATION CENTER.

(a) IN GENERAL.—The Director of the National Declassification Center shall provide for consultation between the advisory panel to the National Declassification Center and the public.

(b) FREQUENCY.—Consultations under subsection (a) shall occur not less frequently than the frequency of the regular meetings of the advisory panel to the National Declassification Center and, to the extent practicable, shall occur concurrently with the meetings of the advisory panel.

SEC. 13. EXTENSION OF PUBLIC INTEREST DECLASSIFICATION BOARD.

Section 710(b) of the Public Interest Declassification Act of 2000 (50 U.S.C. 3161 note) is amended by striking ''2014'' and inserting ''2018''.

SEC. 14. PRESERVATION AND ACCESS TO HISTORICALLY VALUABLE RECORDS.

Federal agencies shall take appropriate actions to identify and designate historically valuable records as soon as possible after their creation in order to ensure the preservation and future accessibility of such documents and records.

SA 3733. Ms. COLLINS (for herself and Mr. BLUMENTHAL) 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 VII, add the following:

SEC. 725. PRESCRIPTION DRUG TAKE-BACK PROGRAM FOR MEMBERS OF THE ARMED FORCES, THEIR DEPENDENTS, AND VETERANS.

Not later than 60 days after the date of the enactment of this Act, the Attorney General shall, in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, prescribe regulations that allow for prescription drug take-back under which members of the Armed Forces and their dependents may deliver controlled substances to military medical treatment facilities, and veterans may deliver controlled substances to Department of Veterans Affairs medical facilities, in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)). The delivery of such substances shall be subject to such requirements as the Attorney General, after consultation with the Secretary of Defense and the Secretary of Veterans Affairs, shall specify in the regulations.

SA 3734. Mr. VITTER 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. ____. None of the funds appropriated or otherwise made available by this Act may be used to place an unaccompanied alien child pursuant to section 235(c) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)) in any setting other than a secure facility.

SA 3735. Mr. VITTER 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. ____. ELIGIBILITY FOR CHILD TAX CREDIT.

(a) IN GENERAL.—Subsection (e) of section 24 of the Internal Revenue Code of 1986 is amended by striking ''under this section to a taxpayer'' and all that follows and inserting ''under this section to any taxpayer unless—

''(1) such taxpayer includes the taxpayer's valid identification number (as defined in section 6428(h)(2)) on the return of tax for the taxable year, and

''(2) with respect to any qualifying child, the taxpayer includes the name and taxpayer identification number of such qualifying child on such return of tax.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 3736. Mr. VITTER 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:

TITLE ____—EXPEDITED PROCESSING OF UNACCOMPANIED ALIEN CHILDREN

SEC. __01. EQUAL TREATMENT OF UNACCOMPANIED ALIEN CHILDREN.

Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by amending the paragraph heading to read as follows: ''RULES FOR UNACCOMPANIED ALIEN CHILDREN'';

(ii) in subparagraph (A), by striking ''who is a national or habitual resident of a country that is contiguous with the United States'';

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''may'' and inserting ''shall''; and

(II) in clause (ii), by inserting ''not later than 72 hours after the child is screened under paragraph (4) by placing the child on the next available flight to such country, subject to determinations of cost, feasibility and any repatriation agreements with such country'' before the period at the end; and

(iv) in subparagraph (C), by striking ''countries contiguous to the United States'' and inserting ''countries from which large numbers of unaccompanied alien children are unlawfully entering the United States'';

(B) in paragraph (4)—

(i) by striking ''Within 48 hours of'' and inserting the following:

''(A) IN GENERAL.—Not later than 48 hours after''; and

(ii) by striking ''Nothing in this paragraph'' and inserting the following:

''(B) GANG AFFILIATION.—If an immigration officer determines that an unaccompanied alien child is, or has been, affiliated with a criminal street gang (as defined in section 521(a) of title 18, United States Code), the child shall be treated in accordance with paragraph (2)(B).

''(C) SAVINGS PROVISION.—Nothing in this paragraph''; and

(C) in paragraph (5)(D), by striking ''from a contiguous country subject to exceptions under subsection (a)(2)'' and inserting ''described in paragraph (2)(A)''; and

(2) in subsection (c)—

(A) by striking paragraphs (2) through (4);

(B) by redesignating paragraphs (5) and (6) as paragraphs (3) and (4), respectively; and

(C) by inserting after paragraph (1) the following:

''(2) MANDATORY DETENTION FOR UNACCOMPANIED ALIEN CHILDREN.—An unaccompanied alien child who is apprehended by U.S. Border Patrol or U.S. Immigration and Customs Enforcement shall be detained and remain in the custody of the Department of Homeland Security until the child—

''(A) voluntarily departs from the United States in accordance with section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c);

''(B) is expeditiously removed from the United States in accordance with—

''(i) an order of removal issued in accordance with section 235(b)(1) of such Act (8 U.S.C. 1225(b)(1)); or

''(ii) a final order of removal issued at the conclusion of special removal proceedings conducted pursuant to section 240 of such Act (8 U.S.C. 1229a); or

''(C) is legally admitted into the United States as—

''(i) a refugee under section 207 of such Act (8 U.S.C. 1157); or

''(ii) an asylee under section 208 of such Act (8 U.S. C. 1158).''.

SEC. __02. EXPEDITED DUE PROCESS AND SCREENING OF UNACCOMPANIED ALIEN CHILDREN.

(a) IN GENERAL.—Chapter 4 of the Immigration and Nationality Act is amended by inserting after section 235A the following:

''SEC. 235B. HUMANE AND EXPEDITED INSPECTION AND SCREENING FOR UNACCOMPANIED ALIEN CHILDREN.

''(a) DEFINED TERM.—In this section, the term 'asylum officer' means an immigration officer who—

''(1) has had professional training in country conditions, asylum law, and interview techniques comparable to that provided to full-time adjudicators of applications under section 208, and

''(2) is supervised by an officer who—

''(A) meets the condition described in paragraph (1); and

''(B) has had substantial experience adjudicating asylum applications.

''(b) PROCEEDING.—

''(1) IN GENERAL.—Not later than 7 days after the screening of an unaccompanied alien child under section 235(a)(4) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)(4)), an immigration judge shall conduct a proceeding to inspect, screen, and determine the status of an unaccompanied alien child who is an applicant for admission to the United States.

''(2) BIOMETRIC DATA COLLECTION.—The inspection and screening required under paragraph (1) shall include the collection of biometric data from each unaccompanied alien child, including photographs and fingerprints.

''(3) TIME LIMIT.—Not later than 72 hours after the conclusion of a proceeding with respect to an unaccompanied alien child under this section, the immigration judge who conducted such proceeding shall issue an order pursuant to subsection (e).

''(c) CONDUCT OF PROCEEDING.—

''(1) AUTHORITY OF IMMIGRATION JUDGE.—The immigration judge conducting a proceeding under this section—

''(A) shall administer oaths, receive evidence, and interrogate, examine, and cross-examine the alien and any witnesses;

''(B) may issue subpoenas for the attendance of witnesses and presentation of evidence; and

''(C) is authorized to sanction by civil money penalty any action (or inaction) in contempt of the judge's proper exercise of authority under this Act.

''(2) FORM OF PROCEEDING.—A proceeding under this section may take place—

''(A) in person;

''(B) at a location agreed to by the parties, in the absence of the alien;

''(C) through video conference; or

''(D) through telephone conference.

''(3) PRESENCE OF ALIEN.—If it is impracticable by reason of an alien's mental incompetency for the alien to be present at the proceeding, the Attorney General shall prescribe safeguards to protect the rights and privileges of the alien.

''(4) RIGHTS OF THE ALIEN.—In a proceeding under this section—

''(A) the alien shall be given the privilege of being represented, at no expense to the Government, by counsel of the alien's choosing who is authorized to practice in such proceedings;

''(B) the alien shall be given a reasonable opportunity—

''(i) to examine the evidence against the alien;

''(ii) to present evidence on the alien's own behalf; and

''(iii) to cross-examine witnesses presented by the Government;

''(C) the rights set forth in subparagraph (B) shall not entitle the alien—

''(i) to examine such national security information as the Government may proffer in opposition to the alien's admission to the United States; or

''(ii) to an application by the alien for discretionary relief under this Act; and

''(D) a complete record shall be kept of all testimony and evidence produced at the proceeding.

''(5) WITHDRAWAL OF APPLICATION FOR ADMISSION.—In the discretion of the Attorney General, an alien applying for admission to the United States may, and at any time, be permitted to withdraw such application and immediately be returned to the alien's country of nationality or country of last habitual residence.

''(d) DECISION AND BURDEN OF PROOF.—

''(1) DECISION.—

''(A) IN GENERAL.—At the conclusion of a proceeding under this section, the immigration judge shall determine whether an unaccompanied alien child is likely to be—

''(i) admissible to the United States; or

''(ii) eligible for any form of relief from removal under this Act.

''(B) EVIDENCE.—The determination of the immigration judge under subparagraph (A) shall be based only on the evidence produced at the hearing.

''(2) BURDEN OF PROOF.—

''(A) IN GENERAL.—In a proceeding under this section, an alien who is an applicant for admission has the burden of establishing, by a preponderance of the evidence, that the alien—

''(i) is likely to be entitled to be lawfully admitted to the United States or eligible for any form of relief from removal under this Act; or

''(ii) is lawfully present in the United States pursuant to a prior admission.

''(B) ACCESS TO DOCUMENTS.—In meeting the burden of proof under subparagraph (A)(ii), the alien shall be given access to—

''(i) the alien's visa or other entry document, if any; and

''(ii) any other records and documents, not considered by the Attorney General to be confidential, pertaining to the alien's admission or presence in the United States.

''(e) ORDERS.—

''(1) PLACEMENT IN FURTHER PROCEEDINGS.—If an immigration judge determines that the unaccompanied alien child has met the burden of proof under subsection (d)(2), the judge shall order the alien to be placed in further proceedings in accordance with section 240.

''(2) ORDERS OF REMOVAL.—If an immigration judge determines that the unaccompanied alien child has not met the burden of proof required under subsection (d)(2), the judge shall order the alien removed from the United States without further hearing or review unless the alien claims—

''(A) an intention to apply for asylum under section 208; or

''(B) a substantiated fear of persecution.

''(3) CLAIMS FOR ASYLUM.—If an unaccompanied alien child described in paragraph (2) claims an intention to apply for asylum under section 208 or a substantiated fear of persecution, the officer shall order the alien referred for an interview by an asylum officer under subsection (f).

''(f) ASYLUM INTERVIEWS.—

''(1) DEFINED TERM.—In this subsection, the term 'substantiated fear of persecution' means, after taking into account the credibility of the statements made by the alien in support of the alien's claim and such other facts as are known to the officer, there is a significant possibility that the alien could establish eligibility for asylum under section 208.

''(2) CONDUCT BY ASYLUM OFFICER.—An asylum officer shall conduct interviews of aliens referred under subsection (e)(3).

''(3) REFERRAL OF CERTAIN ALIENS.—If the officer determines at the time of the interview that an alien has a substantiated fear of persecution, the alien shall be held in the custody of the Secretary for Health and Human Services pursuant to section 235(b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(b)) during further consideration of the application for asylum.

''(4) REMOVAL WITHOUT FURTHER REVIEW IF NO SUBSTANTIATED FEAR OF PERSECUTION.—

''(A) IN GENERAL.—Subject to subparagraph (C), if the asylum officer determines that an

alien does not have a substantiated fear of persecution, the officer shall order the alien removed from the United States without further hearing or review.

''(B) RECORD OF DETERMINATION.—The officer shall prepare a written record of a determination under subparagraph (A), which shall include—

''(i) a summary of the material facts as stated by the applicant;

''(ii) such additional facts (if any) relied upon by the officer;

''(iii) the officer's analysis of why, in light of such facts, the alien has not established a substantiated fear of persecution; and

''(iv) a copy of the officer's interview notes.

''(C) REVIEW OF DETERMINATION.—

''(i) RULEMAKING.—The Attorney General shall establish, by regulation, a process by which an immigration judge will conduct a prompt review, upon the alien's request, of a determination under subparagraph (A) that the alien does not have a substantiated fear of persecution.

''(ii) MANDATORY COMPONENTS.—The review described in clause (i)—

''(I) shall include an opportunity for the alien to be heard and questioned by the immigration judge, either in person or by telephonic or video connection; and

''(II) shall be conducted—

''(aa) as expeditiously as possible;

''(bb) within the 24-hour period beginning at the time the asylum officer makes a determination under subparagraph (A), to the maximum extent practicable; and

''(cc) in no case later than 7 days after such determination.

''(D) MANDATORY PROTECTIVE CUSTODY.—Any alien subject to the procedures under this paragraph shall be held in the custody of the Department of Homeland Security—

''(i) pending a final determination of substantiated fear of persecution; and

''(ii) after a determination that the alien does not have such a fear, until the alien is removed.

''(g) LIMITATION ON ADMINISTRATIVE REVIEW.—

''(1) IN GENERAL.—Except as provided in subsection (f)(4)(C) and paragraph (2), a removal order entered in accordance with subsection (e)(2) or (f)(4)(A) is not subject to administrative appeal.

''(2) RULEMAKING.—The Attorney General shall establish, by regulation, a process for the prompt review of an order under subsection (e)(2) against an alien who claims under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, after having been warned of the penal ties for falsely making such claim under such conditions to have been—

''(A) lawfully admitted for permanent residence;

''(B) admitted as a refugee under section 207; or

''(C) granted asylum under section 208.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 235A the following:

''Sec. 235B. Humane and expedited inspection and screening for unaccompanied alien children.''.

SEC. __03. ASYLUM SEEKERS.

(a) REFUGEE DEFINED.—Section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)) is amended—

(1) in subparagraph (A), by striking ''because of persecution or a well-founded fear of persecution on account of'' and inserting ''the alien's life or freedom would be threatened in that country because of the alien's''; and

(2) in subparagraph (B), by striking ''who is persecuted or who has a well-founded fear of persecution on account of'' and inserting ''the person's life or freedom is threatened if the person remains in that country because of the person's''.

(b) MANDATORY DETENTION.—Section 208(d) of the Immigration and Nationality Act (8 U.S.C. 1158(d)) is amended by adding at the end the following:

''(8) DETENTION.—The Secretary of Homeland Security shall detain any alien seeking asylum under this section until the alien—

''(A) is removed from the United States in accordance with—

''(i) an order of removal issued in accordance with section 235(b)(1); or

''(ii) a final order of removal issued at the conclusion of special removal proceedings conducted pursuant to section 240; or

''(B) granted asylum under subsection (b).''.

SEC. __04. EXTENSION OF BAR TO REENTRY.

Section 212(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)) is amended—

(1) in subparagraph (A)(i) by striking ''5 years'' and inserting ''10 years''; and

(2) in subparagraph (B)(i)(I), by striking ''3 years'' and inserting ''10 years''.

SEC. __05. REPORTING REQUIREMENT.

The Secretary of Homeland Security shall submit an annual report to Congress that identifies, for the previous 12-month period—

(1) the number of aliens unlawfully present in the United States who were apprehended by, or placed in the physical custody of, U.S. Border Patrol or U.S. Immigration and Customs Enforcement;

(2) the number of aliens described in paragraph (1) who were deported from the United States pursuant to a final order of removal;

(3) the number of aliens described in paragraph (1) who departed from the United States without an order of removal (voluntary departures); and

(4) the number of aliens who were granted refugee status or asylum.

SA 3737. Mr. VITTER 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 26, between lines 15 and 16, insert the following:

TITLE VI—VERIFICATION OF STATUS FOR REMITTANCE TRANSFERS

SEC. 601. SHORT TITLE.

This title may be cited as the ''Remittance Status Verification Act of 2014''.

SEC. 602. STATUS VERIFICATION FOR REMITTANCE TRANSFERS.

Section 919 of the Electronic Fund Transfer Act (relating to remittance transfers) (12 U.S.C. 1692o–1) is amended—

(1) by redesignating subsection (g) as subsection (h); and

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

''(g) STATUS VERIFICATION OF SENDER.—

''(1) REQUEST FOR PROOF OF STATUS.—

''(A) IN GENERAL.—Each remittance transfer provider shall request from each sender of a remittance transfer, the recipient of which is located in any country other than the United States, proof of the status of that sender under the immigration laws, prior to the initiation of the remittance transfer.

''(B) ACCEPTABLE DOCUMENTATION.—Acceptable documentation of the status of the sender under this paragraph—

''(i) shall be, in any State that requires proof of legal residence—

''(I) a State-issued driver's license or Federal passport; or

''(II) the same documentation as required—

''(aa) by the State for proof of identity for the issuance of a driver's license;

''(bb) by the Department of State for a citizen to obtain a Federal passport; or

''(cc) for a citizen of a foreign country to enter the United States and obtain the relevant and necessary visa issued by the Department of State for any foreign citizen who—

''(AA) is a nonimmigrant; or

''(BB) has entered the United States temporarily for business (visa category B-1), tourism, pleasure, or visiting (visa category B-2), or a combination of both purposes (B-1/B-2);

''(ii) shall be, in any State that does not require proof of legal residence, such documentation as the Bureau shall require, by rule; and

''(iii) does not include any matricula consular card.

''(2) FINE FOR NONCOMPLIANCE.—Each remittance transfer provider shall impose on any sender who is unable to provide the proof of status requested under paragraph (1) at the time of transfer, a fine equal to 7 percent of the United States dollar amount to be transferred (excluding any fees or other charges imposed by the remittance transfer provider).

''(3) SUBMISSION OF FINES TO BUREAU.—All fines imposed and collected by a remittance transfer provider under paragraph (2) shall be submitted to the Bureau, in such form and in such manner as the Bureau shall establish, by rule.

''(4) ADMINISTRATIVE AND ENFORCEMENT COSTS.—The Bureau shall use fines submitted under paragraph (3) to pay the administrative and enforcement costs to the Bureau in carrying out this subsection.

''(5) USE OF FINES FOR BORDER PROTECTION.—Amounts from the collection of fines under this subsection that remain available after the payment of expenses described in paragraph (4), shall be transferred by the Bureau to the Treasury, to be used to pay expenses relating to United States Customs and Border Protection for border security fencing, infrastructure, and technology.

''(6) DEFINITION RELATING TO IMMIGRATION STATUS.—In this subsection, the term 'immigration laws' has the same meaning as in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).''.

SEC. 603. STUDY AND REPORT REGARDING REMITTANCE TRANSFER PROCESSING FINES AND IDENTIFICATION PROGRAM.

(a) STUDY.—The Comptroller General of the United States shall conduct a study to determine the effects of the enactment of section 919(g) of the Electronic Fund Transfer Act, as amended by this Act.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the results of the study conducted under paragraph (1) that includes—

(1) an analysis of the costs and benefits of complying with section 919(g) of the Electronic Fund Transfer Act, as amended by this Act; and

(2) recommendations about whether the fines imposed under that section 919(g) should be extended or increased.

SA 3738. Mr. PAUL 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:

CHAPTER 6—BORDER SECURITY ENHANCEMENTS

SEC. 1601. MEASURES USED TO EVALUATE BORDER SECURITY.

(a) BORDER SECURITY REVIEW.—

(1) IN GENERAL.—The Secretary shall conduct an annual comprehensive review of the following:

(A) The security conditions in each of the following 9 Border Patrol sectors along the Southwest border:

(i) The Rio Grande Valley Sector.

(ii) The Laredo Sector.

(iii) The Del Rio Sector.

(iv) The Big Bend Sector.

(v) The El Paso Sector.

(vi) The Tucson Sector.

(vii) The Yuma Sector.

(viii) The El Centro Sector.

(ix) The San Diego Sector.

(B) Update on the new and existing double layered fencing built and in place, broken down on an annual basis since the date of the enactment of the Secure Fence Act of 2006 (Public Law 109–367), with the goal of completing the fence not later than 5 years after the date of the enactment of this Act.

(C) Progress towards the completion of an effective exit and entry program at all points of entry that tracks visa holders.

(D) Progress towards the goal of a 95 percent apprehension or turn back rate.

(E) A 100 percent incarceration until trial rate for newly captured illegal entrants and overstays.

(F) Progress towards the goal ending of illegal immigration, as measured by census data and the Department.

(2) REPORT.—Not later than July 1, 2015, and annually thereafter, the Secretary shall submit a report to Congress containing specific results of the review conducted under paragraph (1).

(3) RULE OF CONSTRUCTION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), nothing in paragraph (1) may be construed as prohibiting the Secretary from proposing—

(i) alterations to boundaries of the Border Patrol sectors; or

(ii) a different number of sectors to be operated on the Southern border.

(B) REPORTING.—The Secretary may not make any alteration to the Border Patrol sectors in operation or the boundaries of such sectors as of the date of the enactment of this Act unless the Secretary submits, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives, a written notification and description of the proposed change not later than 120 days before any such change would take effect.

(b) UNQUALIFIED OPINION.—

(1) IN GENERAL.—The Secretary shall submit a report to Congress that contains—

(A) an unqualified opinion of whether each of the sectors referred to in subsection (a)(1)(A) has achieved ''total operational control'' of the border within its jurisdiction; and

(B) the following criteria and goals of the Department:

(i) Transparent data relating to the success of border security and immigration enforcement policies.

(ii) Improved accountability to the people of the United States.

(iii) 100 percent surveillance capability on the border not later than 2 years after the date of the enactment of this Act.

(iv) An apprehension or turn back rate of more than 95 percent not later than 5 years after the date of the enactment of this Act.

(v) Increasing annual targets for apprehensions, which shall be adapted to the unique conditions of each Border Patrol sector.

(vi) Uniformity in data collection and analysis for each Border Patrol sector.

(vii) An update on the new and existing double layered fencing built and in place, broken down on an annual basis since the date of the enactment of the Secure Fence Act of 2006.

(2) TOTAL OPERATIONAL CONTROL DEFINED.—In this chapter, the term ''total operational control'', with respect to a border sector, occurs if—

(A) the fence construction requirements required under this chapter have been completed;

(B) the infrastructure enhancements required under this chapter have been completed and deployed;

(C) there has been verifiable increases in personnel dedicated to patrols, inspections, and interdiction;

(D) U.S. Customs and Border Protection has achieved 100 percent surveillance capacity throughout the entire sector;

(E) U.S. Customs and Border Protection has achieved an apprehension rate of at least 95 percent for all attempted unauthorized crossings;

(F) uniform data collection standards have been adopted across all sectors; and

(G) U.S. Customs and Border Protection is tracking the exits of 100 percent of the visitors to the United States visitors through land points of entry.

(3) METRICS DESCRIBED.—The Secretary shall use specific metrics to assess the progress toward, and maintenance of, total operational control of the border in each Border Patrol sector, including—

(A) with respect to resources and infrastructure—

(i) a description of the infrastructure and resources deployed on the Southwest border, including physical barriers and fencing, surveillance cameras, motion and other ground sensors, aerial platforms, and unmanned aerial vehicles;

(ii) an assessment of the Border Patrol's ability to perform uninterrupted surveillance on the entirety of the border within each sector;

(iii) an assessment of whether the Department of Homeland Security has attained a 100 percent surveillance capability for each sector; and

(iv) a specific analysis detailing the miles of fence built, including double-layered fencing, pursuant to the Secure Fence Act of 2006 (Public Law 109–367), as amended by this chapter.

(B) with respect to illegal entries between ports—

(i) the number of attempted illegal entries, categorized by—

(I) number of apprehensions;

(II) people turned back to country of origin (turn-backs); and

(III) individuals who have escaped (got aways);

(ii) the number of apprehensions, including data on unique apprehensions to capture individuals who attempted to enter multiple times;

(iii) the apprehension rate as a percentage of total attempted illegal entries;

(iv) an estimate of the number of successful illegal entries, based on reliable supporting evidence;

(v) the prevalence of drug and contraband smuggling, categorized by—

(I) the frequency of attempted crossings;

(II) successful evasions of law enforcement;

(III) the value of smuggled contraband;

(IV) successful discoveries and arrests; and

(V) arrest rate trends related to violent criminals crossing the border;

(vi) physical evidence of crossings not otherwise tied to a pursuit, including fence-cuttings; and

(vii) transparent data that reports if the numbers include actual physical capture or turn-backs witnessed by border control and a segregation of data that includes evidence of individuals going back, including but not limited to footprints, food and torn clothing;

(C) with respect to illegal entries at ports—

(i) the number of attempted illegal entries, categorized by the number of apprehensions, turn-backs, and got aways;

(ii) the number of apprehensions, including data on unique apprehensions to capture individuals who attempt to enter multiple times;

(iii) the apprehension rate as a percentage of total attempted illegal entries;

(iv) an estimate of the number of successful illegal entries, based on reliable supporting evidence; and

(v) the prevalence of drug and contraband smuggling, categorized by—

(I) the frequency of attempted entries;

(II) successful discovery methods;

(III) the use of falsified official travel documents;

(IV) evolving evasion tactics; and

(V) arrest rate trends related to persons apprehended attempting to smuggle prohibited items;

(D) with respect to repeat offenders, data and analysis of recidivism trends, including the prevalence of multiple arrests and repeated attempts to enter illegally;

(E) with respect to smuggling—

(i) updated information on U.S. Customs and Border Protection's Consequence Delivery System;

(ii) progress made in creating uniformity in the punishment of unlawful border crossers relative to their crimes for the purposes of deterring smuggling;

(iii) the percentage of unlawful immigrants and smugglers who are subject to a uniform punishment; and

(iv) data breaking down the treatment of, and consequences for, repeat offenders to determine the extent to which the Consequence Delivery System serves as an effective deterrent;

(F) with respect to visa overstays, data for each year, categorized by the type of visa issued to the alien;

(G) with respect to the unlawful presence of aliens—

(i) the total number of individuals present in the United States, which will be correlated in future years with normalization participants;

(ii) net migration into the United States, including legal and illegal immigrants;

(iii) deportation data, categorized by country and the nature of apprehension;

(iv) individuals who have obtained or who seek legal status; and

(v) individuals without legal status who have died while in the United States;

(H) the number of Department agents deployed to the border each year, categorized by staffing assignment and security function;

(I) progress made on the implementation of a full exit tracking capabilities for land, sea, and air points of entry;

(J) progress towards the goal of 100 percent incarceration until trial rate for newly captured illegal entrants and overstays; and

(K) progress towards the goal ending of illegal immigration, as measured by data collected by the United States Census Bureau and the Department.

SEC. 1602. REPORTS ON BORDER SECURITY.

(a) DEPARTMENT OF HOMELAND SECURITY REPORT.—

(1) IN GENERAL.—Not later than October 1, 2014, and annually thereafter for 5 years, the Secretary shall submit a report to Congress that contains a comprehensive review of the security conditions in each of the Border Patrol sectors along the Southwest border.

(2) PUBLIC HEARINGS FOR REPORT.—Congress shall hold public hearings with the Secretary and other individuals responsible for preparing the report submitted under paragraph (1) to discuss the report and educate the United States public on border security from the perspective of such officials. Congress shall allow differing views on the conclusions of the report to be expressed by outside groups and interested parties for purposes of analyzing data through a transparent and deliberative committee process.

(b) INSPECTOR GENERAL'S REPORT.—

(1) IN GENERAL.—Not later than 30 days after the issuance of each report under subsection (a), the Inspector General of the Department shall submit a report to Congress that provides an independent analysis of the report submitted under subsection (a)(1) to analyze—

(A) the accuracy of the report; and

(B) the validity of the data used by the Department to issue the report.

(2) PARTICIPATION.—The Inspector General should participate in any hearings relating to the assessment of the border security report of the Department.

(c) GOVERNORS REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for 5 years, the Governor of each of the States along the Southern border may submit an independent report to Congress that provides the perspective of the Governor and other officials of such State tasked to law enforcement on the security conditions along that State's border with Mexico.

(2) PUBLIC HEARINGS FOR STATE REPORTS.—Congress shall hold public hearings with the Governor and other officials from each State that submits a report under paragraph (1) to discuss the report and educate the United States public on border security from the perspective of such officials.

(d) PUBLIC DISCLOSURE OF REPORTS.—Upon the receipt of a report submitted under this section, the Senate and the House of Representatives shall—

(1) provide copies of the report to the Chair and ranking member of each standing committee with jurisdiction under the rules of such House, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate; and

(2) make the report available to the public.

SEC. 1603. REQUIREMENT FOR PHYSICAL BORDER FENCE CONSTRUCTION.

(a) CONSTRUCTION OF BORDER FENCING.—Using funds made available to the Secretary under this Act, and except as provided under subsection (d), the Secretary shall construct not fewer than 140 miles of double-layer fencing on the Southern border during each 1-year period beginning on the date of the enactment of this Act.

(b) CERTIFICATION.—Except as provided in subsection (d), not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a written certification that construction of not fewer than 140 miles of double-layer fencing has been completed in the preceding year to—

(1) the Committee on the Judiciary of the Senate;

(2) the Committee on Homeland Security and Governmental Affairs of the Senate;

(3) the Committee on the Judiciary of the House of Representatives; and

(4) the Committee on Homeland Security of the House of Representatives.

(c) DETERMINATION OF MILES OF FENCING CONSTRUCTED.—

(1) INCLUDED ITEMS.—In determining the number of fencing miles constructed in the preceding year, the Secretary may apply, toward the requirement under subsection (a), the number of miles of—

(A) new double-layer fencing that have been completed; and

(B) a second fencing layer that has been added to an existing, single-layered fence.

(2) EXCLUDED ITEMS.—In determining the number of fencing miles constructed in the preceding year, the Secretary may not apply, toward the requirement in subsection (a)—

(A) vehicle barriers;

(B) ground sensors;

(C) motion detectors;

(D) radar-based surveillance;

(E) thermal imaging;

(F) aerial surveillance platforms;

(G) observation towers;

(H) motorized or nonmotorized ground patrols;

(I) existing single-layer fencing; or

(J) new construction of single-layer fencing.

(d) SUNSET.—The Secretary shall no longer be required to comply with the requirements under subsection (a) and (b) on the earliest of—

(1) the date on which the Secretary submits the 5th affirmative certification pursuant to subsection (b); or

(2) the date on which the Secretary certifies the completion of not fewer than 700 miles of double-layer fencing on the Southern border.

(e) CONFORMING AMENDMENT.—Section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended by striking subparagraph (D).

SEC. 1604. ONE HUNDRED PERCENT EXIT TRACKING FOR ALL UNITED STATES VISITORS.

(a) FINDINGS.—Congress makes the following findings:

(1) Consistent with the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, the United States will continue its progress toward full biometric entry-exit capture capability at land, air, and sea points of entry.

(2) No capability exits to fully track whether non-United States persons in the United States on a temporary basis have exited the country consistent with the terms of their visa, whether by land, sea, or air.

(3) No program exists along the Southwest border to track land exits from the United States into Mexico.

(4) Without the ability to capture the full cycle of a visitor's trip to and from the United States, it is possible for persons to remain in the United States unlawfully for years without detection by U.S. Immigration and Customs Enforcement.

(5) Because there is no exit tracking capability, there is insufficient data for an official assessment of the number of persons who have overstayed a visa and that remain in the United States. Studies have estimated that as many as 40 percent of all persons in the United States without lawful immigration status entered the country legally and did not return to their country of origin or follow the terms of their entry.

(6) Despite a legal mandate to track visitor exits, more than a decade without any significant capability to do so has—

(A) degraded the Federal Government's ability to enforce immigration laws;

(B) placed a greater strain on law enforcement resources; and

(C) undermined the legal immigration process in the United States.

(b) REQUIREMENT FOR OUTBOUND TRAVEL DOCUMENT CAPTURE AT LAND POINTS OF ENTRY.—

(1) OUTBOUND TRAVEL DOCUMENT CAPTURE AT FOOT CROSSINGS.—

(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall establish a mandatory exit data system for all outbound lanes at each land point of entry along the Southern border that is only accessible to individuals on foot or by nonmotorized means.

(B) DATA COLLECTION REQUIREMENTS.—The system established under subparagraph (A) shall require the collection of data from machine-readable visas, passports, and other travel and entry documents for all categories of aliens who are exiting the United States through an outbound lane described in subparagraph (A).

(2) OUTBOUND TRAVEL DOCUMENT CAPTURE AT ALL OTHER LAND POINTS OF ENTRY.—

(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall establish a mandatory exit data system at all outbound lanes not subject to paragraph (1) at each land point of entry along the Southern border.

(B) DATA COLLECTION REQUIREMENTS.—The system established under subparagraph (A) shall require the collection of data from machine-readable visas, passports, and other travel and entry documents for all categories of aliens who are exiting the United States through an outbound lane described in subparagraph (A).

(3) INFORMATION REQUIRED FOR COLLECTION.—While collecting information under paragraphs (1) and (2), the Secretary shall collect identity-theft resistant departure information from the machine-readable visas, passports, and other travel and entry documents.

(4) RECORDING OF EXITS AND CORRELATION TO ENTRY DATA.—The Secretary shall integrate the records collected under paragraphs (1) and (2) into any database necessary to correlate an alien's entry and exit data.

(5) PROCESSING OF RECORDS.—Before the departure of outbound aliens at each point of entry, the Secretary shall provide for cross-reference capability between databases designated by the Secretary under paragraph (4) to determine and record whether an outbound alien has been in the United States without lawful immigration status.

(6) RECORDS INCLUSION REQUIREMENTS.—The Secretary shall maintain readily accessible entry-exit data records for immigration and other law enforcement and improve immigration control and enforcement by including information necessary to determine whether an outbound alien without lawful presence in the United States entered the country through—

(A) unauthorized entry between points of entry;

(B) visa or other temporary authorized status;

(C) fraudulent travel documents;

(D) misrepresentation of identity; or

(E) any other method of entry.

(7) PROHIBITION ON COLLECTING EXIT RECORDS FOR UNITED STATES CITIZENS.—

(A) PROHIBITION.—While documenting the departure of outbound individuals at each point of entry along the Southern border, the Secretary may not—

(i) process travel documents of United States citizens;

(ii) log, store, or transfer exit data for United States citizens;

(iii) create, maintain, operate, access, or support any database containing information collected through outbound processing at a point of entry under paragraph (1) or (2) that contains records identifiable to an individual United States citizen.

(B) EXCEPTION.—The prohibition set forth in subparagraph (A) does not apply to the records of an individual if an officer processing travel documentation in the outbound lanes at a point of entry along the Southern border—

(i) has a strong suspicion that the individual has engaged in criminal or other prohibited activities; or

(ii) needs to verify an individual's identity because the individual is attempting to exit the United States without approved travel documentation.

(C) VERIFICATION OF TRAVEL DOCUMENTS.—Subject to the prohibition set forth in subparagraph (A), the Secretary may provide for the confirmation of a United States citizen's approved travel documentation validity in the outbound lanes at a point of entry along the Southern border.

(c) INFRASTRUCTURE IMPROVEMENTS AT LAND POINTS OF ENTRY.—

(1) FACILITATION OF LAND EXIT TRACKING.—The Secretary may improve the infrastructure at, or adjacent to, land points of entry, as necessary, to implement the requirements under paragraphs (1) and (2) of subsection (b), by—

(A) expanding or reconfiguring outbound road or bridge lanes within a point of entry;

(B) improving or reconfiguring public roads or other transportation infrastructure leading into, or adjacent to, the outbound lanes at a point of entry if—

(i) there has been a demonstrated negative impact on transportation in the area adjacent to a point of entry as a result of projects carried out under this section; or

(ii) the Secretary, in consultation with State, local, or tribal officials responsible for transportation adjacent to a point of entry, has submitted a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that projects proposed under this section will have a significant negative impact on transportation adjacent to a point of entry without such transportation infrastructure improvements; and

(iii) the total of funds obligated in any year to meet the requirements of subsection (b)(1)(B) shall not exceed 25 percent of the total funds obligated to meet the requirements under paragraphs (1) and (2) of subsection (b) in the same year;

(C) where possible, construction of, expansion of, or improvement of access to secondary inspection areas;

(D) physical structures to accommodate inspections and processing travel documents described in subsection (b)(3) for outbound aliens, including booths or kiosks at exit lanes;

(E) transfer, installation, use, and maintenance of computers, software or other network infrastructure to facilitate capture and processing of travel documents described in subsection (b)(3) for all outbound aliens; and

(F) performance of outbound inspections outside of secondary inspection areas at a point of entry to detect suspicious activity or contraband.

(2) REPORT ON INFRASTRUCTURE REQUIREMENTS TO CARRY OUT 100 PERCENT LAND EXIT TRACKING.—Not later than 45 days after the date of the enactment of this Act, the Secretary shall submit, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives, a report that assesses the infrastructure needs for each point of entry along the Southern border to fulfill the requirements under subsection (b), including—

(A) a description of anticipated infrastructure needs within each point of entry;

(B) a description of anticipated infrastructure needs adjacent to each point of entry;

(C) an assessment of the availability of secondary inspection areas at each point of entry;

(D) an assessment of space available at or adjacent to a point of entry to perform processing of outbound aliens; and

(E) an assessment of the infrastructure demands relative to the volume of outbound crossings for each point of entry.

(d) PROCEDURES FOR EXIT PROCESSING AND INSPECTION.—

(1) INDIVIDUALS SUBJECT TO OUTBOUND SECONDARY INSPECTION.—Officers performing outbound inspection or processing travel documents may send an outbound individual to a secondary inspection area for further inspection and processing if the individual is—

(A) determined or suspected to have been in the United States without lawful status during processing under subsection (b) or at another point during the exit process;

(B) found to be subject to an outstanding arrest warrant;

(C) suspected of engaging in prohibited activities at the point of entry;

(D) traveling without approved travel documentation; or

(E) subject to any random outbound inspection procedures, as determined by the Secretary.

(2) LIMITATIONS ON OUTBOUND SECONDARY INSPECTIONS.—The Secretary may not designate an outbound United States citizen for secondary inspection or collect biometric information from a United States citizen under outbound inspection procedures unless criminal or other prohibited activity has been detected or is strongly suspected.

(3) OUTBOUND PROCESSING OF PERSONS IN THE UNITED STATES WITHOUT LAWFUL PRESENCE.—

(A) PROCESS FOR RECORDING UNLAWFUL PRESENCE.—If the Secretary determines, at a point of entry along the Southern border, that an outbound alien has been in the United States without lawful presence, the Secretary shall—

(i) collect and record biometric data from the individual;

(ii) combine data related to the individual's unlawful presence with any other information related to the individual in the interoperable database, in accordance with paragraphs (4) and (5) of subsection (b); and

(iii) except as provided in clause (ii), permit the individual to exit the United States.

(B) EXCEPTION.—An individual shall not be permitted to leave the United States if, during outbound inspection, the Secretary detects previous unresolved criminal activity by the individual.

SEC. 1605. RULE OF CONSTRUCTION.

Nothing in this chapter, or in the amendments made by this chapter, may be construed as replacing or repealing the requirements for biometric entry-exit capture required under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208).

SA 3739. Mr. PAUL 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. ENSURING THAT REFUGEES, ASYLEES, AND OTHER ALIENS ARE NOT DEPENDENT ON WELFARE.

(a) INELIGIBLE PERSON DEFINED.—In this section, the term ''ineligible person'' means a noncitizen who—

(1) is in the custody of the Federal Government on the basis of a violation of immigration law;

(2) is subject to a removal order; or

(3) is not otherwise eligible for permanent residency in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(b) NO ACCESS TO WELFARE.—Notwithstanding any other provision of law, an ineligible person is not eligible for any of the following:

(1) Any assistance or benefits provided under a State program funded under the temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

(2) Any medical assistance provided under a State Medicaid plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or under a waiver of such plan, other than emergency medical assistance provided under paragraphs (2) and (3) of section 1903(v), and any child health assistance provided under a State child health plan under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) or under a waiver of such plan.

(3) Any benefits or assistance provided under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

(4) Supplemental security income benefits provided under title XVI of the Social Security Act (42 U.S.C. 1381).

(5) Federal Pell Grants under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a).

(6) Housing vouchers under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(7) Federal old-age, survivors, and disability insurance benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.).

(8) Health insurance benefits for the aged and disabled under the medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(9) Assistance or benefits provided under the program of block grants to States for social services under subtitle A of title XX of the Social Security Act (42 U.S.C. 1397 et seq.).

(c) NO WELFARE FOR REFUGEES OR ASYLEES AFTER 1 YEAR OF DATE OF ADMISSION.—Notwithstanding any other provision of law, an alien admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) or granted asylum under section 208 of such Act (8 U.S.C. 1158) shall not be eligible for any assistance or benefits described in paragraphs (1) through (8) of subsection (b), and shall not be allowed the earned income tax credit under section 32 of the Internal Revenue Code of 1986, after the date that is 1 year after the date on which the alien is so admitted or granted asylum.

(d) NO CITIZENSHIP FOR ALIENS WHO APPLY FOR AND RECEIVE WELFARE.—Any alien, refugee, asylee, nonimmigrant admitted to the United States under a permanent or temporary visa, or ineligible person who is prohibited under this section or any other provision of law from applying for, or receiving, assistance or benefits described in subsection (b) or from claiming the earned income tax

credit allowed under section 32 of the Internal Revenue Code of 1986, or any other credit allowed under subpart C of part IV of subchapter A of chapter 1 of such Code, and who applies for and receives any such assistance or benefits, or who claims and is allowed any such credit, shall be permanently prohibited from becoming naturalized as a citizen of the United States.

(e) ENFORCEMENT.—

(1) STATE DEFINED.—In this subsection, the term ''State'' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

(2) REQUIREMENT.—Each State shall implement the verification procedures listed in paragraph (5) to prevent noncitizens from receiving the assistance or benefits described in subsection (b) and from being allowed the earned income tax credit under section 32 of the Internal Revenue Code of 1986. To the extent that the State is not responsible for the administration of such assistance, benefits, or tax credit, the procedures implemented by the State shall be designed to assist the head of the Federal agency responsible for administering such assistance, benefits, or tax credit in ensuring that noncitizens do not receive the assistance, benefits, or tax credit.

(3) PENALTY.—

(A) IN GENERAL.—Notwithstanding any other provision of law, with respect to a State, each head of the Federal agency responsible for administering a Federal means-tested benefit program listed in paragraph (4) shall reduce the annual amount of federal financial payments that would otherwise be made to the State under the program by 10 percent, beginning with the payments for fiscal year 2015.

(B) The reduction under subparagraph (A) shall not apply with respect to any fiscal year that begins after the date on which the State certifies to the Secretary of the Homeland Security that the State has complied with paragraph (2).

(4) FEDERAL MEANS-TESTED BENEFIT PROGRAMS.—The Federal means-tested benefit programs listed in this paragraph are the following:

(A) The temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

(B) The Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(C) The State children's health insurance program under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(D) The supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

(E) The program of block grants to States for social services under subtitle A of title XX of the Social Security Act (42 U.S.C. 1397 et seq.).

(5) VERIFICATION PROCEDURES.—The verification procedures listed in this paragraph are the following:

(A) Requiring proof of citizenship as a condition for receipt of assistance or benefits under the Federal means-tested benefit programs listed in paragraph (4).

(B) Verifying the proof of citizenship provided as a condition for receipt of assistance or benefits under the Federal means-tested benefit programs listed in paragraph (4), including by using the Systematic Alien Verification for Entitlements Program of U.S. Citizenship and Immigration Services to confirm that an individual who has presented proof of citizenship as a condition for receipt of assistance or benefits under a Federal means-tested benefit program listed in paragraph (4) is not an alien.

(C) Requiring officers and employees of State agencies that administer a Federal means-tested benefit program listed in paragraph (4) to report to the Secretary of Homeland Security any suspicious or fraudulent identity information provided by an individual applying for assistance or benefits.

(6) MISCELLANEOUS PROVISIONS.—

(A) NONAPPLICABILITY OF THE PRIVACY ACT.—Notwithstanding any other provision of law, section 552a of title 5, United States Code (commonly referred to as the ''Privacy Act'') may not be construed as prohibiting an officer or employee of a State from verifying a claim of citizenship for purposes of eligibility for assistance or benefits under a Federal means-tested benefit program listed in paragraph (4).

(B) INCLUSION OF CERTAIN PERSONS IN SAVE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Homeland Security shall certify that the Systematic Alien Verification for Entitlements Program of U.S. Citizenship and Immigration Services has the ability to establish verifiable ineligibility for any Federal means-tested benefit program listed in paragraph (4) for any ineligible person.

SA 3740. Mr. KIRK 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. EXTENSION OF ANNUAL REPORTS ON THE MILITARY POWER OF IRAN.

Section 1245(d) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2544) is amended by striking ''December 31, 2014'' and inserting ''December 31, 2016''.

SA 3741. Mr. KIRK (for himself, Mr. MANCHIN, Mr. DURBIN, and Ms. WARREN) 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. OBSERVANCE OF VETERANS DAY.

(a) TWO MINUTES OF SILENCE.—Chapter 1 of title 36, United States Code, is amended by adding at the end the following new section:

''§ 145. Veterans Day

''The President shall issue each year a proclamation calling on the people of the United States to observe two minutes of silence on Veterans Day in honor of the service and sacrifice of veterans throughout the history of the Nation, beginning at—

''(1) 3:11 p.m. Atlantic standard time;

''(2) 2:11 p.m. eastern standard time;

''(3) 1:11 p.m. central standard time;

''(4) 12:11 p.m. mountain standard time;

''(5) 11:11 a.m. Pacific standard time;

''(6) 10:11 a.m. Alaska standard time; and

''(7) 9:11 a.m. Hawaii-Aleutian standard time.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 36, United States Code, is amended by adding at the end the following new item:

''145. Veterans Day.''.

SA 3742. Mr. MCCAIN (for himself and Mr. FLAKE) 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:

CHAPTER 6—PREVENTION OF ORGANIZED SMUGGLING

SEC. 1601. SHORT TITLE.

This chapter may be cited as the ''Children Returning on an Expedited and Safe Timeline Act'' or the ''CREST Act''.

SEC. 1602. DEFINED TERM.

For purposes of this chapter, the term ''unaccompanied alien child'' means an alien who—

(1) has no lawful immigration status in the United States;

(2) has not attained 18 years of age; and

(3) attempts to enter or has entered the United States unaccompanied by a parent or legal guardian.

SEC. 1603. REDUCING THE NUMBER OF UNACCOMPANIED ALIEN CHILDREN FROM EL SALVADOR, GUATEMALA, AND HONDURAS.

(a) RESTRICTIONS ON FOREIGN AID TO CERTAIN COUNTRIES.—

(1) INITIAL CERTIFICATION.—Beginning on the date that is 6 months after the date of the enactment of this Act, the Federal Government shall not provide any non-security assistance to El Salvador, Guatemala, or Honduras until the President certifies that the government of El Salvador, of Guatemala, or of Honduras, respectively is—

(A) actively working to reduce the number of unaccompanied alien children from such country who are attempting to migrate northward in order to illegally enter the United States; and

(B) cooperating with the Government of the United States to facilitate the repatriation of unaccompanied alien children who are removed from the United States and returned to their country of origin.

(2) SUBSEQUENT CERTIFICATIONS.—The restriction under paragraph (1) shall take effect beginning on the date that is 1 year after the President issued the latest certification in accordance with paragraph (1) unless the President recertifies that the governments referred to in paragraph (1) are meeting the requirements set forth in subparagraphs (A) and (B) of such paragraph.

(b) IN-COUNTRY REFUGEE PROCESSING.—

(1) IN GENERAL.—Notwithstanding section 101(a)(42)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)(B)), the Secretary of State, in consultation with the Secretary of Homeland Security and the Director of the Office of Refugee Resettlement of the Department of Health and Human Services, shall carry out in-country processing of refugee applications in El Salvador, Guatemala, and Honduras.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (1).

SEC. 1604. INCREASING THE NUMBER OF REFUGEE ADMISSIONS FROM CERTAIN COUNTRIES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the President, in determining the number of refugees who may

be admitted under section 207(a) of the Immigration and Nationality Act (8 U.S.C. 1157(a)) for fiscal years 2014 and 2015, shall authorize the admission, in each such fiscal year, of—

(1) up to 5,000 refugees from El Salvador;

(2) up to 5,000 refugees from Guatemala; and

(3) up to 5,000 refugees from Honduras.

SEC. 1605. PREVENTING ORGANIZED SMUGGLING.

(a) UNLAWFULLY HINDERING IMMIGRATION, BORDER, OR CUSTOMS CONTROLS.—

(1) AMENDMENT TO TITLE 18, UNITED STATES CODE.—

(A) IN GENERAL.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"§ 556. Unlawfully hindering immigration, border, or customs controls

''(a) ILLICIT SPOTTING.—Any person who knowingly transmits to another person the location, movement, or activities of any Federal, State, or tribal law enforcement agency with the intent to further a Federal crime relating to United States immigration, customs, controlled substances, agriculture, monetary instruments, or other border controls shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

''(b) DESTRUCTION OF UNITED STATES BORDER CONTROLS.—Any person who knowingly and without lawful authorization destroys, alters, or damages any fence, barrier, sensor, camera, or other physical or electronic device deployed by the Federal Government to control the border or a port of entry, or otherwise seeks to construct, excavate, or make any structure intended to defeat, circumvent or evade any such fence, barrier, sensor camera, or other physical or electronic device deployed by the Federal Government to control the border or a port of entry—

''(1) shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both; and

''(2) if, at the time of the offense, the person uses or carries a firearm or, in furtherance of any such crime, possesses a firearm, shall be fined under title 18, United States Code, imprisoned not more than 20 years, or both.

''(c) CONSPIRACY AND ATTEMPT.—Any person who attempts or conspires to violate subsection (a) or (b) shall be punished in the same manner as a person who completes a violation of such subsection.''.

(B) CLERICAL AMENDMENT.—The table of sections for chapter 27 of title 18, United States Code, is amended by inserting after the item relating to section 555 the following:

''556. Unlawfully hindering immigration, border, or customs controls.''.

(2) PENALTY FOR CARRYING OR USE OF A FIREARM DURING AND IN RELATION TO AN ALIEN SMUGGLING CRIME.—Section 924(c) of title 18, United States Code, is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting '', alien smuggling crime,'' after ''crime of violence'' each place such term appears; and

(ii) in subparagraph (D)(ii), by inserting '', alien smuggling crime,'' after ''crime of violence''; and

(B) by adding at the end the following:

''(6) For purposes of this subsection, the term 'alien smuggling crime' means any felony punishable under section 274(a), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a), 1327, and 1328).''.

(3) STATUTE OF LIMITATIONS.—Section 3298 of title 18, United States Code, is amended by striking ''or under'' and inserting '', under section 2 or subsection (a), (b), or (c) of section 556, or under''.

(b) ORGANIZED HUMAN SMUGGLING.—

(1) AMENDMENT TO TITLE 18, UNITED STATES CODE.—Chapter 77 of title 18, United States Code, is amended by adding at the end the following:

"§ 1598. Organized human smuggling

''(a) PROHIBITED ACTIVITIES.—It shall be unlawful for any person, while acting for profit or other financial gain, to knowingly direct or participate in an effort or scheme to assist or cause 5 or more persons—

''(1) to enter, attempt to enter, or prepare to enter the United States—

''(A) by fraud, falsehood, or other corrupt means;

''(B) at any place other than a port or place of entry designated by the Secretary of Homeland Security; or

''(C) in a manner not prescribed by the immigration laws and regulations of the United States;

''(2) to travel by air, land, or sea toward the United States (whether directly or indirectly)—

''(A) knowing that the persons seek to enter or attempt to enter the United States without lawful authority; and

''(B) with the intent to aid or further such entry or attempted entry; or

''(3) to be transported or moved outside of the United States—

''(A) knowing that such persons are aliens in unlawful transit from 1 country to another or on the high seas; and

''(B) under circumstances in which the persons are seeking to enter the United States without official permission or legal authority.

''(b) CONSPIRACY AND ATTEMPT.—Any person who attempts or conspires to violate subsection (a) shall be punished in the same manner as a person who completes a violation of such subsection.

''(c) BASE PENALTY.—Except as provided in subsection (d), any person who violates subsection (a) or (b) shall be fined under this title, imprisoned for not more than 20 years, or both.

''(d) ENHANCED PENALTIES.—Any person who violates subsection (a) or (b)—

''(1) in the case of a violation during and in relation to which a serious bodily injury (as defined in section 1365) occurs to any person, shall be fined under this title, imprisoned for not more than 30 years, or both;

''(2) in the case of a violation during and in relation to which the life of any person is placed in jeopardy, shall be fined under this title, imprisoned for not more than 30 years, or both;

''(3) in the case of a violation involving 10 or more persons, shall be fined under this title, imprisoned for not more than 30 years, or both;

''(4) in the case of a violation involving the bribery or corruption of a United States or foreign government official, shall be fined under this title, imprisoned for not more than 30 years, or both;

''(5) in the case of a violation involving robbery or extortion (as such terms are defined in paragraph (1) or (2), respectively, of section 1951(b)), shall be fined under this title, imprisoned for not more than 30 years, or both;

''(6) in the case of a violation during and in relation to which any person is subjected to an involuntary sexual act (as defined in section 2246(2)), shall be fined under this title, imprisoned for not fewer than 5 years and not more than 30 years, or both;

''(7) in the case of a violation resulting in the death of any person, shall be fined under this title, imprisoned for not fewer than 5 years and up to life, or both;

''(8) in the case of a violation in which any alien is confined or restrained, including by the taking of clothing, goods, or personal identification documents, shall be fined under this title, imprisoned not fewer than 5 years and not more than 10 years, or both; and

''(9) in the case of smuggling an unaccompanied alien child (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2))), shall be fined under this title or imprisoned not more than 20 years.

''(e) DEFINITIONS.—In this section:

''(1) EFFORT OR SCHEME.—The term 'effort or scheme to assist or cause 5 or more persons' does not require that the 5 or more persons enter, attempt to enter, prepare to enter, or travel at the same time if such acts are completed during a 1-year period.

''(2) LAWFUL AUTHORITY.—The term 'lawful authority'—

''(A) means permission, authorization, or license that is expressly provided for under the immigration laws of the United States; and

''(B) does not include—

''(i) any authority described in subparagraph (A) that was secured by fraud or otherwise unlawfully obtained; or

''(ii) any authority that was sought, but not approved.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 77 of title 18, United States Code, is amended by inserting after the item relating to section 1597 the following:

''1598. Organized human smuggling.''.

(c) STRATEGY TO COMBAT HUMAN SMUGGLING.—

(1) DEFINED TERM.—In this subsection, the term ''high traffic areas of human smuggling'' means the United States ports of entry and areas between such ports that have the most human smuggling activity, as measured by U.S. Customs and Border Protection.

(2) IMPLEMENTATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall implement a strategy to deter, detect, and interdict human smuggling across the international land and maritime borders of the United States.

(3) COMPONENTS.—The strategy referred to in paragraph (2) shall include—

(A) efforts to increase coordination between the border and maritime security components of the Department of Homeland Security;

(B) an identification of intelligence gaps impeding the ability to deter, detect, and interdict human smuggling across the international land and maritime borders of the United States;

(C) efforts to increase information sharing with State and local governments and other Federal agencies;

(D) efforts to provide, in coordination with the Federal Law Enforcement Training Center, training for the border and maritime security components of the Department of Homeland Security to deter, detect, and interdict human smuggling across the international land and maritime borders of the United States; and

(E) the identification of the high traffic areas of human smuggling along the international land and maritime borders of the United States.

(4) REPORT.—

(A) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report that describes the strategy to be implemented under paragraph (2), including the components listed in paragraph (3), to—

(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(ii) the Committee on Homeland Security of the House of Representatives.

(B) FORM.—The Secretary may submit the report required under subparagraph (A) in classified form if the Secretary determines that such form is appropriate.

(5) ANNUAL LIST OF HIGH TRAFFIC AREAS.—Not later than February 1st of the first year beginning after the date of the enactment of this Act and annually thereafter, the Secretary of Homeland Security shall submit a list of the high traffic areas of human smuggling referred to in paragraph (3)(A) to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Homeland Security of the House of Representatives.

SEC. 1606. EQUITABLE TREATMENT OF UNACCOMPANIED ALIEN CHILDREN.

(a) IN GENERAL.—Section 235(a)(2) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)) is amended—

(1) by striking the paragraph heading and inserting ''RULES FOR UNACCOMPANIED ALIEN CHILDREN'';

(2) in subparagraph (A), by striking ''who is a national or habitual resident of a country that is contiguous with the United States''; and

(3) in subparagraph (C)—

(A) by striking the subparagraph heading and inserting ''AGREEMENTS WITH FOREIGN COUNTRIES''; and

(B) by striking ''countries contiguous to the United States'' and inserting ''Canada, El Salvador, Guatemala, Honduras, Mexico, and any other foreign country that the Secretary determines appropriate''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to any unaccompanied alien child who was apprehended on or after October 1, 2013.

SEC. 1607. EXPEDITED REMOVAL AUTHORITY FOR UNACCOMPANIED ALIEN CHILDREN.

Section 235(a)(5)(D) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)(5)(D)) is amended—

(1) by striking the subparagraph heading and inserting ''EXPEDITED REMOVAL FOR UNACCOMPANIED ALIEN CHILDREN'';

(2) in the matter preceding clause (i)—

(A) by inserting ''described in paragraph (2)(A) who is'' after ''Any unaccompanied alien child''; and

(B) by striking '', except for an unaccompanied alien child from a contiguous country subject to exceptions under subsection (a)(2),''; and

(3) by striking clause (i) and inserting the following:

''(i) placed in a proceeding in accordance with section 235 of the Immigration and Nationality Act (8 U.S.C. 1225).''.

SEC. 1608. MANDATORY SAFE FEDERAL CUSTODY.

Section 235(c) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(2)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking ''shall be promptly placed in the least restrictive setting that is in the best interest of the child. In making such placements, the Secretary may consider danger to self, danger to the community, and risk of flight. Placement of child trafficking victims may include placement in an Unaccompanied Refugee Minor program pursuant to section 412(d) of the Immigration and Nationality Act (8 U.S.C. 1522(d)), if a suitable family member is not available to provide care.'' and inserting ''may not be placed in the custody of a nongovernmental sponsor or otherwise released from the custody of the United States Government until the child is repatriated or has been adjudicated to be admissible or subject to an exception to removal.'';

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

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

''(B) EXCEPTIONS.—

''(i) IN GENERAL.—If the Secretary of Health and Human Services determines that an unaccompanied alien child is a victim of a severe form of trafficking in persons, a special needs child with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)), a child who has been a victim of physical or sexual abuse under circumstances that indicate that the child's health or welfare has been significantly harmed or threatened, or a child with mental health needs that require ongoing assistance from a social welfare agency, the child may be placed with a biological parent if—

''(I) the parent can prove that he or she is lawfully residing in the United States;

''(II) the parent has submitted to a mandatory biometric criminal history check; and

''(III) the Secretary completes a safety and suitability study of the parent's household.

''(ii) MONITORING.—If an unaccompanied alien child described in clause (i) is between 15 and 18 years of age and the Secretary of Health and Human Services determines that such child is not a danger to self, a danger to the community, or a risk of flight, the child shall—

''(I) enroll in the alternative to detention program of U.S. Immigration and Customs Enforcement; and

''(II) continuously wear an electronic ankle monitor while his or her immigration case is pending.

''(iii) EFFECT OF VIOLATION OF CONDITIONS.—The Secretary of Health and Human Services shall remove an unaccompanied alien minor from a parent who has violated the terms of the agreement specifying the conditions under which the unaccompanied alien child was placed in his or her custody.

''(iv) FAILURE TO APPEAR.—

''(I) CIVIL PENALTY.—If an unaccompanied alien child is placed with a parent and fails to appear in a mandatory court appearance, the parent shall be subject to a civil penalty of $250 per day, up to a maximum of $5,000.

''(II) BURDEN OF PROOF.—The parent is not subject to the penalty imposed under subclause (I) if the parent—

''(aa) proves to the immigration court that the failure to appear by the unaccompanied alien child was not the fault of the parent; and

''(bb) supplies the immigration court with documentary evidence that supports such assertion.

''(v) UNACCOMPANIED REFUGEE MINORS PROGRAM.—An unaccompanied alien child described in clause (i) who is a victim of a severe form of trafficking in persons may be placed in the Unaccompanied Refugee Minors Program authorized under section 412(d) of the Immigration and Nationality Act (8 U.S.C. 1522(d)) if a parent is not available to provide care for the child in accordance with this subparagraph.

''(C) INFORMATION SHARING.—In verifying the legal presence of parents under subparagraph (B)(i)(I), the Secretary of Health and Human Services shall provide information on those determined to be unlawfully present in the United States to the Secretary of Homeland Security.''; and

(2) in paragraph (3)(B), by striking ''individual'' and inserting ''parent''.

SEC. 1609. TRAINING.

The Secretary of Homeland Security shall ensure that U.S. Border Patrol agents receive appropriate training in immigration laws relating to screening, identifying, and addressing vulnerable populations, such as children, victims of crime and human trafficking, and individuals fleeing persecution or torture.

SEC. 1610. EMERGENCY IMMIGRATION PERSONNEL; NATIONAL JUVENILE DOCKET.

(a) GOAL.—It shall be the goal of the Attorney General, the Secretary of Homeland Security, and the Director of the Executive Office for Immigration Review to use the amounts appropriated pursuant to subsection (f) to bring a resolution to immigration cases, from the issuance of a notice to appear through the exhaustion of appeals, within 30 days.

(b) EMERGENCY IMMIGRATION JUDGES.—

(1) DESIGNATION.—Not later than 14 days after the date of the enactment of this Act, the Attorney General shall designate up to 100 temporary immigration judges, with renewable 6-month terms, including through the hiring of retired immigration judges, magistrate judges, administrative law judges, or other qualified attorneys using the same criteria as applied to the hiring of permanent immigration judges.

(2) REQUIREMENT.—The Attorney General shall ensure that sufficient immigration judge resources are dedicated to the purpose described in paragraph (1).

(c) IMMIGRATION LITIGATION ATTORNEYS.—The Secretary of Homeland Security shall hire 150 new immigration litigation attorneys in the Field Legal Operations of U.S. Immigration and Customs Enforcement with particular focus on the Office of Chief Counsel attorneys in the areas of need.

(d) ASYLUM OFFICERS.—The Secretary of Homeland Security shall hire 100 new asylum officers to be placed in the Refugee, Asylum, and International Operations Directorate of the U.S. Citizenship and Immigration Services.

(e) JUVENILE DOCKET.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Director of the Executive Office for Immigration Review shall establish a separate juvenile docket in every immigration court in the United States to facilitate the processing of immigration cases involving unaccompanied alien children.

(2) EXEMPTION.—The Director may exempt an immigration court from the requirement under paragraph (1) upon its application for exemption based on its juvenile caseload. The Director shall make a determination under this paragraph after reviewing the court's latest 2 quarters of juvenile cases. An exemption may be awarded if the Director determines that a juvenile docket is not warranted.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $100,000,000 to carry out this section.

SEC. 1611. REPORTING AND MONITORING REQUIREMENTS.

(a) REPORTS.—

(1) INITIAL REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to each State in which unaccompanied children were discharged to parents or placed in a facility while remaining in the legal custody of the Secretary of Health and Human Services that provides the number of children placed in the State since Oct. 1, 2013, broken down by location and age.

(2) MONTHLY DISCHARGE REPORTS.—The Secretary of Health and Human Services shall submit a monthly report to each State in which unaccompanied alien children, during the reporting period—

(A) were discharged to their parents; or

(B) were placed in a facility while remaining in the legal custody of the Department of Health and Human Services.

(3) CONTENTS.—The reports required under paragraph (2) shall identify the number of children placed in the State during the reporting period, broken down by—

(A) location; and

(B) age.

(b) MONITORING REQUIREMENT.—The Secretary of Health and Human Services shall—

(1) require all parents to agree—

(A) to notify and receive approval from the Department of Health and Human Services prior to an unaccompanied alien child placed in their custody changing addresses from that in which he or she was originally placed; and

(B) to provide a current address for the child and the reason for the change of address;

(2) provide regular and frequent monitoring of the physical and emotional well-being of unaccompanied alien children who have been discharged to a parent or remain in the legal custody of the Secretary of Health and Human Services until their respective immigration cases are resolved; and

(3) not later than 60 days after the date of the enactment of this Act, provide to Congress a plan for implementing the requirement set forth in paragraph (2).

(c) NOTIFICATION TO STATES.—The Secretary of Health and Human Services shall notify each State in which potential facilities are being reviewed to house unaccompanied alien children who will remain in the custody of the Secretary of Health and Human Services.

(d) FAILURE TO APPEAR.—The Director of the Executive Office for Immigration Review shall—

(1) track the number of unaccompanied alien children who fail to appear at a removal hearing that they were required to attend; and

(2) make the information described in paragraph (1) available to the public on a quarterly basis.

SA 3743. Ms. AYOTTE (for herself and Mr. BLUMENTHAL) 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 title VIII, add the following:

Subtitle E—Never Contract With the Enemy

SEC. 1271. SHORT TITLE.

This Act may be cited as the ''Never Contract With the Enemy Act''.

SEC. 1272. PROHIBITION ON PROVIDING FUNDS TO THE ENEMY.

(a) IDENTIFICATION OF PERSONS AND ENTITIES.—The Secretary of Defense shall, in conjunction with the Director of National Intelligence and in consultation with the Secretary of State, establish in each covered combatant command a program to identify persons and entities within the area of responsibility of such command that—

(1) provide funds, including goods and services, received under a contract, grant, or cooperative agreement of an executive agency directly or indirectly to a covered person or entity; or

(2) fail to exercise due diligence to ensure that none of the funds, including goods and services, received under a contract, grant, or cooperative agreement of an executive agency are provided directly or indirectly to a covered person or entity.

(b) NOTICE OF IDENTIFIED PERSONS AND ENTITIES.—

(1) NOTICE.—Upon the identification of a person or entity as being described by subsection (a), the head of an executive agency (or the designee of such head) or the commander of a covered combatant command (or the specified deputies of the commander) shall be notified, in writing, of such identification of the person or entity.

(2) RESPONSIVE ACTIONS.—Upon receipt of a notice under paragraph (1), the head of an executive agency (or the designee of such head) or the commander of a covered combatant command (or the specified deputies of the commander) may notify the heads of contracting activities, or other appropriate officials of the agency or command, in writing of such identification.

(3) MAKING OF NOTIFICATIONS.—Any written notification pursuant to this subsection shall be made in accordance with procedures established to implement the revisions of regulations required by this section.

(c) AUTHORITY TO TERMINATE OR VOID CONTRACTS, GRANTS, AND COOPERATIVE AGREEMENTS AND TO RESTRICT FUTURE AWARD.—Not later than 270 days after the date of the enactment of this Act, the Federal Acquisition Regulation, the Defense Federal Acquisition Regulation Supplement, and the Uniform Administrative Requirements, Cost Principles, and Account Requirements for Federal Awards shall be revised to provide that, upon notice from the head of an executive agency (or the designee of such head) or the commander of a covered combatant command (or the specified deputies of the commander) pursuant to subsection (b), the head of contracting activity of an executive agency, or other appropriate official, may do the following:

(1) Restrict the award of contracts, grants, or cooperative agreements of the executive agency concerned upon a written determination by the head of contracting activity or other appropriate official that the contract, grant, or cooperative agreement would provide funds received under such contract, grant, or cooperative agreement directly or indirectly to a covered person or entity.

(2) Terminate for default any contract, grant, or cooperative agreement of the executive agency concerned upon a written determination by the head of contracting activity or other appropriate official that the contractor, or the recipient of the grant or cooperative agreement, has failed to exercise due diligence to ensure that none of the funds received under the contract, grant, or cooperative agreement are provided directly or indirectly to a covered person or entity.

(3) Void in whole or in part any contract, grant, or cooperative agreement of the executive agency concerned upon a written determination by the head of contracting activity or other appropriate official that the contract, grant, or cooperative agreement provides funds directly or indirectly to a covered person or entity.

(d) CLAUSE.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Federal Acquisition Regulation, the Defense Federal Acquisition Regulation Supplement, and the Uniform Administrative Requirements, Cost Principles, and Account Requirements for Federal Awards shall be revised to require that—

(A) the clause described in paragraph (2) shall be included in each covered contract, grant, and cooperative agreement of an executive agency that is awarded on or after the date that is 270 days after the date of the enactment of this Act; and

(B) to the maximum extent practicable, each covered contract, grant, and cooperative agreement of an executive agency that is awarded before the date of the enactment of this Act shall be modified to include the clause described in paragraph (2).

(2) CLAUSE DESCRIBED.—The clause described in this paragraph is a clause that—

(A) requires the contractor, or the recipient of the grant or cooperative agreement, to exercise due diligence to ensure that none of the funds, including goods and services, received under the contract, grant, or cooperative agreement are provided directly or indirectly to a covered person or entity; and

(B) notifies the contractor, or the recipient of the grant or cooperative agreement, of the authority of the head of the contracting activity, or other appropriate official, to terminate or void the contract, grant, or cooperative agreement, in whole or in part, as provided in subsection (c).

(3) TREATMENT AS VOID.—For purposes of this section:

(A) A contract, grant, or cooperative agreement that is void is unenforceable as contrary to public policy.

(B) A contract, grant, or cooperative agreement that is void in part is unenforceable as contrary to public policy with regard to a segregable task or effort under the contract, grant, or cooperative agreement.

(4) PUBLIC COMMENT.—The President shall ensure that the process for amending regulations required by paragraph (1) shall include an opportunity for public comment, including an opportunity for comment on standards of due diligence required by this Act.

(e) REQUIREMENTS FOLLOWING CONTRACT ACTIONS.—Not later than 270 days after the date of the enactment of this Act, the Federal Acquisition Regulation, the Defense Federal Acquisition Regulation Supplement, and the Uniform Administrative Requirements, Cost Principles, and Account Requirements for Federal Awards shall be revised as follows:

(1) To require that any head of contracting activity, or other appropriate official, taking an action under subsection (c) to terminate, void, or restrict a contract, grant, or cooperative agreement notify in writing the contractor or recipient of the grant or cooperative agreement, as applicable, of the action.

(2) To permit the contractor or recipient of a grant or cooperative agreement subject to an action taken under subsection (c) to terminate or void the contract, grant, or cooperative agreement, as the case may be, an opportunity to challenge the action by requesting an administrative review of the action under the procedures of the executive agency concerned not later than 30 days after receipt of notice of the action.

(f) ANNUAL REVIEW; PROTECTION OF CLASSIFIED INFORMATION.—

(1) ANNUAL REVIEW.—The Secretary of Defense, in conjunction with the Director of National Intelligence and in consultation with the Secretary of State shall, on an annual basis, review the lists of persons and entities previously covered by a notice under subsection (b) as having been identified as described by subsection (a) in order to determine whether or not such persons and entities continue to warrant identification as described by subsection (a). If a determination is made pursuant to such a review that a person or entity no longer warrants identification as described by subsection (a), the Secretary of Defense shall notify the head of an executive agency (or designee) or commander (or deputy), as the case may be, in writing of such determination.

(2) PROTECTION OF CLASSIFIED INFORMATION.—Classified information relied upon to make an identification in accordance with

subsection (a) may not be disclosed to a contractor or a recipient of a grant or cooperative agreement with respect to which an action is taken pursuant to the authority provided in subsection (c), or to their representatives, in the absence of a protective order issued by a court of competent jurisdiction established under Article I or Article III of the Constitution of the United States that specifically addresses the conditions upon which such classified information may be so disclosed.

(g) DELEGATION OF CERTAIN RESPONSIBILITIES.—

(1) COMBATANT COMMAND RESPONSIBILITIES.—The commander of a covered combatant command may delegate the responsibilities in this section to any deputies of the commander specified by the commander for purposes of this section. Any delegation of responsibilities under this paragraph shall be made in writing.

(2) NONDELEGATION OF RESPONSIBILITY FOR CERTAIN ACTIONS.—The authority provided by subsection (c) to terminate, void, or restrict contracts, grants, and cooperative agreements, in whole or in part, may not be delegated below the level of head of contracting activity, or equivalent official for purposes of grants or cooperative agreements.

(h) ADDITIONAL RESPONSIBILITIES OF EXECUTIVE AGENCIES.—

(1) SHARING OF INFORMATION ON SUPPORTERS OF THE ENEMY.—The Secretary of Defense shall, in consultation with the Director of the Office of Management and Budget, carry out a program through which agency components may provide information to heads of executive agencies (or the designees of such heads) and the commanders of the covered combatant commands (or the specified deputies of the commanders) relating to persons or entities who may be providing funds, including goods and services, received under contracts, grants, or cooperative agreements of the executive agencies directly or indirectly to a covered person or entity. The program shall be designed to facilitate and encourage the sharing of risk and threat information between executive agencies and the covered combatant commands.

(2) INCLUSION OF INFORMATION ON CONTRACT ACTIONS IN FAPIIS AND OTHER SYSTEMS.—Upon the termination, voiding, or restriction of a contract, grant, or cooperative agreement of an executive agency under subsection (c), the head of contracting activity of the executive agency shall provide for the inclusion in the Federal Awardee Performance and Integrity Information System (FAPIIS), or other formal system of records on contractors or entities, of appropriate information on the termination, voiding, or restriction, as the case may be, of the contract, grant, or cooperative agreement.

(3) REPORTS.—The head of contracting activity that receives a notice pursuant to subsection (b) shall submit to the head of the executive agency (or designee) concerned or the appropriate covered combatant command, as the case may be, a report on the action, if any, taken by the head of contracting activity pursuant to subsection (c), including a determination not to terminate, void, or restrict the contract, grant, or cooperative agreement as otherwise authorized by subsection (c).

(i) REPORTS.—

(1) IN GENERAL.—Not later than March 1 of 2016, 2017, and 2018, the Director of the Office of Management and Budget shall submit to the appropriate committees of Congress a report on the use of the authorities in this section in the preceding calendar year, including the following:

(A) For each instance in which an executive agency exercised the authority to terminate, void, or restrict a contract, grant, and cooperative agreement pursuant to subsection (c), based on a notification under subsection (b), the following:

(i) The executive agency taking such action.

(ii) An explanation of the basis for the action taken.

(iii) The value of the contract, grant, or cooperative agreement voided or terminated.

(iv) The value of all contracts, grants, or cooperative agreements of the executive agency in force with the person or entity concerned at the time the contract, grant, or cooperative agreement was terminated or voided.

(B) For each instance in which an executive agency did not exercise the authority to terminate, void, or restrict a contract, grant, and cooperative agreement pursuant to subsection (c), based on a notification under subsection (b), the following:

(i) The executive agency concerned.

(ii) An explanation why the action was not taken.

(2) FORM.—Any report under this subsection may, at the election of the Director—

(A) be submitted in unclassified form, but with a classified annex; or

(B) be submitted in classified form.

(j) NATIONAL SECURITY EXCEPTION.—Nothing in this section shall apply to the authorized intelligence or law enforcement activities of the United States Government.

(k) CONSTRUCTION WITH OTHER AUTHORITIES.—Except as provided in subsection (l), the authorities in this section shall be in addition to, and not to the exclusion of, any other authorities available to executive agencies to implement policies and purposes similar to those set forth in this section.

(l) COORDINATION WITH CURRENT AUTHORITIES.—

(1) REPEAL OF SUPERSEDED AUTHORITY RELATED TO CENTCOM.—Effective 270 days after the date of the enactment of this Act, section 841 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1513; 10 U.S.C. 2313 note) is repealed.

(2) REPEAL OF SUPERSEDED AUTHORITY RELATED TO DEPARTMENT OF DEFENSE.—Effective 270 days after the date of the enactment of this Act, section 831 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 810; 10 U.S.C. 2302 note) is repealed.

(3) USE OF SUPERSEDED AUTHORITIES IN DISCHARGE OF REQUIREMENTS.—In providing for the discharge of the requirements of this section by the Department of Defense, the Secretary of Defense may use and modify for that purpose the regulations and procedures established for purposes of the discharge of the requirements of section 841 of the National Defense Authorization Act for Fiscal Year 2012 and section 831 of the National Defense Authorization Act for Fiscal Year 2014.

(m) SUNSET.—The provisions of this section shall cease to be effective on December 31, 2019.

SEC. 1273. ADDITIONAL ACCESS TO RECORDS.

(a) CONTRACTS, GRANTS, AND COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, applicable regulations shall be revised to provide that, except as provided under subsection (c)(1), the clause described in paragraph (2) may, as appropriate, be included in each covered contract, grant, and cooperative agreement of an executive agency that is awarded on or after the date of the enactment of this Act.

(2) CLAUSE.—The clause described in this paragraph is a clause authorizing the head of the executive agency concerned, upon a written determination pursuant to paragraph (3), to examine any records of the contractor, the recipient of a grant or cooperative agreement, or any subcontractor or subgrantee under such contract, grant, or cooperative agreement to the extent necessary to ensure that funds, including goods and services, available under the contract, grant, or cooperative agreement are not provided directly or indirectly to a covered person or entity.

(3) WRITTEN DETERMINATION.—The authority to examine records pursuant to the contract clause described in paragraph (2) may be exercised only upon a written determination by the contracting officer or comparable official responsible for a grant or cooperative agreement, upon a finding by the commander of a covered combatant command (or the specified deputies of the commander) or the head of an executive agency (or the designee of such head) that there is reason to believe that funds, including goods and services, available under the contract, grant, or cooperative agreement concerned may have been provided directly or indirectly to a covered person or entity.

(4) FLOWDOWN.—A clause described in paragraph (2) may also be included in any subcontract or subgrant under a covered contract, grant, or cooperative agreement if the subcontract or subgrant has an estimated value in excess of $50,000.

(b) REPORTS.—

(1) IN GENERAL.—Not later than March 1 of 2016, 2017, and 2018, the Director of the Office of Management and Budget shall submit to the appropriate committees of Congress a report on the use of the authority provided by this section in the preceding calendar year.

(2) ELEMENTS.—Each report under this subsection shall identify, for the calendar year covered by such report, each instance in which an executive agency exercised the authority provided under this section to examine records, explain the basis for the action taken, and summarize the results of any examination of records so undertaken.

(3) FORM.—Any report under this subsection may be submitted in classified form.

(c) RELATIONSHIP TO EXISTING AUTHORITIES APPLICABLE TO CENTCOM.—

(1) APPLICABILITY.—This section shall not apply to contracts, grants, or cooperative agreements covered under section 842 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1510; 10 U.S.C. 2302 note).

(2) EXTENSION OF CURRENT AUTHORITIES APPLICABLE TO CENTCOM.—Section 842 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1510; 10 U.S.C. 2302 note) is amended by striking ''date of the enactment of this Act'' and inserting ''date of the enactment of the Carl Levin National Defense Authorization Act for Fiscal Year 2015''.

SEC. 1274. DEFINITIONS.

In this subtitle:

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

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

(B) the Committee on Armed Services, the Committee on Oversight and Government Reform, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) CONTINGENCY OPERATION.—The term ''contingency operation'' has the meaning given that term in section 101(a)(13) of title 10, United States Code.

(3) CONTRACT.—The term ''contract'' includes a contract for commercial items but

is not limited to a contract for commercial items.

(4) COVERED COMBATANT COMMAND.—The term ''covered combatant command'' means the following:

(A) The United States Africa Command.

(B) The United States Central Command.

(C) The United States European Command.

(D) The United States Pacific Command.

(E) The United States Southern Command.

(5) COVERED CONTRACT, GRANT, OR COOPERATIVE AGREEMENT DEFINED.—The term ''covered contract, grant, or cooperative agreement'' means a contract, grant, or cooperative agreement with an estimated value in excess of $50,000 that is performed outside the United States, including its possessions and territories, in support of a contingency operation.

(6) COVERED PERSON OR ENTITY.—The term ''covered person or entity'' means a person or entity that is actively opposing United States or coalition forces involved in a contingency operation in which members of the Armed Forces are actively engaged in hostilities.

(7) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given that term in section 133 of title 41, United States Code.

(8) HEAD OF CONTRACTING ACTIVITY.—The term ''head of contracting activity'' has the meaning given that term in subpart 601 of part 1 of the Federal Acquisition Regulation.

SA 3744. 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, as determined under regulations prescribed by the Secretary of Defense.''.

(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 3745. Mr. DONNELLY 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 XXVIII, add the following:

SEC. 2813. INDEMNIFICATION OF TRANSFEREES OF PROPERTY AT MILITARY INSTALLATIONS CLOSED SINCE OCTOBER 24, 1988, THAT REMAIN UNDER THE JURISDICTION OF THE DEPARTMENT OF DEFENSE.

Section 330(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 2687 note) is amended—

(1) in paragraph (1)—

(A) by striking ''paragraph (3)'' and inserting ''paragraph (4)''; and

(B) by striking ''paragraph (2)'' and inserting ''paragraph (3)'';

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

(3) in paragraph (4), as redesignated, by striking ''paragraph (2) contributed to any such release or threatened release, paragraph (1)'' and inserting ''paragraph (3) contributed to any such release or threatened release, paragraph (1) or (2)''; and

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

''(2) The responsibility of the Secretary of Defense to hold harmless, defend, and indemnify in full certain persons and entities described in paragraph (3) also applies with respect to any military installation (or portion thereof) that—

''(A) was closed during the period beginning on October 24, 1988, and ending on the date of the enactment of this paragraph, other than pursuant to a base closure law; and

''(B) remains under the jurisdiction of the Department of Defense as of the date of the enactment of this paragraph.''.

SA 3746. Mrs. SHAHEEN 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 X, add the following:

SEC. 1069. REPORT ON GENDER INTEGRATION IN THE PLANNING AND EXECUTION OF MILITARY OPERATIONS OF THE ARMED FORCES ABROAD.

(a) STUDY ON GENDER INTEGRATION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall conduct a study on the integration of gender considerations into the planning and execution at all levels of military operations of the Armed Forces abroad.

(2) ELEMENTS.—In conducting the study under this subsection, the Chairman of the Joint Chiefs of Staff shall—

(A) determine whether existing Department of Defense campaign, security cooperation, and contingency plans for operations abroad adequately address security and operational challenges related to gender;

(B) identify means of improving the integration of gender considerations into future Department of Defense planning for campaign, security cooperation, and contingencies for operations abroad;

(C) identify the elements of defense doctrine, if any, that should be revised to reflect lessons learned regarding women and gender as a result of experiences engaging with female populations in Iraq, Afghanistan, and other operations abroad;

(D) evaluate the need for a gender advisor training program for the Armed Forces, including the length of training, proposed curriculum, and location of training for such a program;

(E) determine the extent to which personnel qualified to advise on women and gender are available within the Department of Defense, and assess the development of a billet description for gender advisors;

(F) determine how to best educate military command leadership on the integration of attention to women and gender in military operations across all lines of effort; and

(G) evaluate where to assign gender advisors in strategic, operational, and tactical commands, including, in particular in assignment to field operations and the planning staffs of the combatant commands.

(b) REPORT.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees a report setting forth the results of the study conducted under subsection (a).

(2) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

SA 3747. Mr. CORNYN (for himself, Mr. GRASSLEY, Mr. MCCONNELL, Mr. FLAKE, Mr. COATS, Mr. ISAKSON, Mr. ALEXANDER, Mr. CHAMBLISS, Mr. BARRASSO, and Mr. COCHRAN) 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:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2014, and for other purposes, namely:

DIVISION A—SUPPLEMENTAL APPROPRIATIONS

TITLE I

DEPARTMENTS OF COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

ADMINISTRATIVE REVIEW AND APPEALS

For an additional amount for ''Administrative Review and Appeals'', $63,200,000, to remain available until September 30, 2015, as follows:

(1) $54,000,000 for the Executive Office for Immigration Review to hire 54 Immigration Judge Teams, which shall be trained and assigned to adjudicate juvenile cases.

(2) $6,700,000 for the Executive Office for Immigration Review for the purchase of video teleconferencing equipment, digital audio recording devices, and other technology that will enable expanded immigration courtroom capacity and capability.

(3) $2,500,000 for the Executive Office for Immigration Review's Legal Orientation Program, of which not less than $1,000,000

shall be for the Legal Orientation Program for Custodians:

Provided, That not later than 15 days after the date of enactment of this Act, the Executive Office for Immigration Review shall submit a reorganization plan to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives that includes detailed plans for prioritizing the adjudication of non-detained, unaccompanied alien children and specific plans to reassign Immigration Judge Teams to expedite the adjudication of juveniles on the non-detained docket:

Provided further, That the submitted plan shall ensure that juveniles will appear before an immigration judge for an initial hearing not later than 10 days after the juvenile is apprehended.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for ''Salaries and Expenses, General Legal Activities'', $1,100,000, for necessary expenses to respond to the significant rise in unaccompanied children and adults with children at the southwest border and related activities, to remain available until September 30, 2014.

TITLE II

DEPARTMENT OF HOMELAND SECURITY

U. S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' to cover necessary expenses to respond to the significant rise in unaccompanied alien children and adults with children at the Southwest border and related activities, including the acquisition, construction, improvement, repair, and management of facilities, and for necessary expenses related to border security, $71,000,000, to remain available until September 30, 2015.

U. S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' to cover necessary expenses to respond to the significant rise in unaccompanied alien children and adults with children at the Southwest border and related activities, and for the necessary expenses for enforcement of immigration and customs law, detention and removals of adults with children crossing the border unlawfully, and investigations, $398,000,000, to remain available until September 30, 2015, of which, $50,000,000 shall be expended for 50 additional fugitive operations teams and not less than $14,000,000 shall be expended for vetted units operations in Central America and human smuggling and trafficking investigations:

Provided, That the Secretary of Homeland Security shall support no fewer than an additional 3,000 family and 800 other beds and substantially increase the availability and utilization of detention space for adults with children.

GENERAL PROVISIONS

SEC. 201. (a) For an additional amount for meeting the data collection and reporting requirements of this Act, $5,000,000.

(b) Notwithstanding section 503 of Division F of the Consolidated Appropriations Act, 2014 (Public Law 113–76), funds made available under subsection (a) for data collection and reporting requirements may be transferred by the Secretary of Homeland Security between appropriations for the same purpose.

(c) The Secretary may not make a transfer described in subsection (b) until 15 days after notifying the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives of such transfer.

TITLE III

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

REFUGEE AND ENTRANT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Refugee and Entrant Assistance'', $150,000,000, to be merged with and available for the same period and purposes as funds appropriated in Public Law 113–76 ''for carrying out such sections 414, 501, 462, and 235'': *Provided*, That funds appropriated under this heading may also be used for other medical response expenses of the Department of Health and Human Services in assisting individuals identified under subsection (b) of such section 235: *Provided further*, That, the Secretary may, in this fiscal year and hereafter, accept and use money, funds, property, and services of any kind made available by gift, devise, bequest, grant, or other donation for carrying out such sections: *Provided further*, That funds appropriated under this heading for medical response expenses may be transferred to and merged with the ''Public Health and Social Services Emergency Fund'': *Provided further*, That transfer authority under this heading is subject to the regular notification procedures of the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

GENERAL PROVISIONS

(RESCISSION)

SEC. 301. Of the funds made available for performance bonus payments under section 2105(a)(3)(E) of the Social Security Act (42 U.S.C. 1397ee(a)(3)(E)), $1,700,000,000 is rescinded.

TITLE IV

GENERAL PROVISIONS—THIS TITLE

REPATRIATION AND REINTEGRATION

SEC. 401. (a) Of the funds appropriated in titles III and IV of division K of Public Law 113–76, and in prior Acts making appropriations for the Department of State, foreign operations, and related programs, for assistance for the countries in Central America, up to $40,000,000 shall be made available for such countries for repatriation and reintegration activities: *Provided*, That funds made available pursuant to this section may be obligated notwithstanding subsections (c) and (e) of section 7045 of division K of Public Law 113–76.

(b) Prior to the initial obligation of funds made available pursuant to this section, but not later than 15 days after the date of enactment of this Act, and every 90 days thereafter until September 30, 2015, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the appropriate congressional committees a report on the obligation of funds made available pursuant to this section by country and the steps taken by the government of each country to—

(1) improve border security;

(2) enforce laws and policies to stem the flow of illegal entries into the United States;

(3) enact laws and implement new policies to stem the flow of illegal entries into the United States, including increasing penalties for human smuggling;

(4) conduct public outreach campaigns to explain the dangers of the journey to the Southwest Border of the United States and to emphasize the lack of immigration benefits available; and

(5) cooperate with United States Federal agencies to facilitate and expedite the return, repatriation, and reintegration of illegal migrants arriving at the Southwest Border of the United States.

(c) The Secretary of State shall suspend assistance provided pursuant to this section to the government of a country if such government is not making significant progress on each item described in paragraphs (1) through (5) of subsection (b): *Provided*, That assistance may only be resumed if the Secretary reports to the appropriate congressional committees that subsequent to the suspension of assistance such government is making significant progress on each of the items enumerated in such subsection.

(d) Funds made available pursuant to this section shall be subject to the regular notification procedures of the Committee on Appropriations of the Senate and the Committee on Appropriations of House of Representatives and the Senate.

TITLE V

GENERAL PROVISIONS — THIS ACT

SEC. 501. Not later than 30 days after the date of the enactment of this Act, the Attorney General, working in coordination with the Secretary of Homeland Security and the Secretary of Health and Human Services, shall institute a process for collecting, exchanging, and sharing specific data pertaining to individuals whose cases will be adjudicated by the Executive Office for Immigration Review that ensures that—

(1) the Department of Justice is capable of electronically receiving information from the Department of Homeland Security and the Department of Health and Human Services related to the apprehension, processing, detention, placement, and adjudication of such individuals, including unaccompanied alien children;

(2) case files prepared by the Department of Homeland Security after an individual has been issued a notice to appear are electronically integrated with information collected by the Department of Justice's Executive Office for Immigration Review during the adjudication process;

(3) cases are coded to reflect immigration status and appropriate categories at apprehension, such as unaccompanied alien children and family units;

(4) information pertaining to cases and dockets are collected and maintained by the Department of Justice in an electronic, searchable database that includes—

(A) the status of the individual appearing before the court upon apprehension;

(B) the docket upon which the case is placed;

(C) the individual's presence for court proceedings;

(D) the final disposition of each case;

(E) the number of days each case remained on the docket before final disposition; and

(F) any other information the Attorney General determines to be necessary and appropriate; and

(5) the final disposition of an adjudication or an order of removal is electronically submitted to—

(A) the Department of Homeland Security; and

(B) the Department of Health and Human Services, if appropriate.

SEC. 502. Not later than 30 days after the date of enactment of this Act, the Secretary of Homeland Security, working in coordination with the Attorney General and the Secretary of Health and Human Services, shall institute a process for collecting, exchanging, and sharing specific data pertaining to individuals who are apprehended or encountered for immigration enforcement purposes

by the Department of Homeland Security that ensures that—

(1) case files prepared by the Department of Homeland Security after an individual has been issued a notice to appear are electronically transmitted to—

(A) the Department of Justice's Executive Office for Immigration Review for integration with case files prepared during the adjudication process; and

(B) to the Department of Health and Human Services, as appropriate, if the files relate to unaccompanied alien children;

(2) the Department of Homeland Security is capable of electronically receiving information pertaining to the disposition of an adjudication, including removal orders and the individual's failure to appear for proceedings, from the Department of Justice's Executive Office for Immigration Review; and

(3) information is collected and shared with the Department of Justice regarding the immigration status and appropriate categories of such individuals at the time of apprehension, such as—

(A) unaccompanied alien children or family units;

(B) the location of their apprehension;

(C) the number of days they remain in the custody of the Department of Homeland Security;

(D) the reason for releasing the individual from custody;

(E) the geographic location of their residence, if released from custody;

(F) any action taken by the Department of Homeland Security after receiving information from the Department of Justice regarding an individual's failure to appear before the court;

(G) any action taken by the Department of Homeland Security after receiving information from the Department of Justice regarding the disposition of an adjudication; and

(H) any other information that the Secretary of Homeland Security determines to be necessary and appropriate.

SEC. 503. Not later than 30 days after the date of the enactment of this Act, the Secretary of Health and Human Services, working in coordination with the Attorney General and the Secretary of Homeland Security, shall institute a process for collecting, exchanging, and sharing specific data pertaining to unaccompanied alien children that ensures that—

(1) the Department of Health and Human Services is capable of electronically receiving information from the Department of Homeland Security and the Department of Justice related to the apprehension, processing, placement, and adjudication of unaccompanied alien children;

(2) the Department of Health and Human Services shares information with the Department of Homeland Security regarding its capacity and capability to meet the 72-hour mandate required under section 235(b)(3) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(b)(3)); and

(3) information is collected and shared with the Department of Justice and the Department of Homeland Security regarding—

(A) the number of days a child remained in the custody of the Department of Health and Human Services;

(B) whether the child was placed in a facility operated by the Department of Defense;

(C) for children placed with a sponsor—

(i) the number of children placed with the sponsor;

(ii) the relationship of the sponsor taking custody of the child;

(iii) the type of background check conducted on the potential sponsor; and

(iv) the geographic location of the sponsor; and

(D) any other information the Attorney General or the Secretary of Homeland Security determines to be necessary and appropriate.

SEC. 504. The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 505. This Act may be cited as the ''Protecting Children and America's Homeland Act of 2014''.

DIVISION B—UNACCOMPANIED ALIEN CHILDREN AND BORDER SECURITY

TITLE X—UNACCOMPANIED ALIEN CHILDREN

Subtitle A—Protection and Due Process for Unaccompanied Alien Children

SEC. 1001. REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.

Section 235(a) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)) is amended—

(1) in paragraph (2)—

(A) by amending the paragraph heading to read as follows: ''RULES FOR UNACCOMPANIED ALIEN CHILDREN.—'';

(B) in subparagraph (A), in the matter preceding clause (i), by striking ''who is a national or habitual resident of a country that is contiguous with the United States''; and

(C) in subparagraph (C)—

(i) by amending the subparagraph heading to read as follows: ''AGREEMENTS WITH FOREIGN COUNTRIES.—''; and

(ii) in the matter preceding clause (i), by striking ''countries contiguous to the United States'' and inserting ''Canada, El Salvador, Guatemala, Honduras, Mexico, and any other foreign country that the Secretary determines appropriate'';

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively;

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

''(3) MANDATORY EXPEDITED REMOVAL OF CRIMINALS AND GANG MEMBERS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall place an unaccompanied alien child in a proceeding in accordance with section 235 of the Immigration and Nationality Act (8 U.S.C. 1225a) if, the Secretary determines or has reason to believe the alien—

''(A) has been convicted of any offense carrying a maximum term of imprisonment of more than 180 days;

''(B) has been convicted of an offense which involved—

''(i) domestic violence (as defined in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a));

''(ii) child abuse and neglect (as defined in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a));

''(iii) assault resulting in bodily injury (as defined in section 2266 of title 18, United States Code);

''(iv) the violation of a protection order (as defined in section 2266 of title 18, United States Code);

''(v) driving while intoxicated (as defined in section 164 of title 23, United States Code); or

''(vi) any offense under foreign law, except for a purely political offense, which, if the offense had been committed in the United States, would render the alien inadmissible under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a));

''(C) has been convicted of more than 1 criminal offense (other than minor traffic offenses);

''(D) has engaged in, is engaged in, or is likely to engage after entry in any terrorist activity (as defined in section 212(a)(3)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(iii)), or intends to participate or has participated in the activities of a foreign terrorist organization (as designated under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189));

''(E) is or was a member of a criminal gang (as defined in paragraph (53) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a));

''(F) provided materially false, fictitious, or fraudulent information regarding age or identity to the United States Government with the intent to wrongfully be classified as an unaccompanied alien child; or

''(G) has entered the United States more than 1 time in violation of section 275(a) of the Immigration and Nationality Act (8 U.S.C. 1325(a)), knowing that the entry was unlawful.''; and

(4) in subparagraph (D) of paragraph (6), as redesignated by paragraph (2)—

(A) by amending the subparagraph heading to read as follows: ''EXPEDITED DUE PROCESS AND SCREENING FOR UNACCOMPANIED ALIEN CHILDREN.—'';

(B) in the matter preceding clause (i), by striking '', except for an unaccompanied alien child from a contiguous country subject to the exceptions under subsection (a)(2), shall be—'' and inserting ''who meets the criteria listed in paragraph (2)(A)—'';

(C) by striking clause (i) and inserting the following:

''(i) shall be placed in a proceeding in accordance with section 235B of the Immigration and Nationality Act, which shall commence not later than 7 days after the screening of an unaccompanied alien child described in paragraph (4);'';

(D) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively;

(E) by inserting after clause (i) the following:

''(ii) may not be placed in the custody of a nongovernmental sponsor or otherwise released from the immediate custody of the United States Government until the child is repatriated unless the child—

''(I) is the subject of an order under section 235B(e)(1) of the Immigration and Nationality Act; and

''(II) is placed or released in accordance with subsection (c)(2)(C) of this section.'';

(F) in clause (iii), as redesignated, by inserting ''is'' before ''eligible''; and

(G) in clause (iv), as redesignated, by inserting ''shall be'' before ''provided''.

SEC. 1002. EXPEDITED DUE PROCESS AND SCREENING FOR UNACCOMPANIED ALIEN CHILDREN.

(a) HUMANE AND EXPEDITED INSPECTION AND SCREENING FOR UNACCOMPANIED ALIEN CHILDREN.—

(1) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.) is amended by inserting after section 235A the following:

''SEC. 235B. HUMANE AND EXPEDITED INSPECTION AND SCREENING FOR UNACCOMPANIED ALIEN CHILDREN.

''(a) ASYLUM OFFICER DEFINED.—In this section, the term 'asylum officer' means an immigration officer who—

''(1) has had professional training in country conditions, asylum law, and interview techniques comparable to that provided to full-time adjudicators of applications under section 208; and

''(2) is supervised by an officer who—

''(A) meets the condition described in paragraph (1); and

''(B) has had substantial experience adjudicating asylum applications.

''(b) PROCEEDING.—

''(1) IN GENERAL.—Not later than 7 days after the screening of an unaccompanied alien child under section 235(a)(5) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)(5)), an immigration judge shall conduct and conclude a proceeding to inspect, screen, and determine the status of the unaccompanied alien child who is an applicant for admission to the United States.

''(2) TIME LIMIT.—Not later than 72 hours after the conclusion of a proceeding with respect to an unaccompanied alien child under this section, the immigration judge who conducted such proceeding shall issue an order pursuant to subsection (e).

''(c) CONDUCT OF PROCEEDING.—

''(1) AUTHORITY OF IMMIGRATION JUDGE.—The immigration judge conducting a proceeding under this section—

''(A) shall administer oaths, receive evidence, and interrogate, examine, and cross-examine the unaccompanied alien child and any witnesses;

''(B) may issue subpoenas for the attendance of witnesses and presentation of evidence;

''(C) is authorized to sanction by civil money penalty any action (or inaction) in contempt of the judge's proper exercise of authority under this Act; and

''(D) shall determine whether the unaccompanied alien child meets any of the criteria set out in subparagraphs (A) through (G) of paragraph (3) of section 235(a) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)), and if so, order the alien removed under subsection (e)(2) of this section.

''(2) FORM OF PROCEEDING.—A proceeding under this section may take place—

''(A) in person;

''(B) at a location agreed to by the parties, in the absence of the unaccompanied alien child;

''(C) through video conference; or

''(D) through telephone conference.

''(3) PRESENCE OF ALIEN.—If it is impracticable by reason of the mental incompetency of the unaccompanied alien child for the alien to be present at the proceeding, the Attorney General shall prescribe safeguards to protect the rights and privileges of the alien.

''(4) RIGHTS OF THE ALIEN.—In a proceeding under this section—

''(A) the unaccompanied alien child shall be given the privilege of being represented, at no expense to the Government, by counsel of the alien's choosing who is authorized to practice in the proceedings;

''(B) the alien shall be given a reasonable opportunity—

''(i) to examine the evidence against the alien;

''(ii) to present evidence on the alien's own behalf; and

''(iii) to cross-examine witnesses presented by the Government;

''(C) the rights set forth in subparagraph (B) shall not entitle the alien—

''(i) to examine such national security information as the Government may proffer in opposition to the alien's admission to the United States; or

''(ii) to an application by the alien for discretionary relief under this Act; and

''(D) a complete record shall be kept of all testimony and evidence produced at the proceeding.

''(5) WITHDRAWAL OF APPLICATION FOR ADMISSION.—An unaccompanied alien child applying for admission to the United States may, and at any time prior to the issuance of a final order of removal, be permitted to withdraw the application and immediately be returned to the alien's country of nationality or country of last habitual residence.

''(6) CONSEQUENCES OF FAILURE TO APPEAR.—An unaccompanied alien child who does not attend a proceeding under this section, shall be ordered removed, except under exceptional circumstances where the alien's absence is the fault of the Government, a medical emergency, or an act of nature.

''(d) DECISION AND BURDEN OF PROOF.—

''(1) DECISION.—

''(A) IN GENERAL.—At the conclusion of a proceeding under this section, the immigration judge shall determine whether an unaccompanied alien child is likely to be—

''(i) admissible to the United States; or

''(ii) eligible for any form of relief from removal under this Act.

''(B) EVIDENCE.—The determination of the immigration judge under subparagraph (A) shall be based only on the evidence produced at the hearing.

''(2) BURDEN OF PROOF.—

''(A) IN GENERAL.—In a proceeding under this section, an unaccompanied alien child who is an applicant for admission has the burden of establishing, by a preponderance of the evidence, that the alien—

''(i) is likely to be entitled to be lawfully admitted to the United States or eligible for any form of relief from removal under this Act; or

''(ii) is lawfully present in the United States pursuant to a prior admission.

''(B) ACCESS TO DOCUMENTS.—In meeting the burden of proof under subparagraph (A)(ii), the alien shall be given access to—

''(i) the alien's visa or other entry document, if any; and

''(ii) any other records and documents, not considered by the Attorney General to be confidential, pertaining to the alien's admission or presence in the United States.

''(e) ORDERS.—

''(1) PLACEMENT IN FURTHER PROCEEDINGS.—If an immigration judge determines that the unaccompanied alien child has met the burden of proof under subsection (d)(2), the immigration judge shall—

''(A) order the alien to be placed in further proceedings in accordance with section 240; and

''(B) order the Secretary of Homeland Security to place the alien on the U.S. Immigration and Customs Enforcement detained docket for purposes of carrying out such proceedings.

''(2) ORDERS OF REMOVAL.—If an immigration judge determines that the unaccompanied alien child has not met the burden of proof required under subsection (d)(2), the judge shall order the alien removed from the United States without further hearing or review unless the alien claims—

''(A) an intention to apply for asylum under section 208; or

''(B) a fear of persecution.

''(3) CLAIMS FOR ASYLUM.—If an unaccompanied alien child described in paragraph (2) claims an intention to apply for asylum under section 208 or a fear of persecution, the immigration judge shall order the alien referred for an interview by an asylum officer under subsection (f).

''(f) ASYLUM INTERVIEWS.—

''(1) CREDIBLE FEAR OF PERSECUTION DEFINED.—In this subsection, the term 'credible fear of persecution' means, after taking into account the credibility of the statements made by an unaccompanied alien child in support of the alien's claim and such other facts as are known to the asylum officer, there is a significant possibility that the alien could establish eligibility for asylum under section 208.

''(2) CONDUCT BY ASYLUM OFFICER.—An asylum officer shall conduct the interviews of an unaccompanied alien child referred under subsection (e)(3).

''(3) REFERRAL OF CERTAIN ALIENS.—If the asylum officer determines at the time of the interview that an unaccompanied alien child has a credible fear of persecution, the alien shall be held in the custody of the Secretary for Health and Human Services pursuant to section 235(b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(b)) during further consideration of the application for asylum.

''(4) REMOVAL WITHOUT FURTHER REVIEW IF NO CREDIBLE FEAR OF PERSECUTION.—

''(A) IN GENERAL.—Subject to subparagraph (C), if the asylum officer determines that an unaccompanied alien child does not have a credible fear of persecution, the asylum officer shall order the alien removed from the United States without further hearing or review.

''(B) RECORD OF DETERMINATION.—The asylum officer shall prepare a written record of a determination under subparagraph (A), which shall include—

''(i) a summary of the material facts as stated by the alien;

''(ii) such additional facts (if any) relied upon by the asylum officer;

''(iii) the asylum officer's analysis of why, in light of such facts, the alien has not established a credible fear of persecution; and

''(iv) a copy of the asylum officer's interview notes.

''(C) REVIEW OF DETERMINATION.—

''(i) RULEMAKING.—The Attorney General shall establish, by regulation, a process by which an immigration judge will conduct a prompt review, upon the alien's request, of a determination under subparagraph (A) that the alien does not have a credible fear of persecution.

''(ii) MANDATORY COMPONENTS.—The review described in clause (i)—

''(I) shall include an opportunity for the alien to be heard and questioned by the immigration judge, either in person or by telephonic or video connection; and

''(II) shall be concluded as expeditiously as possible, to the maximum extent practicable within 24 hours, but in no case later than 7 days after the date of the determination under subparagraph (A).

''(D) MANDATORY PROTECTIVE CUSTODY.—Any alien subject to the procedures under this paragraph shall be held in the custody of the Secretary of Health and Human Services pursuant to section 235(b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(b))—

''(i) pending a final determination of an application for asylum under this subsection; and

''(ii) after a determination under this subsection that the alien does not have a credible fear of persecution, until the alien is removed.

''(g) LIMITATION ON ADMINISTRATIVE REVIEW.—

''(1) IN GENERAL.—Except as provided in subsection (f)(4)(C) and paragraph (2), a removal order entered in accordance with subsection (e)(2) or (f)(4)(A) is not subject to administrative appeal.

''(2) RULEMAKING.—The Attorney General shall establish, by regulation, a process for the prompt review of an order under subsection (e)(2) against an alien who claims under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, after having been warned of the penal ties for falsely making such claim under such conditions to have been—

''(A) lawfully admitted for permanent residence;

''(B) admitted as a refugee under section 207; or

''(C) granted asylum under section 208.

''(h) LAST IN, FIRST OUT.—In any proceedings, determinations, or removals under this section, priority shall be accorded to the alien who has most recently arrived in the United States.''.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act is amended by inserting after the item relating to section 235A the following:

''Sec. 235B. Humane and expedited inspection and screening for unaccompanied alien children.''.

(b) JUDICIAL REVIEW OF ORDERS OF REMOVAL.—Section 242 of the Immigration and Nationality Act (8 U.S.C. 1252) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''section 235(b)(1))'' and inserting ''section 235(b)(1) or an order of removal issued to an unaccompanied alien child after proceedings under section 235B''; and

(B) in paragraph (2)—

(i) by inserting ''or section 235B'' after ''section 235(b)(1)'' each place it appears; and

(ii) in subparagraph (A)—

(I) in the subparagraph heading, by inserting ''OR 235B'' after ''SECTION 235(B)(1)''; and

(II) in clause (iii), by striking ''section 235(b)(1)(B),'' and inserting ''section 235(b)(1)(B) or 235B(f);''; and

(2) in subsection (e)—

(A) in the subsection heading, by inserting ''OR 235B'' after ''SECTION 235(B)(1)'';

(B) by inserting ''or section 235B'' after ''section 235(b)(1)'' each place it appears;

(C) in subparagraph (2)(C), by inserting ''or section 235B(g)'' after ''section 235(b)(1)(C)''; and

(D) in subparagraph (3)(A), by inserting ''or section 235B'' after ''section 235(b)''.

SEC. 1003. EXPEDITED DUE PROCESS FOR UNACCOMPANIED ALIEN CHILDREN PRESENT IN THE UNITED STATES.

(a) SPECIAL MOTIONS FOR UNACCOMPANIED ALIEN CHILDREN.—

(1) FILING AUTHORIZED.—During the 60-day period beginning on the date of the enactment of this Act, the Secretary of Homeland Security shall, notwithstanding any other provision of law, permit an unaccompanied alien child who was issued a notice to appear under section 239 of the Immigration and Nationality Act (8 U.S.C. 1229) during the period beginning on January 1, 2013, and ending on the date of the enactment of this Act—

(A) to appear, in-person, before an immigration judge who has been authorized by the Attorney General to conduct proceedings under section 235B of the Immigration and Nationality Act, as added by section 1002;

(B) to attest that the unaccompanied alien child desires to apply for admission to the United States; and

(C) to file a motion—

(i) to replace any notice to appear issued between January 1, 2013, and the date of the enactment of this Act under such section 239 that has not resulted in a final order of removal; and

(ii) to apply for admission to the United States by being placed in proceedings under such section 235B.

(2) ADJUDICATION OF MOTION.—An immigration judge may, at the sole and unreviewable discretion of the judge, grant a motion filed under paragraph (1)(C) upon a finding that—

(A) the petitioner was an unaccompanied alien child (as defined in section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232)) on the date on which a notice to appear was issued to the alien under section 239 of the Immigration and Nationality Act (8 U.S.C. 1229);

(B) the notice to appear was issued during the period beginning on January 1, 2013, and ending on the date of the enactment of this Act;

(C) the unaccompanied alien child is applying for admission to the United States; and

(D) the granting of such motion would not be manifestly unjust.

(3) EFFECT OF MOTION.—Notwithstanding any other provision of law, upon the granting of a motion to replace a notice to appear under paragraph (2), the immigration judge who granted such motion shall—

(A) while the petitioner remains in-person, immediately inspect and screen the petitioner for admission to the United States by conducting a proceeding under section 235B of the Immigration and Nationality Act, as added by section 1002;

(B) immediately notify the petitioner of the petitioner's ability, under section 235B(c)(5) of the Immigration and Nationality Act to withdraw the petitioner's application for admission to the United States and immediately be returned to the petitioner's country of nationality or country of last habitual residence; and

(C) replace the petitioner's notice to appear with an order under section 235B(e) of the Immigration and Nationality Act.

(4) PROTECTIVE CUSTODY.—An unaccompanied alien child who has been granted a motion under paragraph (2) shall be held in the custody of the Secretary of Health and Human Services pursuant to section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232).

SEC. 1004. CHILD WELFARE AND LAW ENFORCEMENT INFORMATION SHARING.

Section 235(b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(b)) is amended by adding at the end the following:

''(5) INFORMATION SHARING.—

''(A) IMMIGRATION STATUS.—If the Secretary of Health and Human Services considers placement of an unaccompanied alien child with a potential sponsor, the Secretary of Homeland Security shall provide to the Secretary of Health and Human Services the immigration status of such potential sponsor prior to the placement of the unaccompanied alien child.

''(B) OTHER INFORMATION.—The Secretary of Health and Human Services shall provide to the Secretary of Homeland Security and the Attorney General any relevant information related to an unaccompanied alien child who is or has been in the custody of the Secretary of Health and Human Services, including the location of the child and any person to whom custody of the child has been transferred, for any legitimate law enforcement objective, including enforcement of the immigration laws.''.

SEC. 1005. ACCOUNTABILITY FOR CHILDREN AND TAXPAYERS.

Section 235(b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(b)), as amended by section 1004, is further amended by inserting at the end the following:

''(6) INSPECTION OF FACILITIES.—The Inspector General of the Department of Health and Human Services shall conduct regular inspections of facilities utilized by the Secretary of Health and Human Services to provide care and custody of an unaccompanied alien children who are in the immediate custody of the Secretary to ensure that such facilities are operated in the most efficient manner practicable.

''(7) FACILITY OPERATIONS COSTS.—The Secretary of Health and Human Services shall ensure that facilities utilized to provide care and custody of unaccompanied alien children are operated efficiently and at a rate of cost that is not greater than $500 per day for each child housed or detained at such facility, unless the Secretary certifies that compliance with this requirement is temporarily impossible due to emergency circumstances.''.

SEC. 1006. CUSTODY OF UNACCOMPANIED ALIEN CHILDREN IN FORMAL REMOVAL PROCEEDING.

Section 235(c) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)) is amended—

(1) in paragraph (2) by inserting at the end the following:

''(C) CHILDREN IN FORMAL REMOVAL PROCEEDINGS.—

''(i) LIMITATION ON PLACEMENT.—An unaccompanied alien child who has been placed in a proceeding under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) may not be placed in the custody of a nongovernmental sponsor or otherwise released from the immediate custody of the United States Government unless—

''(I) the nongovernmental sponsor is a biological or adoptive parent of the unaccompanied alien child;

''(II) the parent is legally present in the United States at the time of the placement;

''(III) the parent has undergone a mandatory biometric criminal history check; and

''(IV) the Secretary of Health and Human Services has determined that the unaccompanied alien child is not a danger to self, danger to the community, or risk of flight.

''(ii) EXCEPTIONS.—If the Secretary of Health and Human Services determines that an unaccompanied alien child is a victim of severe forms of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)), a special needs child with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)), a child who has been a victim of physical or sexual abuse under circumstances that indicate that the child's health or welfare has been significantly harmed or threatened, or a child with mental health needs that require ongoing assistance from a social welfare agency, the unaccompanied alien child may be placed with a grandparent or adult sibling if the grandparent or adult sibling meets the requirements set out in subclauses (II), (III), and (IV) of clause (i).

''(iii) MONITORING.—

''(I) IN GENERAL.—An unaccompanied alien child who is 15, 16, or 17 years of age placed with a nongovernmental sponsor or, in the case of an unaccompanied alien child younger than 15 years of age placed with a nongovernmental sponsor, such nongovernmental sponsor shall—

''(aa) enroll in the alternative to detention program of U.S. Immigration and Customs Enforcement; and

''(bb) continuously wear an electronic ankle monitor while the unaccompanied alien child is in removal proceedings.

''(II) PENALTY FOR MONITOR TAMPERING.—If an electronic ankle monitor required by subclause (I) is tampered with, the sponsor of the unaccompanied alien child shall be subject to a civil penalty of $150 for each day the monitor is not functioning due to the tampering, up to a maximum of $3,000.

''(iv) EFFECT OF VIOLATION OF CONDITIONS.—The Secretary of Health and Human Services shall remove an unaccompanied alien child from a sponsor if the sponsor violates the terms of the agreement specifying the conditions under which the alien was placed with the sponsor.

''(v) FAILURE TO APPEAR.—

''(I) CIVIL PENALTY.—If an unaccompanied alien child is placed with a sponsor and fails to appear in a mandatory court appearance,

the sponsor shall be subject to a civil penalty of $250 for each day until the alien appears in court, up to a maximum of $5,000.

''(II) BURDEN OF PROOF.—The sponsor is not subject to the penalty imposed under subclause (I) if the sponsor—

''(aa) appears in person and proves to the immigration court that the failure to appear by the unaccompanied alien child was not the fault of the sponsor; and

''(bb) supplies the immigration court with documentary evidence that supports the assertion described in item (aa).

''(vi) PROHIBITION ON PLACEMENT WITH SEX OFFENDERS AND HUMAN TRAFFICKERS.—The Secretary of Health and Human Services may not place an unaccompanied alien child under this subparagraph in the custody of an individual who has been convicted of, or the Secretary has reason to believe was otherwise involved in the commission of—

''(I) a sex offense (as defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S. 16911)); or

''(II) a crime involving severe forms of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)).

''(vii) REQUIREMENTS OF CRIMINAL BACKGROUND CHECK.—A biometric criminal history check required by clause (i)(IV) shall be conducted using a set of fingerprints or other biometric identifier through—

''(I) the Federal Bureau of Investigation;

''(II) criminal history repositories of all States that the individual lists as current or former residences; and

''(III) any other State or Federal database or repository that the Secretary of Health and Human Services determines is appropriate.''.

SEC. 1007. FRAUD IN CONNECTION WITH THE TRANSFER OF CUSTODY OF UNACCOMPANIED ALIEN CHILDREN.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1041. Fraud in connection with the transfer of custody of unaccompanied alien children

''(a) IN GENERAL.—It shall be unlawful for a person to obtain custody of an unaccompanied alien child (as defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)) by—

''(1) making any materially false, fictitious, or fraudulent statement or representation; or

''(2) making or using any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry.

''(b) PENALTIES.—

''(1) IN GENERAL.—Any person who violates, or attempts or conspires to violate, this section shall be fined under this title and imprisoned for not less than 1 year.

''(2) ENHANCED PENALTY FOR TRAFFICKING.—If the primary purpose of the violation, attempted violation, or conspiracy to violate this section was to subject the child to sexually explicit activity or any other form of exploitation, the offender shall be fined under this title and imprisoned for not less than 15 years.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1040 the following:

''1041. Fraud in connection with the transfer of custody of unaccompanied alien children.''.

SEC. 1008. NOTIFICATION OF STATES, REPORTING, AND MONITORING.

(a) NOTIFICATION.—Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) is amended by adding at the end the following:

''(j) NOTIFICATION TO STATES.—

''(1) PRIOR TO PLACEMENT.—The Secretary of Homeland Security or the Secretary of Health and Human Services shall notify the Governor of a State not later than 48 hours prior to the placement of an unaccompanied alien child from in custody of such Secretary in the care of a facility or sponsor in such State.

''(2) INITIAL REPORTS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to the Governor of each State in which an unaccompanied alien child was discharged to a sponsor or placed in a facility while remaining in the legal custody of the Secretary during the period beginning October 1, 2013 and ending on the date of the enactment of the Protecting Children and America's Homeland Act of 2014.

''(3) MONTHLY REPORTS.—The Secretary of Health and Human Services shall submit a monthly report to the Governor of each State in which, during the reporting period, unaccompanied alien children were discharged to a sponsor or placed in a facility while remaining in the legal custody of the Secretary of Health and Human Services.

''(4) CONTENTS.—Each report required to be submitted to the Governor of a State by paragraph (2) or (3) shall identify the number of unaccompanied alien children placed in the State during the reporting period, disaggregated by—

''(A) the locality in which the aliens were placed; and

''(B) the age of the aliens.''.

(b) MONITORING REQUIREMENT.—The Secretary of Health and Human Services shall—

(1) require all sponsors to agree—

(A) to receive approval from the Secretary of Health and Human Services prior to changing the location in which the sponsor is housing an unaccompanied alien child placed in the sponsor's custody; and

(B) to provide a current address for the child and the reason for the change of address;

(2) provide regular and frequent monitoring of the physical and emotional well-being of each unaccompanied alien child who has been discharged to a sponsor or remained in the legal custody of the Secretary until the child's immigration case is resolved; and

(3) not later than 60 days after the date of the enactment of this Act, provide to Congress a plan for implementing the requirement of paragraph (2).

SEC. 1009. EMERGENCY IMMIGRATION JUDGE RESOURCES.

(a) DESIGNATION.—Not later than 14 days after the date of the enactment of this Act, the Attorney General shall designate up to 100 immigration judges, including through the temporary or permanent hiring of retired immigration judges, magistrate judges, or administrative law judges, or the reassignment of current immigration judges, that are dedicated to—

(1) conducting humane and expedited inspection and screening for unaccompanied alien children under section 235B of the Immigration and Nationality Act, as added by section 1002; or

(2) reducing existing backlogs in immigration court proceedings initiated under section 239 of the Immigration and Nationality Act (8 U.S.C. 1229).

(b) REQUIREMENT.—The Attorney General shall ensure that sufficient immigration judge resources are dedicated to the purpose described in subsection (a)(1) to comply with the requirement under section 235B(b)(1) of the Immigration and Nationality Act, as added by section 1002.

SEC. 1010. REPORTS TO CONGRESS.

(a) REPORTS ON CARE OF UNACCOMPANIED ALIEN CHILD.—Not later than December 31, 2014 and September 30, 2015, the Secretary of Health and Human Services shall submit to Congress and make publically available a report that includes—

(1) a detailed summary of the contracts in effect to care for and house unaccompanied alien children, including the names and locations of contractors and the facilities being used;

(2) the cost per day to care for and house an unaccompanied alien child, including an explanation of such cost;

(3) the number of unaccompanied alien children who have been released to a sponsor, if any;

(4) a list of the States to which unaccompanied alien children have been released from the custody of the Secretary of Health and Human Services to the care of a sponsor or placement in a facility;

(5) the number of unaccompanied alien children who have been released to a sponsor who is not lawfully present in the United States, including the country of nationality or last habitual residence and age of such children;

(6) a determination of whether more than 1 unaccompanied alien child has been released to the same sponsor, including the number of children who were released to such sponsor;

(7) an assessment of the extent to which the Secretary of Health and Human Services is monitoring the release of unaccompanied alien children, including home studies done and ankle bracelets or other devices used;

(8) an assessment of the extent to which the Secretary of Health and Human Services is making efforts—

(A) to educate unaccompanied alien children about their legal rights; and

(B) to provide unaccompanied alien children with access to pro bono counsel; and

(9) the extent of the public health issues of unaccompanied alien children, including contagious diseases, the benefits or medical services provided, and the outreach to States and localities about public health issues, that could affect the public.

(b) REPORTS ON REPATRIATION AGREEMENTS.—Not later than February 31, 2015 and August 31, 2015, the Secretary of State shall submit to Congress and make publically available a report that—

(1) describes—

(A) any repatriation agreement for unaccompanied alien children in effect and a copy of such agreement; and

(B) any such repatriation agreement that is being considered or negotiated; and

(2) describes the funding provided to the 20 countries that have the highest number of nationals entering the United States as unaccompanied alien children, including amounts provided—

(A) to deter the nationals of each country from illegally entering the United States; and

(B) to care for or reintegrate repatriated unaccompanied alien children in the country of nationality or last habitual residence.

(c) REPORTS ON RETURNS TO COUNTRY OF NATIONALITY.—Not later than December 31, 2014 and September 30, 2015, the Secretary of Homeland Security shall submit to Congress and make publically available a report that describes—

(1) the number of unaccompanied alien children who have voluntarily returned to their country of nationality or habitual residence, disaggregated by—

(A) country of nationality or habitual residence; and

(B) age of the unaccompanied alien children;

(2) the number of unaccompanied alien children who have been returned to their country of nationality or habitual residence, including assessment of the length of time such children were present in the United States;

(3) the number of unaccompanied alien children who have not been returned to their country of nationality or habitual residence pending travel documents or other requirements from such country, including how long they have been waiting to return; and

(4) the number of unaccompanied alien children who were granted relief in the United States, whether through asylum or any other immigration benefit.

(d) REPORTS ON IMMIGRATION PROCEEDINGS.—Not later than September 30, 2015, and once every 3 months thereafter, the Director of the Executive Office for Immigration Review shall submit to Congress and make publically available a report that describes—

(1) the number of unaccompanied alien children who, after proceedings under section 235B of the Immigration and Nationality Act, as added by section 1002, were returned to their country of nationality or habitual residence, disaggregated by—

(A) country of nationality or residence; and

(B) age and gender of such aliens;

(2) the number of unaccompanied alien children who, after proceedings under such section 235B, prove a claim of admissibility and are place in proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a);

(3) the number of unaccompanied alien children who fail to appear at a removal hearing that such alien was required to attend;

(4) the number of sponsors who were levied a penalty, including the amount and whether the penalty was collected, for the failure of an unaccompanied alien child to appear at a removal hearing; and

(5) the number of aliens that are classified as unaccompanied alien children, the ages and countries of nationality of such children, and the orders issued by the immigration judge at the conclusion of proceedings under such section 235B for such children.

Subtitle B—Cooperation With Countries of Nationality of Unaccompanied Alien Children

SEC. 1021. IN-COUNTRY REFUGEE PROCESSING.

(a) FINDINGS.—Congress makes the following findings:

(1) Consistent with section 101(a)(42)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)(B)) and section 207(e) of such Act (8 U.S.C. 1157(e)), special circumstances currently exist due to grave humanitarian concerns throughout the travel, and attempts to travel, to the United States by unaccompanied children sufficient to justify and require, for fiscal years 2014 and 2015, the allowance of processing of in-country refugee applications in El Salvador, Guatemala, and Honduras in order to prevent such children from undertaking the long and dangerous journey across Central America and Mexico.

(2) Grave humanitarian concerns exist due to—

(A) at least 60,000 unaccompanied children having undertaken the long and dangerous journey to the United States from Central America in fiscal year 2014 alone;

(B) substantial reports of unaccompanied children becoming, during the course of their journey intended for the United States, victims of—

(i) significant injury, including loss of limbs;

(ii) severe forms of violence;

(iii) death due to accident and intentional killing;

(iv) severe forms of human trafficking;

(v) kidnap for ransom; and

(vi) sexual assault and rape; and

(C) the likelihood that the vast majority of the unaccompanied children seeking admission or immigration relief, including through application as a refugee or claims of asylum, do not qualify for such admission or relief, and therefore will be repatriated.

(3) While special circumstances currently exist to justify in-country refugee application processing for El Salvador, Guatemala, and Honduras, it is appropriate to determine the admissibility of individuals applying for refugee status from those countries according to current law and granting administrative relief in instances in which refugee or asylum applications are denied, or are expected to be denied, would exacerbate the grave humanitarian concerns described in paragraph (2) by further encouraging attempts at migration.

(b) AUTHORITY FOR IN-COUNTRY REFUGEE PROCESSING.—Notwithstanding section 101(a)(42)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)(B)), for fiscal years 2014 and 2015, the Secretary of State, in consultation with the Secretary of Homeland Security and the Director of the Office of Refugee Resettlement of the Department of Health and Human Services, shall process an application for refugee status—

(1) for an alien who is a national of El Salvador, Guatemala, or Honduras and is located in such country; or

(2) in the case of an alien having no nationality, for an alien who is habitually residing in such country and is located in such country.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed as a grant of immigration benefit or relief, nor as a change to existing law regarding the eligibility for any individual for such benefit or relief, other than to the extent refugee applications shall be permitted in-country in accordance with this section.

SEC. 1022. REFUGEE ADMISSIONS FROM CERTAIN COUNTRIES.

Notwithstanding any other provision of law, the President, in determining the number of refugees who may be admitted under section 207(a) of the Immigration and Nationality Act (8 U.S.C. 1157(a))—

(1) for fiscal year 2014, may —

(A) allocate the unallocated reserve refugee number set out in the Presidential Memorandum on Refugee Admissions for Fiscal Year 2014 issued on October 2, 2013 to admit refugees from Central America; and

(B) allocate any unused admissions allocated to a particular region for Central American refugee admissions; and

(2) for fiscal year 2015, shall include Central America among the regional allocations included in the Presidential determination for refugee admissions that fiscal year.

SEC. 1023. FOREIGN GOVERNMENT COOPERATION IN REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.

(a) CERTIFICATION.—

(1) IN GENERAL.—Subject to paragraph (2), on the date that is 60 days after the date of the enactment of this Act, and annually thereafter, the President shall make a certification of whether the Government of El Salvador, Guatemala, or Honduras—

(A) is actively working to reduce the number of unaccompanied alien children from that country who are attempting to migrate northward in order to illegally enter the United States;

(B) is cooperating with the Government of the United States to facilitate the repatriation of unaccompanied alien children who are removed from the United States and returned to their country of nationality or habitual residence; and

(C) has negotiated or is actively negotiating an agreement under section 235(a)(2)(C) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)(2)(C)), as amended by section 1001.

(2) INTERIM CERTIFICATION.—If prior to the date an annual certification is required by paragraph (1) the President determines the most recent such certification for the Government of El Salvador, Guatemala, or Honduras is no longer accurate, the President may make an accurate certification for that country prior to such date.

(b) LIMITATION ON ASSISTANCE.—The Federal Government may not provide any assistance (other than security assistance) to El Salvador, Guatemala, or Honduras unless in the most recent certification for that country under subsection (a) is that the Government of El Salvador, Guatemala, or Honduras, respectively, meets the requirements of subparagraphs (A), (B), and (C) of subsection (a)(1).

TITLE XI—CRIMINAL ALIENS

SEC. 1101. ALIEN GANG MEMBERS.

(a) DEFINITION.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

''(53)(A) The term 'criminal gang' means an ongoing group, club, organization, or association of 5 or more persons—

''(i)(I) that has as 1 of its primary purposes the commission of 1 or more of the criminal offenses described in subparagraph (B); and

''(II) the members of which engage, or have engaged within the past 5 years, in a continuing series of offenses described in subparagraph (B); or

''(ii) that has been designated as a criminal gang under section 220 by the Secretary of Homeland Security, in consultation with the Attorney General, or the Secretary of State.

''(B) The offenses described in this subparagraph, whether in violation of Federal or State law or foreign law and regardless of whether the offenses occurred before, on, or after the date of the enactment of the Protecting Children and America's Homeland Act of 2014, are the following:

''(i) A 'felony drug offense' (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

''(ii) An offense under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose).

''(iii) A crime of violence (as defined in section 16 of title 18, United States Code).

''(iv) A crime involving obstruction of justice, tampering with or retaliating against a witness, victim, or informant, or burglary.

''(v) Any conduct punishable under sections 1028 and 1029 of title 18, United States Code (relating to fraud and related activity in connection with identification documents or access devices), sections 1581 through 1594 of such title (relating to peonage, slavery and trafficking in persons), section 1952 of such title (relating to interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 of such title (relating to the laundering of monetary instruments), section 1957 of such title (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 of such title (relating to interstate transportation of stolen motor vehicles or stolen property).

''(vi) A conspiracy to commit an offense described in clauses (i) through (v).

''(C) Notwithstanding any other provision of law (including any effective date), the term 'criminal gang' applies regardless of

whether the conduct occurred before, on, or after the date of the enactment of this paragraph.''.

(b) INADMISSIBILITY.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following:

''(J) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—Any alien is inadmissible who a consular officer, the Secretary of Homeland Security, or the Attorney General knows or has reason to believe—

''(i) is or has been a member of a criminal gang; or

''(ii) has participated in the activities of a criminal gang knowing or having reason to know that such activities will promote, further, aid, or support the illegal activity of the criminal gang.''.

(c) DEPORTABILITY.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

''(G) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—Any alien is deportable who the Secretary of Homeland Security or the Attorney General knows or has reason to believe—

''(i) is or has been a member of a criminal gang; or

''(ii) has participated in the activities of a criminal gang knowing or having reason to know that such activities will promote, further, aid, or support the illegal activity of the criminal gang.''.

(d) DESIGNATION.—

(1) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by inserting after section 219 the following:

''SEC. 220. DESIGNATION OF CRIMINAL GANGS.

''(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Attorney General, or the Secretary of State may designate a group or association as a criminal gang if their conduct is described in section 101(a)(53) or if the group or association conduct poses a significant risk that threatens the security and the public safety of nationals of the United States or the national security, homeland security, foreign policy, or economy of the United States.

''(b) EFFECTIVE DATE.—A designation made under subsection (a) shall remain in effect until the designation is revoked after consultation between the Secretary of Homeland Security, the Attorney General, and the Secretary of State or is terminated in accordance with Federal law.''.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act is amended by inserting after the item relating to section 219 the following:

''220. Designation of criminal gangs.''.

(e) MANDATORY DETENTION OF CRIMINAL GANG MEMBERS.—

(1) IN GENERAL.—Section 236(c)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1226(c)(1)(D)) is amended—

(A) by striking ''section 212(a)(3)(B)'' and inserting ''paragraph (2)(J) or (3)(B) of section 212(a)''; and

(B) by striking ''237(a)(4)(B),'' and inserting ''paragraph (2)(G) or (4)(B) of section 237(a),''.

(2) ANNUAL REPORT.—Not later than March 1 of each year (beginning 1 year after the date of the enactment of this Act), the Secretary of Homeland Security, after consultation with the appropriate Federal agencies, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the number of aliens detained under the amendments made by paragraph (1).

(f) ASYLUM CLAIMS BASED ON GANG AFFILIATION.—

(1) INAPPLICABILITY OF RESTRICTION ON REMOVAL TO CERTAIN COUNTRIES.—Section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(B)) is amended, in the matter preceding clause (i), by inserting ''who is described in section 212(a)(2)(J)(i) or section 237(a)(2)(G)(i) or who is'' after ''to an alien''.

(2) INELIGIBILITY FOR ASYLUM.—Section 208(b)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)) is amended—

(A) in clause (v), by striking ''or'' at the end;

(B) by redesignating clause (vi) as clause (vii); and

(C) by inserting after clause (v) the following:

''(vi) the alien is described in section 212(a)(2)(J)(i) or section 237(a)(2)(G)(i) (relating to participation in criminal gangs); or''.

(g) TEMPORARY PROTECTED STATUS.—Section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a) is amended—

(1) by striking ''Attorney General'' each place that term appears and inserting ''Secretary of Homeland Security'';

(2) in subparagraph (c)(2)(B)—

(A) in clause (i), by striking ''States, or'' and inserting ''States;'';

(B) in clause (ii), by striking the period and inserting ''; or''; and

(C) by adding at the end the following:

''(iii) the alien is, or at any time after admission has been, a member of a criminal gang.''; and

(3) in subsection (d)—

(A) by striking paragraph (3); and

(B) in paragraph (4), by adding at the end the following: ''The Secretary of Homeland Security may detain an alien provided temporary protected status under this section whenever appropriate under any other provision of law.''.

(h) SPECIAL IMMIGRANT JUVENILE VISAS.—Section 101(a)(27)(J)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)(iii)) is amended—

(1) in subclause (I), by striking ''and'';

(2) in subclause (II), by inserting ''and'' at the end; and

(3) by adding at the end the following:

''(III) no alien who is, or was at any time after admission has been, a member of a criminal gang shall be eligible for any immigration benefit under this subparagraph;''.

(i) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to acts that occur before, on, or after the date of the enactment of this Act.

SEC. 1102. MANDATORY EXPEDITED REMOVAL OF DANGEROUS CRIMINALS, TERRORISTS, AND GANG MEMBERS.

(a) IN GENERAL.—Notwithstanding any other provision of law, an immigration officer who finds an alien described in subsection (b) at a land border or port of entry of the United States and determines that such alien is inadmissible under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) shall treat such alien in accordance with section 235 of the Immigration and Nationality Act (8 U.S.C. 1225).

(b) THREATS TO PUBLIC SAFETY.—An alien described in this subsection is an alien who the Secretary of Homeland Security determines, or has reason to believe—

(1) has been convicted of any offense carrying a maximum term of imprisonment of more than 180 days;

(2) has been convicted of an offense which involved—

(A) domestic violence (as defined in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a));

(B) child abuse and neglect (as defined in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a));

(C) assault resulting in bodily injury (as defined in section 2266 of title 18, United States Code);

(D) the violation of a protection order (as defined in section 2266 of title 18, United States Code);

(E) driving while intoxicated (as defined in section 164 of title 23, United States Code); or

(F) any offense under foreign law, except for a purely political offense, which, if the offense had been committed in the United States, would render the alien inadmissible under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a));

(3) has been convicted of more than 1 criminal offense (other than minor traffic offenses);

(4) has engaged in, is engaged in, or is likely to engage after entry in any terrorist activity (as defined in section 212(a)(3)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(iii)), or intends to participate or has participated in the activities of a foreign terrorist organization (as designated under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189));

(5) is or was a member of a criminal street gang (as defined in paragraph (53) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)), as added by section 1101(a)); or

(6) has entered the United States more than 1 time in violation of section 275(a) of the Immigration and Nationality Act (8 U.S.C. 1325(a)), knowing that the entry was unlawful.

SEC. 1103. FUGITIVE OPERATIONS.

The Secretary of Homeland Security is authorized to hire 350 U.S. Immigration and Customs Enforcement detention officers that comprise 50 Fugitive Operations Teams responsible for identifying, locating, and arresting fugitive aliens.

SEC. 1104. ADDITIONAL DETENTION CAPACITY FOR FAMILY UNITS.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall increase the number of detention beds available for aliens placed in removal proceedings under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) by not less than 5,000, including such detention beds available for family units.

TITLE XII—BORDER SECURITY

SEC. 1201. REDUCING INCENTIVES FOR ILLEGAL IMMIGRATION.

No Federal funds or resources may be used to issue a new directive, memorandum, or Executive Order that provides for relief from removal or work authorization to a class of individuals who are not otherwise eligible for such relief under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) or such work authorization, including expanding deferred action for childhood arrivals.

SEC. 1202. BORDER SECURITY ON CERTAIN FEDERAL LANDS.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LANDS.—The term ''Federal lands'' includes all land under the control of the Secretary concerned that is located within the Southwest border region in the State of Arizona along the international border between the United States and Mexico.

(2) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) SUPPORT FOR BORDER SECURITY NEEDS.—To achieve effective control of Federal lands—

(1) the Secretary concerned, notwithstanding any other provision of law, shall

authorize and provide U.S. Customs and Border Protection personnel with immediate access to Federal lands for security activities, including—

(A) routine motorized patrols; and

(B) the deployment of communications, surveillance, and detection equipment;

(2) the security activities described in paragraph (1) shall be conducted, to the maximum extent practicable, in a manner that the Secretary determines will best protect the natural and cultural resources on Federal lands; and

(3) the Secretary concerned may provide education and training to U.S. Customs and Border Protection personnel on the natural and cultural resources present on individual Federal land units.

(c) PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.—

(1) IN GENERAL.—After implementing subsection (b), the Secretary, in consultation with the Secretaries concerned, shall prepare and publish in the Federal Register a notice of intent to prepare a programmatic environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to analyze the impacts of the activities described in subsection (b).

(2) EFFECT ON PROCESSING APPLICATION AND SPECIAL USE PERMITS.—The pending completion of a programmatic environmental impact statement under this section shall not result in any delay in the processing or approving of applications or special use permits by the Secretaries concerned for the activities described in subsection (b).

(3) AMENDMENT OF LAND USE PLANS.—The Secretaries concerned shall amend any land use plans, as appropriate, upon completion of the programmatic environmental impact statement described in paragraph (1).

(4) SCOPE OF PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.—The programmatic environmental impact statement described in paragraph (1)—

(A) may be used to advise the Secretary of Homeland Security on the impact on natural and cultural resources on Federal lands; and

(B) shall not control, delay, or restrict actions by the Secretary of Homeland Security to achieve effective control on Federal lands.

(d) INTERMINGLED STATE AND PRIVATE LAND.—This section shall not apply to any private or State-owned land within the boundaries of Federal lands.

SEC. 1203. STATE AND LOCAL ASSISTANCE TO ALLEVIATE HUMANITARIAN CRISIS.

(a) STATE AND LOCAL ASSISTANCE.—The Administrator of the Federal Emergency Management Agency shall enhance law enforcement preparedness, humanitarian responses, and operational readiness along the international border between the United States and Mexico through Operation Stonegarden.

(b) GRANTS AND REIMBURSEMENTS.—

(1) IN GENERAL.—Amounts made available to carry out this section shall be allocated for grants and reimbursements to State and local governments in Border Patrol Sectors on the along the international border between the United States and Mexico for—

(A) costs personnel, overtime, and travel;

(B) costs related to combating illegal immigration and drug smuggling; and

(C) costs related to providing humanitarian relief to unaccompanied alien children and family units who have entered the United States.

(2) FUNDING FOR STATE AND LOCAL GOVERNMENTS.—Allocations for grants and reimbursements to State and local governments under this paragraph shall be made by the Administrator of the Federal Emergency Management Agency through a competitive process.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal years 2014 and 2015 such sums as may be necessary to carry out this section.

SEC. 1204. PREVENTING ORGANIZED SMUGGLING.

(a) UNLAWFULLY HINDERING IMMIGRATION, BORDER, OR CUSTOMS CONTROLS.—

(1) AMENDMENT TO TITLE 18, UNITED STATES CODE.—

(A) IN GENERAL.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"§ 556. Unlawfully hindering immigration, border, or customs controls

''(a) ILLICIT SPOTTING.—Any person who knowingly transmits to another person the location, movement, or activities of any Federal, State, or tribal law enforcement agency with the intent to further a Federal crime relating to United States immigration, customs, importation of controlled substances, agriculture products, or monetary instruments, or other border controls shall be fined under this title, imprisoned not more than 10 years, or both.

''(b) DESTRUCTION OF UNITED STATES BORDER CONTROLS.—Any person who knowingly and without lawful authorization destroys, alters, or damages any fence, barrier, sensor, camera, or other physical or electronic device deployed by the Federal Government to control the international border of the United States or a port of entry, or otherwise seeks to construct, excavate, or make any structure intended to defeat, circumvent or evade any such fence, barrier, sensor camera, or other physical or electronic device deployed by the Federal Government to control the international border of the United States or a port of entry—

''(1) shall be fined under this title, imprisoned not more than 10 years, or both; and

''(2) if, at the time of the offense, the person uses or carries a firearm or, in furtherance of any such crime, possesses a firearm, shall be fined under this title, imprisoned not more than 20 years, or both.

''(c) CONSPIRACY AND ATTEMPT.—Any person who attempts or conspires to violate subsection (a) or (b) shall be punished in the same manner as a person who completes a violation of such subsection.''.

(B) CLERICAL AMENDMENT.—The table of sections for chapter 27 of title 18, United States Code, is amended by inserting after the item relating to section 555 the following:

''556. Unlawfully hindering immigration, border, or customs controls.''.

(2) PROHIBITING CARRYING OR USE OF A FIREARM DURING AND IN RELATION TO AN ALIEN SMUGGLING CRIME.—Section 924(c) of title 18, United States Code, is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting '', alien smuggling crime,'' after ''crime of violence'' each place such term appears; and

(ii) in subparagraph (D)(ii), by inserting '', alien smuggling crime,'' after ''crime of violence''; and

(B) by adding at the end the following:

''(6) For purposes of this subsection, the term 'alien smuggling crime' means any felony punishable under section 274(a), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a), 1327, and 1328).''.

(3) STATUTE OF LIMITATIONS.—Section 3298 of title 18, United States Code, is amended by inserting ''556 (hindering immigration, border, or customs controls), 1598 (organized human smuggling),'' before ''1581''.

(b) ORGANIZED HUMAN SMUGGLING.—

(1) AMENDMENT TO TITLE 18, UNITED STATES CODE.—Chapter 77 of title 18, United States Code, is amended by adding at the end the following:

"§ 1598. Organized human smuggling

''(a) PROHIBITED ACTIVITIES.—It shall be unlawful for any person, while acting for profit or other financial gain, to knowingly direct or participate in an effort or scheme to assist or cause 3 or more persons—

''(1) to enter, attempt to enter, or prepare to enter the United States—

''(A) by fraud, falsehood, or other corrupt means;

''(B) at any place other than a port or place of entry designated by the Secretary of Homeland Security; or

''(C) in a manner not prescribed by the immigration laws and regulations of the United States;

''(2) to travel by air, land, or sea toward the United States (whether directly or indirectly)—

''(A) knowing that the persons seek to enter or attempt to enter the United States without lawful authority; and

''(B) with the intent to aid or further such entry or attempted entry; or

''(3) to be transported or moved outside of the United States—

''(A) knowing that such persons are aliens in unlawful transit from 1 country to another or on the high seas; and

''(B) under circumstances in which the persons are seeking to enter the United States without official permission or legal authority.

''(b) CONSPIRACY AND ATTEMPT.—Any person who attempts or conspires to violate subsection (a) shall be punished in the same manner as a person who completes a violation of such subsection.

''(c) BASE PENALTY.—Except as provided in subsection (d), any person who violates subsection (a) or (b) shall be fined under this title, imprisoned for not more than 20 years, or both.

''(d) ENHANCED PENALTIES.—Any person who violates subsection (a) or (b)—

''(1) in the case of a violation causing a serious bodily injury (as defined in section 1365) to any person, shall be fined under this title, imprisoned for not more than 30 years, or both;

''(2) in the case of a violation causing the life of any person to be placed in jeopardy, shall be fined under this title, imprisoned for not more than 30 years, or both;

''(3) in the case of a violation involving 10 or more persons, shall be fined under this title, imprisoned for not more than 30 years, or both;

''(4) in the case of a violation involving the bribery or corruption of a United States or foreign government official, shall be fined under this title, imprisoned for not more than 30 years, or both;

''(5) in the case of a violation involving robbery or extortion (as such terms are defined in paragraph (1) or (2), respectively, of section 1951(b)), shall be fined under this title, imprisoned for not more than 30 years, or both;

''(6) in the case of a violation causing any person to be subjected to an involuntary sexual act (as defined in section 2246(2)), shall be fined under this title, imprisoned for not more than 30 years, or both;

''(7) in the case of a violation resulting in the death of any person, shall be fined under this title, imprisoned for any term of years or for life, or both;

''(8) in the case of a violation in which any alien is confined or restrained, including by the taking of clothing, goods, or personal identification documents, shall be fined under this title, imprisoned for not more than 10 years, or both; or

''(9) in the case of smuggling an unaccompanied alien child (as defined in section 462(g)(2) of the Homeland Security Act of

2002 (6 U.S.C. 279(g)(2)), shall be fined under this title or imprisoned not more than 20 years.

''(e) DEFINITIONS.—In this section:

''(1) EFFORT OR SCHEME TO ASSIST OR CAUSE 3 OR MORE PERSONS.—The term 'effort or scheme to assist or cause 3 or more persons' does not require that the 3 or more persons enter, attempt to enter, prepare to enter, or travel at the same time if such acts are completed during a 1-year period.

''(2) LAWFUL AUTHORITY.—The term 'lawful authority'—

''(A) means permission, authorization, or license that is expressly provided for under the immigration laws of the United States; and

''(B) does not include—

''(i) any authority described in subparagraph (A) that was secured by fraud or otherwise unlawfully obtained; or

''(ii) any authority that was sought, but not approved.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 77 of title 18, United States Code, is amended by inserting after the item relating to section 1597 the following:

''1598. Organized human smuggling.''.

(c) STRATEGY TO COMBAT HUMAN SMUGGLING.—

(1) HIGH TRAFFIC AREAS OF HUMAN SMUGGLING DEFINED.—In this subsection, the term ''high traffic areas of human smuggling'' means the United States ports of entry and areas between such ports that have relatively high levels of human smuggling activity, as measured by U.S. Customs and Border Protection.

(2) IMPLEMENTATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall implement a strategy to deter, detect, and interdict human smuggling across the international land and maritime borders of the United States.

(3) COMPONENTS.—The strategy referred to in paragraph (2) shall include—

(A) efforts to increase coordination between the border and maritime security components of the Department of Homeland Security;

(B) an identification of intelligence gaps impeding the ability to deter, detect, and interdict human smuggling across the international land and maritime borders of the United States;

(C) efforts to increase information sharing with State and local governments and other Federal agencies;

(D) efforts to provide, in coordination with the Federal Law Enforcement Training Center, training for the border and maritime security components of the Department of Homeland Security to deter, detect, and interdict human smuggling across the international land and maritime borders of the United States; and

(E) the identification of the high traffic areas of human smuggling.

(4) REPORT.—

(A) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report that describes the strategy to be implemented under paragraph (2), including the components listed in paragraph (3), to—

(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(ii) the Committee on Homeland Security of the House of Representatives.

(B) FORM.—The Secretary may submit the report required under subparagraph (A) in classified form if the Secretary determines that such form is appropriate.

(5) ANNUAL LIST OF HIGH TRAFFIC AREAS.—Not later than February 1st of the first year beginning after the date of the enactment of this Act, and annually thereafter, the Secretary of Homeland Security shall submit a list of the high traffic areas of human smuggling referred to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Homeland Security of the House of Representatives.

SA 3748. Mr. MENENDEZ 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. LIMITATION ON AVAILABILITY OF FUNDS FOR DIVESTMENT OR TRANSFER OF KC–10 AIRCRAFT.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2015 for the Air Force may be obligated or expended during such fiscal year to divest or transfer, or prepare to divest or transfer, KC–10 aircraft.

SA 3749. Mr. MENENDEZ 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. PAY PARITY FOR DEPARTMENT OF DEFENSE EMPLOYEES EMPLOYED AT JOINT BASES.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''joint military installation'' means 2 or more military installations reorganized or otherwise associated and operated as a single military installation;

(2) the term ''locality'' or ''pay locality'' has the meaning given that term by section 5302(5) of title 5, United States Code; and

(3) the term ''locality pay'' refers to any amount payable under section 5304 or 5304a of title 5, United States Code.

(b) PAY PARITY AT JOINT BASES.—Whenever 2 or more military installations are reorganized or otherwise associated as a single joint military installation, but the constituent installations are not all located within the same pay locality, all Department of Defense employees of the respective installations constituting the joint installation (who are otherwise entitled to locality pay) shall receive locality pay at a uniform percentage equal to the percentage which is payable with respect to the locality which includes the constituent installation then receiving the highest locality pay (expressed as a percentage).

(c) REGULATIONS.—The Office of Personnel Management shall prescribe regulations to carry out this section.

(d) EFFECTIVE DATE; APPLICABILITY.—

(1) EFFECTIVE DATE.—This section shall be effective with respect to pay periods beginning on or after such date (not later than 1 year after the date of enactment of this section) as the Secretary of Defense shall determine in consultation with the Office of Personnel Management.

(2) APPLICABILITY.—This section shall apply to any joint military installation created as a result of the recommendations of the Defense Base Closure and Realignment Commission in the 2005 base closure round.

SA 3750. Mr. REID proposed an amendment to the bill S. 2648, making emergency supplemental appropriations for the fiscal year ending September 30, 2014, and for other purposes; as follows:

At the end, add the following:

This Act shall become effective 1 day after enactment.

SA 3751. Mr. REID proposed an amendment to amendment SA 3750 proposed by Mr. REID to the bill S. 2648, making emergency supplemental appropriations for the fiscal year ending September 30, 2014, and for other purposes; as follows:

In the amendment, strike ''1 day'' and insert ''2 days''.

SA 3752. Mr. REID proposed an amendment to the bill S. 2648, making emergency supplemental appropriations for the fiscal year ending September 30, 2014, and for other purposes; as follows:

At the end, add the following:

This Act shall become effective 3 days after enactment.

SA 3753. Mr. REID proposed an amendment to amendment SA 3752 proposed by Mr. REID to the bill S. 2648, making emergency supplemental appropriations for the fiscal year ending September 30, 2014, and for other purposes; as follows:

In the amendment, strike ''3 days'' and insert ''4 days''.

SA 3754. Mr. REID proposed an amendment to amendment SA 3753 proposed by Mr. REID to the amendment SA 3752 proposed by Mr. REID to the bill S. 2648, making emergency supplemental appropriations for the fiscal year ending September 30, 2014, and for other purposes; as follows:

In the amendment, strike ''4'' and insert ''5''.

SA 3755. Ms. HIRONO 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 V, add the following:

SEC. 515. ROLE OF THE CHIEF OF THE NATIONAL GUARD BUREAU IN ASSIGNMENT OF DIRECTORS AND DEPUTY DIRECTORS OF THE ARMY NATIONAL GUARD AND AIR NATIONAL GUARD.

(a) IN GENERAL.—Section 10506(a) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''selected by the Secretary of the Army'' and inserting ''recommended by the Chief of the

National Guard Bureau, from not less than three candidates identified by the Secretary of the Army,''; and

(B) in subparagraph (B), by striking ''selected by the Secretary of the Air Force'' and inserting ''recommended by the Chief of the National Guard Bureau, from not less than three candidates identified by the Secretary of the Air Force,''; and

(2) in paragraph (2), by striking ''The officers so selected'' and inserting ''The Director and Deputy Director, Army National Guard, and the Director and Deputy Director, Air National Guard,''.

(b) CONFORMING AMENDMENTS REGARDING APPOINTMENT.—Paragraph (3) of such section is amended—

(1) in subparagraph (A), by striking ''The President'' and inserting ''Consistent with paragraph (1), the President'';

(2) by striking subparagraphs (B) and (D); and

(3) by redesignating subparagraphs (C) and (E) as subparagraphs (B) and (C), respectively.

SA 3756. Ms. HIRONO 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 IX, add the following:

SEC. 912. ASSIGNMENT OF CERTAIN NEW REQUIREMENTS BASED ON DETERMINATIONS OF COST-EFFICIENCY.

(a) AMENDMENT.—Chapter 146 of title 10, United States Code, is amended by inserting after section 2463 the following new section:

''§ 2463a. Assignment of certain new requirements based on determinations of cost-efficiency

''(a) ASSIGNMENTS BASED ON DETERMINATIONS OF COST-EFFICIENCY.—(1) Except as provided in paragraph (2) and subject to subsection (b), the assignment of performance of a new requirement by the Department of Defense to military personnel, civilian personnel, or contractor personnel shall be based on a determination of which sector of the Department's workforce can perform the services in the most cost-efficient manner, based on an analysis of the costs to the Federal Government in accordance with Department of Defense Instruction 7041.04 ('Estimating and Comparing the Full Costs of Civilian and Active Duty Military Manpower and Contract Support') or successor guidance.

''(2) Paragraph (1) shall not apply in the case of a new requirement that is inherently governmental, closely associated with inherently governmental functions, critical, or required by law to be performed by military personnel or civilian personnel.

''(3) Nothing in this section may be construed as affecting the requirements of the Department of Defense under policies and procedures established by the Secretary of Defense under section 129a of this title for determining the most appropriate and cost-efficient mix of military, civilian, and contractor personnel to perform the mission of the Department of Defense.

''(b) WAIVER AUTHORITY.—(1) Notwithstanding subsection (a), the Secretary of a military department, the commander of a combatant command, or the head of a Defense Agency or activity may waive such subsection and assign performance of a new requirement without a determination of cost-efficiency as required by such subsection if—

''(A) the Secretary, commander, or head certifies in writing to the congressional defense committees that the time required to conduct the determination of cost-efficiency would result in a gap in service that would significantly undermine performance of the mission of the Department of Defense or pose an unacceptable risk; and

''(B) a period of 30 days has expired after such certification is so submitted to the committees.

''(2) A waiver of subsection (a) may be in effect for a period of not greater than 180 days.

''(3) The waiver authority under this subsection may not be exercised after September 30, 2015.

''(c) PROVISIONS RELATING TO ASSIGNMENT OF CIVILIAN PERSONNEL.—If a new requirement is assigned to civilian personnel consistent with the requirements of this section—

''(1) the Secretary of Defense may not—

''(A) impose any constraint or limitation on the size of the civilian workforce in terms of man years, end strength, full-time equivalent positions, or maximum number of employees; or

''(B) require offsetting funding for civilian pay or benefits or require a reduction in civilian full-time equivalents or civilian end-strengths; and

''(2) the Secretary may assign performance of such requirement without regard to whether the employee is a temporary, term, or permanent employee.

''(d) NEW REQUIREMENT DESCRIBED.—For purposes of this section, a new requirement is an activity or function that is not being performed, as of the date of consideration for assignment of performance under this section, by military personnel, civilian personnel, or contractor personnel at a Department of Defense component, organization, installation, or other entity. For purposes of the preceding sentence, an activity or function that is performed at such an entity and that is re-engineered, reorganized, modernized, upgraded, expanded, or changed to become more efficient but is still essentially providing the same service shall not be considered a new requirement.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2463 the following new item:

''2463a. Assignment of certain new requirements based on determinations of cost-efficiency.''.

SA 3757. Mr. CASEY 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 X, add the following:

SEC. 1015. NATIONAL GUARD DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.

(a) FINDINGS.—Congress makes the following findings:

(1) Since 1989, the National Guard has worked with law enforcement agencies and community-based organizations through the National Guard Counterdrug Program to address the gap between Department of Defense and State and local institutions to perform interdiction and anti-drug activities that contribute to the defense of the United States against narco-trafficking and transnational organized crime threats.

(2) The link between drug trafficking organizations and criminal networks is well documented, as drug traffickers have diversified their activities to include trafficking in weapons, humans, cash, and counterfeit goods. These criminal networks have grown in size and influence posing a significant threat to national security.

(3) According to the National Guard Association of the United States, the five National Guard Counterdrug Training Centers located throughout the United States have provided essential training to over 680,000 law enforcement officials, military personnel, and coalition forces since their inception.

(4) The Department of Defense has continually reduced the funding for the National Guard Counterdrug Program since its fiscal year 2013 request and has eliminated funding for the National Guard Counterdrug Training Centers in the fiscal year 2015 request.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the National Guard Counterdrug Training Centers' mission of providing combatant commands, law enforcement agencies, community-based organizations, and military personnel with training and support to enhance their capabilities to detect, interdict, disrupt, and curtail drug trafficking plays a role in United States efforts to combat narcotics trafficking and transnational organized crime;

(2) a sustainable funding solution that keeps the National Guard Counterdrug Training Centers operational and that meets the requirement for training and support for law enforcement agencies, community-based organizations, and military personnel to combat narcotics trafficking and transnational organized crime is needed;

(3) the Secretary of Defense should consult with the Chief of the National Guard Bureau, and as appropriate, with the Attorney General and the Secretary of Homeland Security, on—

(A) how best to meet the requirement for training and support for law enforcement agencies, community-based organizations, and military personnel to combat narcotics trafficking and transnational organized crime;

(B) what role the National Guard Counterdrug Training Centers should play; and

(C) whether a partnership between the Office of the Secretary of Defense, the National Guard Bureau, the Department of Justice, and the Department of Homeland Security is appropriate;

(4) efforts should be made to align National Guard Counterdrug Training Centers' activities with key United States counternarcotics policies and programs, including the Department of Defense Counternarcotics and Global Threats strategy, the President's National Drug Control Strategy, and the President's Strategy to Combat Transnational Organized Crime; and

(5) the Secretary of Defense should ensure that the existing National Guard Counterdrug Training Centers continue operations to achieve their full mission until a sustainable funding solution is developed and implemented.

(c) ACTIVITIES.—Section 112 of title 32, United States Code, is amended—

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

''(4) The operation of five regionally located National Guard Counter-drug Training

Centers within the United States for the purposes of providing counter-drug related training to Federal, State, and local law enforcement personnel, as well as for foreign law enforcement personnel participating in the National Guard State Partnership Program.''; and

(2) in subsection (h)(1), by inserting ''and activities that counter threats posed by local, State, and transnational criminal organizations engaged in drug smuggling and associated illicit activities within and on their borders, as'' after ''drug demand reduction activities''.

SA 3758. Mr. NELSON (for himself, Mrs. SHAHEEN, Mrs. HAGAN, Mr. HEINRICH, Mr. REED, Mr. KING, and Mr. KAINE) 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 24, between lines 6 and 7, insert the following:

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $122,250,000, to remain available until September 30, 2015, which shall be for drug interdiction and counter-drug activities of the United States Southern Command: *Provided*, That not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Appropriations and Armed Services of the Senate and the House of Representatives a report on the use of funds made available by this paragraph, including the amounts provided to any military or security forces of a foreign country and the use of amounts so provided by such forces: *Provided further*, That such amount is 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.

SA 3759. Mr. THUNE (for himself 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; as follows:

On page 23, between lines 10 and 11, insert the following:

SEC. 21___. LIMITATION ON ACQUISITION.

(a) IN GENERAL.—Notwithstanding any other provision of law, except as provided in subsection (b), beginning on the date of enactment of this Act and during each of the subsequent 10 full fiscal years, none of the funds made available to the Secretary under any law may be used—

(1) to survey land for future acquisition as Federal land; or

(2) to enter into discussions with non-Federal landowners to identify land for acquisition as Federal land.

(b) EXCEPTION.—Subsection (a) does not apply to the use of funds—

(1) to complete land transactions underway on the date of enactment of this Act;

(2) to exchange Federal land for non-Federal land; or

(3) to accept donations of non-Federal land as Federal land.

(c) OFFSETTING USE OF FUNDS.—Funds that would otherwise have been used for the purchase of non-Federal land by the Forest Service shall be used to carry out the supplemental funding for wildland fire management provided under this title.

SA 3760. Ms. HIRONO 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. ENHANCEMENT OF GLOBAL SURVEILLANCE AND RESPONSE ACTIVITIES REGARDING EMERGING INFECTIOUS DISEASES.

(a) ENHANCEMENT IN CONNECTION WITH MEDICAL TRACKING OF MEMBERS DEPLOYED OVERSEAS.—As part of the ongoing development of the medical tracking system for members of the Armed Forces deployed overseas under section 1074f of title 10, United States Code, the Secretary of Defense may extend and enhance the engagement of the geographic combatant commands and overseas laboratories of the Department of Defense with international infectious disease surveillance partners in order to provide such partners with training, laboratory equipment, and supplies used by the Department to identify and develop force health protection measures. The objective of the extension and enhancement of such engagement shall be to enhance the capacity of such partners to engage in surveillance and response activities regarding emerging infectious diseases overseas.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth a plan for the exercise of the authority in subsection (a).

SA 3761. Mr. REID 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. CREDITABLE SERVICE FOR FEDERAL RETIREMENT FOR CERTAIN INDIVIDUALS.

(a) DEFINITIONS.—In this section—

(1) the term ''annuity'' includes a survivor annuity of a widow or widower;

(2) the term ''unfunded liability'' has the meaning given the term under section 8331 of title 5, United States Code; and

(3) the terms ''widow'' and ''widower'' have the meanings given those terms under section 8341 of title 5, United States Code.

(b) AMENDMENTS.—

(1) IN GENERAL.—Section 8332(b) of title 5, United States Code, is amended—

(A) in paragraph (16), by striking ''and'' at the end;

(B) in paragraph (17), by striking the period at the end and inserting ''; and'';

(C) by inserting after paragraph (17) the following:

''(18) any period of service performed—

''(A) not later than December 31, 1977;

''(B) while a citizen of the United States;

''(C) in the employ of—

''(i) Air America, Inc.; or

''(ii) any entity associated with, predecessor to, or subsidiary to Air America, Inc., including—

''(I) Air Asia Company Limited;

''(II) CAT Incorporated;

''(III) Civil Air Transport Company Limited; and

''(IV) the Pacific Division of Southern Air Transport; and

''(D) during the period that Air America, Inc. or any other entity described in subparagraph (C) was owned and controlled by the United States Government.''; and

(D) in the second undesignated paragraph following paragraph (18) (as added by subparagraph (C)), by adding at the end the following: ''For purposes of this subchapter, service of the type described in paragraph (18) shall be considered to have been service as an employee.''.

(2) EXEMPTION FROM DEPOSIT REQUIREMENT.—Section 8334(g) of title 5, United States Code, is amended—

(A) in paragraph (5), by striking ''or'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(7) any period of service for which credit is allowed under section 8332(b)(18) of this title.''.

(c) APPLICABILITY.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply with respect to annuities commencing on or after the effective date of this section.

(2) PROVISIONS RELATING TO CURRENT ANNUITANTS.—

(A) IN GENERAL.—Except as provided under subparagraph (D) or paragraph (4), any individual who is entitled to an annuity for the month in which this section becomes effective may elect to have the amount of the annuity recomputed as if the amendments made by this section had been in effect throughout all periods of service on the basis of which the annuity is or may be based.

(B) SUBMISSION OF ELECTION.—An election to have an annuity recomputed under subparagraph (A) shall be submitted to the Office of Personnel Management not later than 2 years after the effective date of this section.

(C) PROSPECTIVE APPLICATION OF RECOMPUTATION.—A recomputation under subparagraph (A) shall be effective as of the date of the first payment under the annuity that is made after the later of—

(i) the date of the recomputation; or

(ii) the effective date of this section.

(D) NO RETROACTIVE PAYMENTS.—An individual may not receive payments for any additional amounts that would have been payable, if the amendments made by this section had been in effect throughout all periods of service on the basis of which the annuity is or may be based, for periods before the first month for which recomputation is reflected in the regular monthly annuity payments of the individual.

(3) PROVISIONS RELATING TO INDIVIDUALS ELIGIBLE FOR (BUT NOT CURRENTLY RECEIVING) AN ANNUITY.—

(A) IN GENERAL.—

(i) ELECTION.—Except as provided under subparagraph (B)(ii) or paragraph (4), an individual not described in paragraph (2) who becomes eligible for an annuity or for an increased annuity as a result of the enactment of this section may elect to have the rights of the individual under subchapter III of

chapter 83 of title 5, United States Code, determined as if the amendments made by this section had been in effect throughout all periods of service on the basis of which the annuity is or would be based.

(ii) SUBMISSION OF ELECTION.—An individual shall make an election under clause (i) by submitting an appropriate application to the Office of Personnel Management not later than 2 years after the later of—

(I) the effective date of this section; or

(II) the date on which the individual separates from service.

(B) COMMENCEMENT DATE; RETROACTIVITY.—

(i) IN GENERAL.—Subject to clause (ii), any entitlement to an annuity or to an increased annuity resulting from an election under subparagraph (A) shall be effective as of the date on which regular monthly annuity payments begin to be made in accordance with the amendments made by this section.

(ii) NO RETROACTIVE PAYMENTS.—An individual may not receive payments for any amounts that would have been payable, if the amendments made by this section had been in effect throughout all periods of service on the basis of which the annuity or increased annuity is or may be based, for periods before the first month for which regular monthly annuity payments begin to be made in accordance with the amendments made by this section.

(iii) RETROACTIVITY FOR PURPOSES OF ENTITLEMENT TO ANNUITY.—Any determination of the amount of any annuity, all the requirements for entitlement to which (including separation, but not including any application requirement) would have been satisfied before the effective date of this section if this section had been in effect (but would not then otherwise have been satisfied absent this section) shall be made as if application for the annuity had been submitted as of the earliest date that would have been allowable, after the date on which the individual separated from service, if the amendments made by this section had been in effect throughout the periods of service referred to in subparagraph (A)(i).

(4) SURVIVOR ANNUITIES FOR SURVIVING SPOUSES ONLY.—Notwithstanding section 8341 of title 5, United States Code, or any other provision of law, an individual other than a widow or a widower shall not be entitled to an annuity or increased annuity under subchapter III of chapter 83 of such title based on service described in section 8332(b)(18) of such title (as added by subsection (b)(1)(C)) performed by a deceased individual.

(d) FUNDING.—Any increase in the unfunded liability of the Civil Service Retirement System attributable to the enactment of this section shall be financed in accordance with section 8348(f) of title 5, United States Code.

(e) REGULATIONS AND SPECIAL RULE.—

(1) IN GENERAL.—The Director of the Office of Personnel Management shall promulgate regulations necessary to carry out this section, which shall include provisions under which rules similar to those established under the amendments made by section 201 of the Federal Employees' Retirement System Act of 1986 (Public Law 99–335; 100 Stat. 588) shall be applied with respect to any service described in section 8332(b)(18) of title 5, United States Code (as added by subsection (b)(1)(C)) that was subject to title II of the Social Security Act.

(2) SPECIAL RULE.—For purposes of any application for any benefit which is computed or recomputed taking into account any service described in section 8332(b)(18) of title 5, United States Code (as added by subsection (b)(1)(C)), section 8345(i)(2) of such title shall be applied by deeming the reference to the date of the ''other event which gives rise to title to the benefit'' to refer to the effective date of this section, if later than the date of the event that would otherwise apply.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first fiscal year beginning after the date of enactment of this section.

SA 3762. Mr. REID 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. CREDITABLE SERVICE FOR FEDERAL RETIREMENT FOR CERTAIN INDIVIDUALS.

(a) DEFINITION.—In this section, the term ''unfunded liability'' has the meaning given the term under section 8331 of title 5, United States Code.

(b) AMENDMENTS.—

(1) IN GENERAL.—Section 8332(b) of title 5, United States Code, is amended—

(A) in paragraph (16), by striking ''and'' at the end;

(B) in paragraph (17), by striking the period at the end and inserting ''; and'';

(C) by inserting after paragraph (17) the following:

''(18) any period of service performed—

''(A) not later than December 31, 1977;

''(B) while a citizen of the United States;

''(C) in the employ of—

''(i) Air America, Inc.; or

''(ii) any entity associated with, predecessor to, or subsidiary to Air America, Inc., including—

''(I) Air Asia Company Limited;

''(II) CAT Incorporated;

''(III) Civil Air Transport Company Limited; and

''(IV) the Pacific Division of Southern Air Transport; and

''(D) during the period that Air America, Inc. or any other entity described in subparagraph (C) was owned and controlled by the United States Government.''; and

(D) in the second undesignated paragraph following paragraph (18) (as added by subparagraph (C)), by adding at the end the following: ''For purposes of this subchapter, service of the type described in paragraph (18) shall be considered to have been service as an employee.''.

(2) EXEMPTION FROM DEPOSIT REQUIREMENT.—Section 8334(g) of title 5, United States Code, is amended—

(A) in paragraph (5), by striking ''or'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(7) any period of service for which credit is allowed under section 8332(b)(18) of this title.''.

(c) APPLICABILITY.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply with respect to annuities commencing on or after the effective date of this section.

(2) PROVISIONS RELATING TO CURRENT ANNUITANTS.—

(A) IN GENERAL.—Except as provided under subparagraph (D) or paragraph (4), any individual who is entitled to an annuity for the month in which this section becomes effective may elect to have the amount of the annuity recomputed as if the amendments made by this section had been in effect throughout all periods of service on the basis of which the annuity is or may be based.

(B) SUBMISSION OF ELECTION.—An election to have an annuity recomputed under subparagraph (A) shall be submitted to the Office of Personnel Management not later than 2 years after the effective date of this section.

(C) PROSPECTIVE APPLICATION OF RECOMPUTATION.—A recomputation under subparagraph (A) shall be effective as of the date of the first payment under the annuity that is made after the later of—

(i) the date of the recomputation; or

(ii) the effective date of this section.

(D) NO RETROACTIVE PAYMENTS.—An individual may not receive payments for any additional amounts that would have been payable, if the amendments made by this section had been in effect throughout all periods of service on the basis of which the annuity is or may be based, for periods before the first month for which recomputation is reflected in the regular monthly annuity payments of the individual.

(3) PROVISIONS RELATING TO INDIVIDUALS ELIGIBLE FOR (BUT NOT CURRENTLY RECEIVING) AN ANNUITY.—

(A) IN GENERAL.—

(i) ELECTION.—Except as provided under subparagraph (B)(ii) or paragraph (4), an individual not described in paragraph (2) who becomes eligible for an annuity or for an increased annuity as a result of the enactment of this section may elect to have the rights of the individual under subchapter III of chapter 83 of title 5, United States Code, determined as if the amendments made by this section had been in effect throughout all periods of service on the basis of which the annuity is or would be based.

(ii) SUBMISSION OF ELECTION.—An individual shall make an election under clause (i) by submitting an appropriate application to the Office of Personnel Management not later than 2 years after the later of—

(I) the effective date of this section; or

(II) the date on which the individual separates from service.

(B) COMMENCEMENT DATE; RETROACTIVITY.—

(i) IN GENERAL.—Subject to clause (ii), any entitlement to an annuity or to an increased annuity resulting from an election under subparagraph (A) shall be effective as of the date on which regular monthly annuity payments begin to be made in accordance with the amendments made by this section.

(ii) NO RETROACTIVE PAYMENTS.—An individual may not receive payments for any amounts that would have been payable, if the amendments made by this section had been in effect throughout all periods of service on the basis of which the annuity or increased annuity is or may be based, for periods before the first month for which regular monthly annuity payments begin to be made in accordance with the amendments made by this section.

(iii) RETROACTIVITY FOR PURPOSES OF ENTITLEMENT TO ANNUITY.—Any determination of the amount of any annuity, all the requirements for entitlement to which (including separation, but not including any application requirement) would have been satisfied before the effective date of this section if this section had been in effect (but would not then otherwise have been satisfied absent this section) shall be made as if application for the annuity had been submitted as of the earliest date that would have been allowable, after the date on which the individual separated from service, if the amendments made by this section had been in effect throughout the periods of service referred to in subparagraph (A)(i).

(4) NO RIGHT TO SURVIVOR ANNUITY.—Notwithstanding section 8341 of title 5, United States Code, or any other provision of law, an individual shall not be entitled to an annuity or increased annuity under subchapter III of chapter 83 of such title based on service described in section 8332(b)(18) of such title (as added by subsection (b)(1)(C)) performed by a deceased individual.

(d) FUNDING.—Any increase in the unfunded liability of the Civil Service Retirement System attributable to the enactment of this section shall be financed in accordance with section 8348(f) of title 5, United States Code.

(e) REGULATIONS.—The Director of the Office of Personnel Management shall promulgate regulations necessary to carry out this section, which shall include provisions under which rules similar to those established under the amendments made by section 201 of the Federal Employees' Retirement System Act of 1986 (Public Law 99–335; 100 Stat. 588) shall be applied with respect to any service described in section 8332(b)(18) of title 5, United States Code (as added by subsection (b)(1)(C)) that was subject to title II of the Social Security Act.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first fiscal year beginning after the date of enactment of this section.

SA 3763. Mr. REID 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. CREDITABLE SERVICE FOR FEDERAL RETIREMENT FOR CERTAIN INDIVIDUALS.

(a) DEFINITIONS.—In this section—

(1) the term ''annuity'' includes a survivor annuity; and

(2) the terms ''survivor'', ''survivor annuitant'', and ''unfunded liability'' have the meanings given those terms under section 8331 of title 5, United States Code.

(b) AMENDMENTS.—

(1) IN GENERAL.—Section 8332(b) of title 5, United States Code, is amended—

(A) in paragraph (16), by striking ''and'' at the end;

(B) in paragraph (17), by striking the period at the end and inserting ''; and'';

(C) by inserting after paragraph (17) the following:

''(18) any period of service performed—

''(A) not later than December 31, 1977;

''(B) while a citizen of the United States;

''(C) in the employ of—

''(i) Air America, Inc.; or

''(ii) any entity associated with, predecessor to, or subsidiary to Air America, Inc., including Air Asia Company Limited, CAT Incorporated, Civil Air Transport Company Limited, and the Pacific Division of Southern Air Transport; and

''(D) during the period that Air America, Inc. or such other entity described in subparagraph (C) was owned and controlled by the United States Government.''; and

(D) in the second undesignated paragraph following paragraph (18) (as added by subparagraph (C)), by adding at the end the following: ''For purposes of this subchapter, service of the type described in paragraph (18) of this subsection shall be considered to have been service as an employee.''.

(2) EXEMPTION FROM DEPOSIT REQUIREMENT.—Section 8334(g) of title 5, United States Code, is amended—

(A) in paragraph (5), by striking ''or'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting '' ; or''; and

(C) by adding at the end the following:

''(7) any period of service for which credit is allowed under section 8332(b)(18) of this title.''.

(c) APPLICABILITY.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply with respect to annuities commencing on or after the effective date of this section.

(2) PROVISIONS RELATING TO CURRENT ANNUITANTS.—

(A) ELECTION.—Any individual who is entitled to an annuity for the month in which this section becomes effective may elect to have the amount of such annuity recomputed as if the amendments made by this section had been in effect throughout all periods of service on the basis of which the annuity is or may be based.

(B) SUBMISSION OF ELECTION.—An individual shall make an election under subparagraph (A) by submitting an appropriate application to the Office of Personnel Management not later than 2 years after the effective date of this section.

(C) EFFECTIVE DATE OF RECOMPUTATION; RETROACTIVE PAY AS LUMP-SUM PAYMENT.—

(i) EFFECTIVE DATE.—A recomputation under subparagraph (A) shall be effective as of the commencement date of the annuity.

(ii) RETROACTIVE PAY AS LUMP-SUM PAYMENT.—Any additional amounts becoming payable, due to a recomputation under subparagraph (A), for periods before the first month for which the recomputation is reflected in the regular monthly annuity payments of an individual shall be payable to the individual in the form of a lump-sum payment.

(3) PROVISIONS RELATING TO INDIVIDUALS ELIGIBLE FOR (BUT NOT CURRENTLY RECEIVING) AN ANNUITY.—

(A) IN GENERAL.—

(i) ELECTION.—An individual not described in paragraph (2) who becomes eligible for an annuity or an increased annuity as a result of the enactment of this section may elect to have the rights of the individual under subchapter III of chapter 83 of title 5, United States Code, determined as if the amendments made by this section had been in effect throughout all periods of service on the basis of which the annuity is or would be based.

(ii) SUBMISSION OF ELECTION.—An individual shall make an election under clause (i) by submitting an appropriate application to the Office of Personnel Management not later than 2 years after the later of—

(I) the effective date of this section; or

(II) the date on which the individual separates from service.

(B) EFFECTIVE DATE OF ENTITLEMENT; RETROACTIVITY.—

(i) EFFECTIVE DATE.—

(I) IN GENERAL.—Subject to clause (ii), any entitlement to an annuity or an increased annuity resulting from an election under subparagraph (A) shall be effective as of the commencement date of the annuity.

(II) RETROACTIVE PAY AS LUMP-SUM PAYMENT.—Any amounts becoming payable for periods before the first month for which regular monthly annuity payments begin to be made in accordance with the amendments made by this section shall be payable to the individual in the form of a lump-sum payment.

(ii) RETROACTIVITY.—Any determination of the amount, or of the commencement date, of any annuity, all the requirements for entitlement to which (including separation, but not including any application requirement) would have been satisfied before the effective date of this section if this section had been in effect (but would not then otherwise have been satisfied absent this section) shall be made as if application for the annuity had been submitted as of the earliest date that would have been allowable, after the date on which the individual separated from service, if the amendments made by this section had been in effect throughout the periods of service referred to in subparagraph (A)(i).

(4) RIGHT TO FILE ON BEHALF OF A DECEDENT.—

(A) IN GENERAL.—The regulations promulgated under subsection (e)(1) shall include provisions, in accordance with the order of precedence under section 8342(c) of title 5, United States Code, under which a survivor of an individual who performed service described in section 8332(b)(18) of such title (as added by subsection (b)(1)(C)) shall be allowed to submit an application on behalf of and to receive any lump-sum payment that would otherwise have been payable to the decedent under paragraph (2)(C)(ii) or (3)(B)(i)(II) of this subsection.

(B) SUBMISSION OF APPLICATION.—An application under this paragraph shall not be valid unless it is filed not later than the later of—

(i) 2 years after the effective date of this section; or

(ii) 1 year after the date of the decedent's death.

(d) FUNDING.—

(1) LUMP-SUM PAYMENTS.—Any lump-sum payment under paragraph (2)(C)(ii) or (3)(B)(i)(II) of subsection (c) shall be payable out of the Civil Service Retirement and Disability Fund.

(2) UNFUNDED LIABILITY.—Any increase in the unfunded liability of the Civil Service Retirement System attributable to the enactment of this section shall be financed in accordance with section 8348(f) of title 5, United States Code.

(e) REGULATIONS AND SPECIAL RULE.—

(1) IN GENERAL.—The Director of the Office of Personnel Management shall promulgate any regulations necessary to carry out this section, which shall include provisions under which rules similar to those established under the amendments made by section 201 of the Federal Employees' Retirement System Act of 1986 (Public Law 99–335; 100 Stat. 588) shall be applied with respect to any service described in section 8332(b)(18) of title 5, United States Code (as added by subsection (b)(1)(C)) that was subject to title II of the Social Security Act.

(2) SPECIAL RULE.—For purposes of any application for any benefit which is computed or recomputed taking into account any service described in section 8332(b)(18) of title 5, United States Code (as added by subsection (b)(1)(C)), section 8345(i)(2) of such title shall be applied by deeming the reference to the date of the ''other event which gives rise to title to the benefit'' to refer to the effective date of this section, if later than the date of the event that would otherwise apply.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

SA 3764. Mr. REID 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 VI, add the following:

SEC. 626. ELIGIBILITY FOR PAYMENT OF BOTH RETIRED PAY AND VETERANS' DISABILITY COMPENSATION FOR MILITARY RETIREES WITH COMPENSABLE SERVICE-CONNECTED DISABILITIES.

(a) RESTATEMENT OF CURRENT CONCURRENT PAYMENT AUTHORITY WITH EXTENSION OF PAYMENT AUTHORITY TO RETIREES WITH COMPENSABLE SERVICE-CONNECTED DISABILITIES RATED LESS THAN 50 PERCENT DISABLING.—Subsection (a) of section 1414 of title 10, United States Code, is amended by striking paragraphs (1) and (2) and inserting the following new paragraphs:

''(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4) and subsection (b), a member or former member of the uniformed services who is entitled for any month to retired pay and who is also entitled for that month to veterans' disability compensation for a service-connected disability or combination of service-connected disabilities that is compensable under the laws administered by the Secretary of Veterans Affairs (hereinafter in this section referred to as 'qualified retiree') is entitled to be paid both for that month without regard to sections 5304 and 5305 of title 38.

''(2) ONE-YEAR PHASE-IN FOR QUALIFIED RETIREES WITH TOTAL DISABILITIES.—During the period beginning on January 1, 2004, and ending on December 31, 2004, payment of retired pay to a qualified retiree is subject to subsection (c) if the qualified retiree is any of the following:

''(A) A qualified retiree receiving veterans' disability compensation for a disability rated as 100 percent disabling by the Secretary of Veterans Affairs.

''(B) A qualified retiree receiving veterans' disability compensation at the rate payable for a disability rated as 100 percent disabling by reason of a determination of individual unemployability.

''(3) 10-YEAR PHASE-IN FOR QUALIFIED RETIREES WITH DISABILITIES RATED 50 PERCENT DISABLING OR HIGHER.—During the period beginning on January 1, 2004, and ending on December 31, 2013, payment of retired pay to a qualified retiree is subject to subsection (c) if the qualified retiree is entitled to veterans' disability compensation for a service-connected disability or combination of service-connected disabilities that is rated not less than 50 percent disabling by the Secretary of Veterans Affairs.

''(4) 10-YEAR PHASE-IN FOR QUALIFIED RETIREES WITH COMPENSABLE DISABILITIES RATED LESS THAN 50 PERCENT DISABLING.—During the period beginning on January 1, 2016, and ending on December 31, 2025, payment of retired pay to a qualified retiree is subject to subsection (d) if the qualified retiree is entitled to veterans' disability compensation for a service-connected disability or combination of service-connected disabilities that is rated less than 50 percent disabling by the Secretary of Veterans Affairs but is compensable under the laws administered by the Secretary of Veterans Affairs.''.

(b) PHASE-IN FOR QUALIFIED RETIREES WITH COMPENSABLE DISABILITIES RATED LESS THAN 50 PERCENT DISABLING.—Such section is further amended—

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

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

''(d) PHASE-IN OF FULL CONCURRENT RECEIPT FOR QUALIFIED RETIREES WITH COMPENSABLE DISABILITIES RATED LESS THAN 50 PERCENT DISABLING.—During the period beginning on January 1, 2016, and ending on December 31, 2025, retired pay payable to a qualified retiree that pursuant to subsection (a)(4) is subject to this subsection shall be determined as follows:

''(1) CALENDAR YEAR 2016.—For a month during 2016, the amount of retired pay payable to a qualified retiree is the amount (if any) of retired pay in excess of the current baseline offset plus the following:

''(A) For a month for which the retiree receives veterans' disability compensation for a disability rated as 40 percent disabling, $_____.

''(B) For a month for which the retiree receives veterans' disability compensation for a disability rated as 30 percent disabling, $_____.

''(C) For a month for which the retiree receives veterans' disability compensation for a disability rated as 20 percent disabling, $_____.

''(D) For a month for which the retiree receives veterans' disability compensation for a disability rated as 10 percent disabling, $_____.

''(2) CALENDAR YEAR 2017.—For a month during 2017, the amount of retired pay payable to a qualified retiree is the sum of—

''(A) the amount specified in paragraph (1) for that qualified retiree; and

''(B) 10 percent of the difference between (i) the current baseline offset, and (ii) the amount specified in paragraph (1) for that member's disability.

''(3) CALENDAR YEAR 2018.—For a month during 2018, the amount of retired pay payable to a qualified retiree is the sum of—

''(A) the amount determined under paragraph (2) for that qualified retiree; and

''(B) 20 percent of the difference between (i) the current baseline offset, and (ii) the amount determined under paragraph (2) for that qualified retiree.

''(4) CALENDARY YEAR 2018.—For a month during 2019, the amount of retired pay payable to a qualified retiree is the sum of—

''(A) the amount determined under paragraph (3) for that qualified retiree; and

''(B) 30 percent of the difference between (i) the current baseline offset, and (ii) the amount determined under paragraph (3) for that qualified retiree.

''(5) CALENDAR YEAR 2020.—For a month during 2020, the amount of retired pay payable to a qualified retiree is the sum of—

''(A) the amount determined under paragraph (4) for that qualified retiree; and

''(B) 40 percent of the difference between (i) the current baseline offset, and (ii) the amount determined under paragraph (4) for that qualified retiree.

''(6) CALENDAR YEAR 2021.—For a month during 2021, the amount of retired pay payable to a qualified retiree is the sum of—

''(A) the amount determined under paragraph (5) for that qualified retiree; and

''(B) 50 percent of the difference between (i) the current baseline offset, and (ii) the amount determined under paragraph (5) for that qualified retiree.

''(7) CALENDAR YEAR 2022.—For a month during 2022, the amount of retired pay payable to a qualified retiree is the sum of—

''(A) the amount determined under paragraph (6) for that qualified retiree; and

''(B) 60 percent of the difference between (i) the current baseline offset, and (ii) the amount determined under paragraph (6) for that qualified retiree.

''(8) CALENDAR YEAR 2023.—For a month during 2023, the amount of retired pay payable to a qualified retiree is the sum of—

''(A) the amount determined under paragraph (7) for that qualified retiree; and

''(B) 70 percent of the difference between (i) the current baseline offset, and (ii) the amount determined under paragraph (7) for that qualified retiree.

''(9) CALENDAR YEAR 2024.—For a month during 2024, the amount of retired pay payable to a qualified retiree is the sum of—

''(A) the amount determined under paragraph (8) for that qualified retiree; and

''(B) 80 percent of the difference between (i) the current baseline offset, and (ii) the amount determined under paragraph (8) for that qualified retiree.

''(10) CALENDAR YEAR 2025.—For a month during 2025, the amount of retired pay payable to a qualified retiree is the sum of—

''(A) the amount determined under paragraph (9) for that qualified retiree; and

''(B) 90 percent of the difference between (i) the current baseline offset, and (ii) the amount determined under paragraph (9) for that qualified retiree.

''(11) GENERAL LIMITATION.—Retired pay determined under this subsection for a qualified retiree, if greater than the amount of retired pay otherwise applicable to that qualified retiree, shall be reduced to the amount of retired pay otherwise applicable to that qualified retiree.''.

(c) CONFORMING AMENDMENTS TO PHASE-IN FOR QUALIFIED RETIREES WITH DISABILITIES RATED 50 PERCENT DISABLING OR HIGHER.—Subsection (c) of such section is amended—

(1) in the subsection caption, by inserting ''FOR QUALIFIED RETIREES WITH DISABILITIES RATED 50 PERCENT DISABLING OR HIGHER'' after ''FULL CONCURRENT RECEIPT''; and

(2) by striking ''the second sentence of subsection (a)(1)'' and inserting ''subsection (a)(3)''.

(d) CLERICAL AMENDMENTS.—

(1) The heading of such section is amended to read as follows:

''§ 1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation''.

(2) The item relating to such section in the table of sections at the beginning of chapter 71 of such title is amended to read as follows:

''1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on December 31, 2015, and shall apply to payments for months beginning on or after that date.

SEC. 627. COORDINATION OF SERVICE ELIGIBILITY FOR COMBAT-RELATED SPECIAL COMPENSATION AND CONCURRENT RECEIPT.

(a) AMENDMENT TO STANDARDIZE SIMILAR PROVISIONS.—Paragraph (2) of section 1414(b) of title 10, United States Code, is amended to read as follows:

''(2) SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—The retired pay of a qualified retiree who is retired under chapter 61 of this title with fewer than 20 years of creditable service is subject to reduction by the lesser of—

''(A) the amount of the reduction under sections 5304 and 5305 of title 38; or

''(B) the amount (if any) by which the amount of the member's retired pay under such chapter exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on

July 1, 2015, and shall apply to payments for months beginning on or after that date.

SA 3765. Mr. REID 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 VI, add the following:

SEC. 626. ELIGIBILITY FOR PAYMENT OF BOTH RETIRED PAY AND VETERANS' DISABILITY COMPENSATION FOR CERTAIN MILITARY RETIREES WITH COMPENSABLE SERVICE-CONNECTED DISABILITIES.

(a) EXTENSION OF CONCURRENT RECEIPT AUTHORITY TO RETIREES WITH SERVICE-CONNECTED DISABILITIES RATED LESS THAN 50 PERCENT.—Subsection (a) of section 1414 of title 10, United States Code, is amended by striking paragraph (2).

(b) CLERICAL AMENDMENTS.—

(1) The heading of such section is amended to read as follows:

"§ 1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation".

(2) The item relating to such section in the table of sections at the beginning of chapter 71 of such title is amended to read as follows:

''1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2015, and shall apply to payments for months beginning on or after that date.

SEC. 627. COORDINATION OF SERVICE ELIGIBILITY FOR COMBAT-RELATED SPECIAL COMPENSATION AND CONCURRENT RECEIPT.

(a) AMENDMENTS TO STANDARDIZE SIMILAR PROVISIONS.—

(1) QUALIFIED RETIREES.—Subsection (a) of section 1414 of title 10, United States Code, as amended by section 626(a) of this Act, is further amended—

(A) by striking ''a member or'' and all that follows through ''retiree')'' and inserting ''a qualified retiree''; and

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

''(2) QUALIFIED RETIREES.—For purposes of this section, a qualified retiree, with respect to any month, is a member or former member of the uniformed services who—

''(A) is entitled to retired pay (other than by reason of section 12731b of this title); and

''(B) is also entitled for that month to veterans' disability compensation.''.

(2) DISABILITY RETIREES.—Paragraph (2) of subsection (b) of section 1414 of such title is amended to read as follows:

''(2) SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—The retired pay of a qualified retiree who is retired under chapter 61 of this title with fewer than 20 years of creditable service is subject to reduction by the lesser of—

''(A) the amount of the reduction under sections 5304 and 5305 of title 38; or

''(B) the amount (if any) by which the amount of the member's retired pay under such chapter exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2015, and shall apply to payments for months beginning on or after that date.

SA 3766. Mr. REID 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 VI, add the following:

SEC. 626. ELIGIBILITY FOR PAYMENT OF BOTH RETIRED PAY AND VETERANS' DISABILITY COMPENSATION FOR MILITARY RETIREES WITH SERVICE-CONNECTED DISABILITIES RATED 40 PERCENT DISABLING.

(a) IN GENERAL.—Subsection (a)(2) of section 1414 of title 10, United States Code, is amended by striking ''means'' and all that follows and inserting ''means the following:

''(A) During the period beginning on January 1, 2004, and ending on June 30, 2015, a service-connected disability or combination of service-connected disabilities that is rated as not less than 50 percent disabling by the Secretary of Veterans Affairs.

''(B) After June 30, 2015, a service-connected disability or combination of service-connected disabilities that is rated as not less than 40 percent disabling by the Secretary of Veterans Affairs.''.

(b) CLERICAL AMENDMENTS.—

(1) The heading of such section is amended to read as follows:

"§ 1414. Members eligible for retired pay who are also eligible for veterans' disability compensation rated 40 percent or higher: concurrent payment of retired pay and disability compensation".

(2) The item relating to such section in the table of sections at the beginning of chapter 71 of such title is amended to read as follows:

''1414. Members eligible for retired pay who are also eligible for veterans' disability compensation rated 40 percent or higher: concurrent payment of retired pay and disability compensation.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2015, and shall apply to payments for months beginning on or after that date.

SEC. 627. COORDINATION OF SERVICE ELIGIBILITY FOR COMBAT-RELATED SPECIAL COMPENSATION AND CONCURRENT RECEIPT.

(a) AMENDMENT TO STANDARDIZE SIMILAR PROVISIONS.—Paragraph (2) of section 1414(b) of title 10, United States Code, is amended to read as follows:

''(2) SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—The retired pay of a qualified retiree who is retired under chapter 61 of this title with fewer than 20 years of creditable service is subject to reduction by the lesser of—

''(A) the amount of the reduction under sections 5304 and 5305 of title 38; or

''(B) the amount (if any) by which the amount of the member's retired pay under such chapter exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 2015, and shall apply to payments for months beginning on or after that date.

SA 3767. Mr. CARPER 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 appropriate place, insert the following:

SEC. _____. PERSONNEL APPOINTMENT AUTHORITY.

(a) IN GENERAL.—Section 306 of the Homeland Security Act of 2002 (6 U.S.C. 186) is amended by adding at the end the following:

''(e) PERSONNEL APPOINTMENT AUTHORITY.—

''(1) IN GENERAL.—In appointing employees to positions in the Directorate of Science and Technology, the Secretary shall have the hiring and management authorities described in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note; Public Law 105–261) (referred to in this subsection as 'section 1101').

''(2) TERM OF APPOINTMENTS.—The term of appointments for employees under subsection (c)(1) of section 1101 may not exceed 5 years before the granting of any extension under subsection (c)(2) of that section.''.

(b) CONFORMING AMENDMENTS.—Section 307(b) of the Homeland Security Act of 2002 (6 U.S.C. 187(b)) is amended by—

(1) striking paragraph (6); and

(2) redesignating paragraph (7) as paragraph (6).

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to limit the authority granted under paragraph (6) of section 307(b) of the Homeland Security Act of 2002 (6 U.S.C. 187(b)), as in effect on the day before the date of enactment of this Act.

SA 3768. Mr. CARPER (for himself, Mr. HARKIN, and Ms. HIRONO) 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:

Beginning on page 113, strike line 15 and all that follows through page 115, line 2, and insert the following:

(b) AVAILABILITY OF HIGHER EDUCATION COMPONENT ONLINE.—

(1) MEMBERS OF THE ARMED FORCES.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall ensure that the higher education component of the Transition Assistance Program is available to members of the Armed Forces on an Internet website of the Department of Defense so that members have an option to complete such component electronically and remotely.

(2) VETERANS.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall ensure that the higher education component of

the Transition Assistance Program is available to veterans and their dependents on an Internet website of the Department of Veterans Affair so that veterans and their dependents have an option to complete such component electronically and remotely.

(c) NOTICE OF AVAILABILITY OF HIGHER EDUCATION COMPONENT UPON REQUEST FOR CERTIFICATE OF ENTITLEMENT TO CERTAIN EDUCATIONAL ASSISTANCE.—

(1) TUITION ASSISTANCE.—

(A) IN GENERAL.—Whenever a member of the Armed Forces requests a certificate from the Secretary of Defense to prove entitlement to educational assistance under section 2007 of title 10, United States Code, the Secretary shall notify the member of the availability of the higher education component of the Transition Assistance Program online pursuant to subsection (b)(1).

(B) GUIDANCE REQUIRED.—The Secretary of Defense shall carry out this paragraph with such guidance as the Secretary considers appropriate.

(2) POST-9/11 EDUCATIONAL ASSISTANCE.—

(A) IN GENERAL.—Whenever a veteran or a dependent of a veteran requests a certificate from the Secretary of Veterans Affairs to prove entitlement to educational assistance under chapter 33 of title 38, United States Code, the Secretary shall notify the veteran or dependent of the availability of the higher education component of the Transition Assistance Program online pursuant to subsection (b)(2).

(B) GUIDANCE REQUIRED.—The Secretary of Veterans Affairs shall carry out this paragraph with such guidance as the Secretary considers appropriate.

(d) TRACKING COMPLETION OF HIGHER EDUCATION COMPONENT ONLINE.—

(1) IN GENERAL.—The Secretary of Veterans Affairs, in collaboration with the Secretary of Defense, shall develop a mechanism to track the completion by veterans and their dependents of the higher education component of the Transition Assistance Program made available online pursuant to subsection (b)(2).

(2) NOTICE TO CONGRESS.—When the Secretary of Veterans Affairs has completed development of the mechanism required by paragraph (1), the Secretary of Veterans Affairs shall submit to Congress notice of such completion.

(e) REPORT.—Not later than 180 days after the date on which the Secretary of Veterans Affairs submits notice under subsection (d)(2), the Secretary of Veterans Affairs shall submit to Congress a report on—

(1) the number of veterans and the number of dependents to whom the Secretary of Veterans Affairs provided notice pursuant to subsection (c)(2)(A); and

(2) the number of veterans and the number of dependents who completed the higher education component of the Transition Assistance Program electronically and remotely.

(f) DEFINITIONS.—In this section:

(1) The term ''institution of higher learning'' has the meaning given such term in section 3452 of title 38, United States Code.

(2) The term ''type of institution of higher learning'' means the following types of institutions of higher learning:

(A) An educational institution described in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(B) An educational institution described in subsection (b) of section 102 of such Act (20 U.S.C. 1002).

(C) An educational institution described in subsection (c) of such section.

SEC. 534. SHARING OF INFORMATION AMONG DEPARTMENT OF EDUCATION, DEPARTMENT OF VETERANS AFFAIRS, AND DEPARTMENT OF DEFENSE TO FACILITATE ASSESSMENT.

(a) SHARING OF INFORMATION TO ASSESS STUDENT LOAN DEBT.—

(1) PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Education, the Secretary of Defense, and the Secretary of Veterans Affairs shall jointly develop and implement a plan to share information that will enable the Secretary of Education to distinguish members of the Armed Forces and veterans in the student loan databases of the Department of Education for the purposes of determining aggregate information on student loan debt incurred by the member and veteran populations.

(2) ELEMENTS OF INFORMATION SHARED BY SECRETARY OF VETERANS AFFAIRS.—Information to be shared by the Secretary of Veterans Affairs from databases of the Department of Veterans Affairs under paragraph (1) shall include the following:

(A) The type and extent of educational assistance provided under laws administered by the Secretary of Veterans Affairs, including chapters 30 and 33 of title 38, United States Code.

(B) The names of the educational institutions at which individuals pursue programs of education with educational assistance provided under such laws.

(C) The extent of assistance provided under the Yellow Ribbon G.I. Education Enhancement Program.

(D) The degree of exhaustion of entitlement to such assistance.

(E) To what degree an overpayment of such assistance is made.

(F) Such other information as the Secretary of Veterans Affairs and the Secretary of Education consider appropriate.

(b) ANNUAL REPORT ON STUDENT LOAN DEBT INCURRED BY VETERANS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and not less frequently than once each year thereafter, the Secretary of Education, in consultation with the Secretary of Veterans Affairs, shall submit to Congress a report on debt incurred by veterans to pursue programs of education at institutions of higher learning.

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

(A) The extent of debt incurred by veterans to pursue programs of education at institutions of higher learning, disaggregated by type of institution of higher learning, including the following:

(i) How the debt compares to the debt incurred by individuals who are not veterans.

(ii) The status of repayment of and default on such debt and how that compares to the repayment of and default on debt incurred by individuals who are not veterans to pursue programs of education at institutions of higher learning.

(iii) The proportion of veterans who do not incur any Federal student loan debt to pursue a program of education at an institution of higher learning.

(B) Assessment and analysis of the factors that contribute to the debt incurred by veterans in their pursuit of programs of education at institutions of higher learning, disaggregated by type of institution of higher learning, including the following:

(i) The extent of coverage of educational assistance under laws administered by the Secretary of Veterans Affairs.

(ii) The exhaustion of entitlement to educational assistance under laws administered by the Secretary of Veterans Affairs.

(iii) The availability of assistance under the Yellow Ribbon G.I. Education Enhancement Program.

(iv) Such other factors as the Secretary of Education considers appropriate.

(C) Such recommendations as the Secretary of Education may have for legislative or administrative action to address such issues as the Secretary of Education may have identified concerning debt incurred by veterans to pursue programs of education at institutions of higher learning.

(c) SHARING OF INFORMATION ON INSTITUTIONS OF HIGHER LEARNING.—Not later than one year after the date of the enactment of this Act, the Secretary of Education, in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, shall establish an automated system to enable the Department of Education, the Department of Veterans Affairs, and the Department of Defense to more efficiently share information pertaining to the same institutions of higher learning.

(d) DEFINITIONS.—In this section:

(1) The term ''institution of higher learning'' has the meaning given such term in section 3452 of title 38, United States Code.

(2) The term ''type of institution of higher learning'' means the following types of institutions of higher learning:

(A) An educational institution described in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(B) An educational institution described in subsection (b) of section 102 of such Act (20 U.S.C. 1002).

(C) An educational institution described in subsection (c) of such section.

SA 3769. Mr. CARPER 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. EXTENSION OF AUTHORITY TO PROTEST TASK AND DELIVERY ORDERS UNDER CIVILIAN CONTRACTS.

Section 4106(f) of title 41, United States Code, is amended by striking paragraph (3).

SA 3770. Mr. CARPER 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—Federal Information Security

SEC. 1091. FISMA REFORM.

(a) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by striking subchapters II and III and inserting the following:

''SUBCHAPTER II—INFORMATION SECURITY

''§ 3551. Purposes

''The purposes of this subchapter are to—

''(1) provide a comprehensive framework for ensuring the effectiveness of information

security controls over information resources that support Federal operations and assets;

''(2) recognize the highly networked nature of the current Federal computing environment and provide effective governmentwide management and oversight of the related information security risks, including coordination of information security efforts throughout the civilian, national security, and law enforcement communities;

''(3) provide for development and maintenance of minimum controls required to protect Federal information and information systems;

''(4) provide a mechanism for improved oversight of Federal agency information security programs;

''(5) acknowledge that commercially developed information security products offer advanced, dynamic, robust, and effective information security solutions, reflecting market solutions for the protection of critical information infrastructures important to the national defense and economic security of the nation that are designed, built, and operated by the private sector; and

''(6) recognize that the selection of specific technical hardware and software information security solutions should be left to individual agencies from among commercially developed products.

''§ 3552. Definitions

''(a) IN GENERAL.—Except as provided under subsection (b), the definitions under section 3502 shall apply to this subchapter.

''(b) ADDITIONAL DEFINITIONS.—As used in this subchapter:

''(1) The term 'binding operational directive' means a compulsory direction to an agency that is in accordance with policies, principles, standards, and guidelines issued by the Director.

''(2) The term 'incident' means an occurrence that—

''(A) actually or imminently jeopardizes, without lawful authority, the integrity, confidentiality, or availability of information or an information system; or

''(B) constitutes a violation or imminent threat of violation of law, security policies, security procedures, or acceptable use policies.

''(3) The term 'information security' means protecting information and information systems from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide—

''(A) integrity, which means guarding against improper information modification or destruction, and includes ensuring information nonrepudiation and authenticity;

''(B) confidentiality, which means preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; and

''(C) availability, which means ensuring timely and reliable access to and use of information.

''(4) The term 'information technology' has the meaning given that term in section 11101 of title 40.

''(5) The term 'intelligence community' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

''(6)(A) The term 'national security system' means any information system (including any telecommunications system) used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency—

''(i) the function, operation, or use of which—

''(I) involves intelligence activities;

''(II) involves cryptologic activities related to national security;

''(III) involves command and control of military forces;

''(IV) involves equipment that is an integral part of a weapon or weapons system; or

''(V) subject to subparagraph (B), is critical to the direct fulfillment of military or intelligence missions; or

''(ii) is protected at all times by procedures established for information that have been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept classified in the interest of national defense or foreign policy.

''(B) Subparagraph (A)(i)(V) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

''(7) The term 'Secretary' means the Secretary of Homeland Security.

''§ 3553. Authority and functions of the Director and the Secretary

''(a) DIRECTOR.—The Director shall oversee agency information security policies, including—

''(1) developing and overseeing the implementation of policies, principles, standards, and guidelines on information security, including through ensuring timely agency adoption of and compliance with standards promulgated under section 11331 of title 40;

''(2) requiring agencies, consistent with the standards promulgated under such section 11331 and the requirements of this subchapter, to identify and provide information security protections commensurate with the risk and magnitude of the harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of—

''(A) information collected or maintained by or on behalf of an agency; or

''(B) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

''(3) ensuring that the Secretary carries out the authorities and functions under subsection (b);

''(4) coordinating the development of standards and guidelines under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) with agencies and offices operating or exercising control of national security systems (including the National Security Agency) to assure, to the maximum extent feasible, that such standards and guidelines are complementary with standards and guidelines developed for national security systems;

''(5) overseeing agency compliance with the requirements of this subchapter, including through any authorized action under section 11303 of title 40, to enforce accountability for compliance with such requirements;

''(6) coordinating information security policies and procedures with related information resources management policies and procedures; and

''(7) consulting with the Secretary in carrying out the authorities and functions under this subsection.

''(b) SECRETARY.—The Secretary, in consultation with the Director, shall oversee the operational aspects of agency information security policies and practices for information systems, except for national security systems and information systems described in paragraph (2) or (3) of subsection (e), including—

''(1) assisting the Director in carrying out the authorities and functions under subsection (a);

''(2) developing and overseeing the implementation of binding operational directives to agencies to implement the policies, principles, standards, and guidelines developed by the Director under subsection (a)(1) and the requirements of this subchapter, which may be repealed by the Director if the operational directives issued on behalf of the Director are not in accordance with policies, principles, standards, and guidelines developed by the Director, including—

''(A) requirements for reporting security incidents to the Federal information security incident center established under section 3556;

''(B) requirements for the contents of the annual reports required to be submitted under section 3554(c)(1);

''(C) requirements for the mitigation of exigent risks to information systems; and

''(D) other operational requirements as the Director or Secretary may determine necessary;

''(3) monitoring agency implementation of information security policies and practices;

''(4) convening meetings with senior agency officials to help ensure effective implementation of information security policies and practices;

''(5) coordinating Government-wide efforts on information security policies and practices, including consultation with the Chief Information Officers Council established under section 3603;

''(6) providing operational and technical assistance to agencies in implementing policies, principles, standards, and guidelines on information security, including implementation of standards promulgated under section 11331 of title 40, including by—

''(A) operating the Federal information security incident center established under section 3556;

''(B) upon request by an agency, deploying technology to assist the agency to continuously diagnose and mitigate against cyber threats and vulnerabilities, with or without reimbursement;

''(C) compiling and analyzing data on agency information security; and

''(D) developing and conducting targeted operational evaluations, including threat and vulnerability assessments, on the information systems; and

''(7) other actions as the Secretary may determine necessary to carry out this subsection on behalf of the Director.

''(c) REPORT.—Not later than March 1 of each year, the Director, in consultation with the Secretary, shall submit to Congress a report on the effectiveness of information security policies and practices during the preceding year, including—

''(1) a summary of the incidents described in the annual reports required to be submitted under section 3554(c)(1), including a summary of the information required under section 3554(c)(1)(A)(iii);

''(2) a description of the threshold for reporting major information security incidents;

''(3) a summary of the results of evaluations required to be performed under section 3555;

''(4) an assessment of agency compliance with standards promulgated under section 11331 of title 40; and

''(5) an assessment of agency compliance with the policies and procedures established under section 3559(a).

''(d) NATIONAL SECURITY SYSTEMS.—Except for the authorities and functions described in subsection (a)(4) and subsection (c), the authorities and functions of the Director and the Secretary under this section shall not apply to national security systems.

''(e) DEPARTMENT OF DEFENSE AND INTELLIGENCE COMMUNITY SYSTEMS.—(1) The authorities of the Director described in paragraphs (1) and (2) of subsection (a) shall be delegated to the Secretary of Defense in the case of systems described in paragraph (2)

and to the Director of National Intelligence in the case of systems described in paragraph (3).

''(2) The systems described in this paragraph are systems that are operated by the Department of Defense, a contractor of the Department of Defense, or another entity on behalf of the Department of Defense that processes any information the unauthorized access, use, disclosure, disruption, modification, or destruction of which would have a debilitating impact on the mission of the Department of Defense.

''(3) The systems described in this paragraph are systems that are operated by an element of the intelligence community, a contractor of an element of the intelligence community, or another entity on behalf of an element of the intelligence community that processes any information the unauthorized access, use, disclosure, disruption, modification, or destruction of which would have a debilitating impact on the mission of an element of the intelligence community.

''§ 3554. Federal agency responsibilities

''(a) IN GENERAL.—The head of each agency shall—

''(1) be responsible for—

''(A) providing information security protections commensurate with the risk and magnitude of the harm resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of—

''(i) information collected or maintained by or on behalf of the agency; and

''(ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

''(B) complying with the requirements of this subchapter and related policies, procedures, standards, and guidelines, including—

''(i) information security standards promulgated under section 11331 of title 40;

''(ii) operational directives developed by the Secretary under section 3553(b);

''(iii) policies and procedures issued by the Director under section 3559; and

''(iv) information security standards and guidelines for national security systems issued in accordance with law and as directed by the President; and

''(C) ensuring that information security management processes are integrated with agency strategic and operational planning processes;

''(2) ensure that senior agency officials provide information security for the information and information systems that support the operations and assets under their control, including through—

''(A) assessing the risk and magnitude of the harm that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of such information or information systems;

''(B) determining the levels of information security appropriate to protect such information and information systems in accordance with standards promulgated under section 11331 of title 40, for information security classifications and related requirements;

''(C) implementing policies and procedures to cost-effectively reduce risks to an acceptable level; and

''(D) periodically testing and evaluating information security controls and techniques to ensure that they are effectively implemented;

''(3) delegate to the agency Chief Information Officer established under section 3506 (or comparable official in an agency not covered by such section) the authority to ensure compliance with the requirements imposed on the agency under this subchapter, including—

''(A) designating a senior agency information security officer who shall—

''(i) carry out the Chief Information Officer's responsibilities under this section;

''(ii) possess professional qualifications, including training and experience, required to administer the functions described under this section;

''(iii) have information security duties as that official's primary duty; and

''(iv) head an office with the mission and resources to assist in ensuring agency compliance with this section;

''(B) developing and maintaining an agencywide information security program as required by subsection (b);

''(C) developing and maintaining information security policies, procedures, and control techniques to address all applicable requirements, including those issued under section 3553 of this title and section 11331 of title 40;

''(D) training and overseeing personnel with significant responsibilities for information security with respect to such responsibilities; and

''(E) assisting senior agency officials concerning their responsibilities under paragraph (2);

''(4) ensure that the agency has trained personnel sufficient to assist the agency in complying with the requirements of this subchapter and related policies, procedures, standards, and guidelines;

''(5) ensure that the agency Chief Information Officer, in coordination with other senior agency officials, reports annually to the agency head on the effectiveness of the agency information security program, including progress of remedial actions;

''(6) ensure that senior agency officials, including chief information officers of component agencies or equivalent officials, carry out responsibilities under this subchapter as directed by the official delegated authority under paragraph (3); and

''(7) ensure that all personnel are held accountable for complying with the agencywide information security program implemented under subsection (b).

''(b) AGENCY PROGRAM.—Each agency shall develop, document, and implement an agency-wide information security program to provide information security for the information and information systems that support the operations and assets of the agency, including those provided or managed by another agency, contractor, or other source, that includes—

''(1) periodic assessments of the risk and magnitude of the harm that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of information and information systems that support the operations and assets of the agency;

''(2) policies and procedures that—

''(A) are based on the risk assessments required by paragraph (1);

''(B) cost-effectively reduce information security risks to an acceptable level;

''(C) ensure that information security is addressed throughout the life cycle of each agency information system; and

''(D) ensure compliance with—

''(i) the requirements of this subchapter;

''(ii) policies and procedures as may be prescribed by the Director, and information security standards promulgated under section 11331 of title 40;

''(iii) minimally acceptable system configuration requirements, as determined by the agency; and

''(iv) any other applicable requirements, including standards and guidelines for national security systems issued in accordance with law and as directed by the President;

''(3) subordinate plans for providing adequate information security for networks, facilities, and systems or groups of information systems, as appropriate;

''(4) security awareness training to inform personnel, including contractors and other users of information systems that support the operations and assets of the agency, of—

''(A) information security risks associated with their activities; and

''(B) their responsibilities in complying with agency policies and procedures designed to reduce these risks;

''(5) periodic testing and evaluation of the effectiveness of information security policies, procedures, and practices, to be performed with a frequency depending on risk, but no less than annually, of which such testing—

''(A) shall include testing of management, operational, and technical controls of every information system identified in the inventory required under section 3505(c); and

''(B) may include testing relied on in an evaluation under section 3555;

''(6) a process for planning, implementing, evaluating, and documenting remedial action to address any deficiencies in the information security policies, procedures, and practices of the agency;

''(7) procedures for detecting, reporting, and responding to security incidents, consistent with standards and guidelines described in section 3556(b), including—

''(A) mitigating risks associated with such incidents before substantial damage is done;

''(B) notifying and consulting with the Federal information security incident center established in section 3556; and

''(C) notifying and consulting with, as appropriate—

''(i) law enforcement agencies and relevant Offices of Inspector General;

''(ii) an office designated by the President for any incident involving a national security system;

''(iii) the committees of Congress described in subsection (c)(1)—

''(I) not later than 7 days after the date on which the incident is discovered; and

''(II) after the initial notification under subclause (I), within a reasonable period of time after additional information relating to the incident is discovered; and

''(iv) any other agency or office, in accordance with law or as directed by the President; and

''(8) plans and procedures to ensure continuity of operations for information systems that support the operations and assets of the agency.

''(c) AGENCY REPORTING.—

''(1) ANNUAL REPORT.—

''(A) IN GENERAL.—Each agency shall submit to the Director, the Secretary, the Committee on Government Reform, the Committee on Homeland Security, and the Committee on Science of the House of Representatives, the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate, the appropriate authorization and appropriations committees of Congress, and the Comptroller General a report on the adequacy and effectiveness of information security policies, procedures, and practices, including—

''(i) a description of each major information security incident or related sets of incidents, including summaries of—

''(I) the threats and threat actors, vulnerabilities, and impacts relating to the incident;

''(II) the risk assessments conducted under section 3554(a)(2)(A) of the affected information systems before the date on which the incident occurred; and

''(III) the detection, response, and remediation actions;

''(ii) the total number of information security incidents, including a description of incidents resulting in significant compromise of information security, system impact levels, types of incident, and locations of affected systems;

''(iii) a description of each major information security incident that involved a breach of personally identifiable information, including—

''(I) the number of individuals whose information was affected by the major information security incident; and

''(II) a description of the information that was breached or exposed; and

''(iv) any other information as the Secretary may require.

''(B) UNCLASSIFIED REPORT.—

''(i) IN GENERAL.—Each report submitted under subparagraph (A) shall be in unclassified form, but may include a classified annex.

''(ii) ACCESS TO INFORMATION.—The head of an agency shall ensure that, to the greatest extent practicable, information is included in the unclassified version of the reports submitted by the agency under subparagraph (A).

''(2) OTHER PLANS AND REPORTS.—Each agency shall address the adequacy and effectiveness of information security policies, procedures, and practices in management plans and reports.

''(d) PERFORMANCE PLAN.—(1) In addition to the requirements of subsection (c), each agency, in consultation with the Director, shall include as part of the performance plan required under section 1115 of title 31 a description of—

''(A) the time periods; and

''(B) the resources, including budget, staffing, and training,

that are necessary to implement the program required under subsection (b).

''(2) The description under paragraph (1) shall be based on the risk assessments required under subsection (b)(1).

''(e) PUBLIC NOTICE AND COMMENT.—Each agency shall provide the public with timely notice and opportunities for comment on proposed information security policies and procedures to the extent that such policies and procedures affect communication with the public.

''§ 3555. Annual independent evaluation

''(a) IN GENERAL.—(1) Each year each agency shall have performed an independent evaluation of the information security program and practices of that agency to determine the effectiveness of such program and practices.

''(2) Each evaluation under this section shall include—

''(A) testing of the effectiveness of information security policies, procedures, and practices of a representative subset of the agency's information systems;

''(B) an assessment of the effectiveness of the information security policies, procedures, and practices of the agency; and

''(C) separate presentations, as appropriate, regarding information security relating to national security systems.

''(b) INDEPENDENT AUDITOR.—Subject to subsection (c)—

''(1) for each agency with an Inspector General appointed under the Inspector General Act of 1978, the annual evaluation required by this section shall be performed by the Inspector General or by an independent external auditor, as determined by the Inspector General of the agency; and

''(2) for each agency to which paragraph (1) does not apply, the head of the agency shall engage an independent external auditor to perform the evaluation.

''(c) NATIONAL SECURITY SYSTEMS.—For each agency operating or exercising control of a national security system, that portion of the evaluation required by this section directly relating to a national security system shall be performed—

''(1) only by an entity designated by the agency head; and

''(2) in such a manner as to ensure appropriate protection for information associated with any information security vulnerability in such system commensurate with the risk and in accordance with all applicable laws.

''(d) EXISTING EVALUATIONS.—The evaluation required by this section may be based in whole or in part on an audit, evaluation, or report relating to programs or practices of the applicable agency.

''(e) AGENCY REPORTING.—(1) Each year, not later than such date established by the Director, the head of each agency shall submit to the Director the results of the evaluation required under this section.

''(2) To the extent an evaluation required under this section directly relates to a national security system, the evaluation results submitted to the Director shall contain only a summary and assessment of that portion of the evaluation directly relating to a national security system.

''(f) PROTECTION OF INFORMATION.—Agencies and evaluators shall take appropriate steps to ensure the protection of information which, if disclosed, may adversely affect information security. Such protections shall be commensurate with the risk and comply with all applicable laws and regulations.

''(g) OMB REPORTS TO CONGRESS.—(1) The Director shall summarize the results of the evaluations conducted under this section in the report to Congress required under section 3553(c).

''(2) The Director's report to Congress under this subsection shall summarize information regarding information security relating to national security systems in such a manner as to ensure appropriate protection for information associated with any information security vulnerability in such system commensurate with the risk and in accordance with all applicable laws.

''(3) Evaluations and any other descriptions of information systems under the authority and control of the Director of Central Intelligence or of National Foreign Intelligence Programs systems under the authority and control of the Secretary of Defense shall be made available to Congress only through the appropriate oversight committees of Congress, in accordance with applicable laws.

''(h) COMPTROLLER GENERAL.—The Comptroller General shall periodically evaluate and report to Congress on—

''(1) the adequacy and effectiveness of agency information security policies and practices; and

''(2) implementation of the requirements of this subchapter.

''(i) ASSESSMENT TECHNICAL ASSISTANCE.—The Comptroller General may provide technical assistance to an Inspector General or the head of an agency, as applicable, to assist the Inspector General or head of an agency in carrying out the duties under this section, including by testing information security controls and procedures.

''§ 3556. Federal information security incident center

''(a) IN GENERAL.—The Secretary shall ensure the operation of a central Federal information security incident center to—

''(1) provide timely technical assistance to operators of agency information systems regarding security incidents, including guidance on detecting and handling information security incidents;

''(2) compile and analyze information about incidents that threaten information security;

''(3) inform operators of agency information systems about current and potential information security threats, and vulnerabilities;

''(4) provide, as appropriate, intelligence and other information about cyber threats, vulnerabilities, and incidents to agencies to assist in risk assessments conducted under section 3554(b); and

''(5) consult with the National Institute of Standards and Technology, agencies or offices operating or exercising control of national security systems (including the National Security Agency), and such other agencies or offices in accordance with law and as directed by the President regarding information security incidents and related matters.

''(b) NATIONAL SECURITY SYSTEMS.—Each agency operating or exercising control of a national security system shall share information about information security incidents, threats, and vulnerabilities with the Federal information security incident center to the extent consistent with standards and guidelines for national security systems, issued in accordance with law and as directed by the President.

''§ 3557. National security systems

''The head of each agency operating or exercising control of a national security system shall be responsible for ensuring that the agency—

''(1) provides information security protections commensurate with the risk and magnitude of the harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of the information contained in such system;

''(2) implements information security policies and practices as required by standards and guidelines for national security systems, issued in accordance with law and as directed by the President; and

''(3) complies with the requirements of this subchapter.

''§ 3558. Effect on existing law

''Nothing in this subchapter, section 11331 of title 40, or section 20 of the National Standards and Technology Act (15 U.S.C. 278g–3) may be construed as affecting the authority of the President, the Office of Management and Budget or the Director thereof, the National Institute of Standards and Technology, or the head of any agency, with respect to the authorized use or disclosure of information, including with regard to the protection of personal privacy under section 552a of title 5, the disclosure of information under section 552 of title 5, the management and disposition of records under chapters 29, 31, or 33 of title 44, the management of information resources under subchapter I of chapter 35 of this title, or the disclosure of information to the Congress or the Comptroller General of the United States.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 35 of title 44, United States Code is amended by striking the matter relating to subchapters II and III and inserting the following:

''SUBCHAPTER II—INFORMATION SECURITY

''3551. Purposes.
''3552. Definitions.
''3553. Authority and functions of the Director and the Secretary.
''3554. Federal agency responsibilities.
''3555. Annual independent evaluation.
''3556. Federal information security incident center.
''3557. National security systems.
''3558. Effect on existing law.''.

(2) CYBERSECURITY RESEARCH AND DEVELOPMENT ACT.—Section 8(d)(1) of the Cybersecurity Research and Development Act (15

U.S.C. 7406) is amended by striking ''section 3534'' and inserting ''section 3554''.

(3) HOMELAND SECURITY ACT OF 2002.—Section 1001(c)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 511) by striking ''section 3532(3)'' and inserting ''section 3552(b)(5)''.

(4) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT.—Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is amended—

(A) in subsection (a)(2), by striking ''section 3532(b)(2)'' and inserting ''section 3552(b)(5)''; and

(B) in subsection (e)—

(i) in paragraph (2), by striking ''section 3532(1)'' and inserting ''section 3552(b)(2)''; and

(ii) in paragraph (5), by striking ''section 3532(b)(2)'' and inserting ''section 3552(b)(5)''.

(5) TITLE 10.—Title 10, United States Code, is amended—

(A) in section 2222(j)(5), by striking ''section 3542(b)(2)'' and inserting ''section 3552(b)(5)'';

(B) in section 2223(c)(3), by striking ''section 3542(b)(2)'' and inserting ''section 3552(b)(5)''; and

(C) in section 2315, by striking ''section 3542(b)(2)'' and inserting ''section 3552(b)(5)''.

(c) OTHER PROVISIONS.—

(1) CIRCULAR A-130.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall revise Office of Management and Budget Circular A–130 to eliminate inefficient or wasteful reporting.

(2) ISPAB.—Section 21(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–4(b)) is amended—

(A) in paragraph (2), by inserting '', the Secretary of Homeland Security,'' after ''the Institute''; and

(B) in paragraph (3), by inserting ''the Secretary of Homeland Security,'' after ''the Secretary of Commerce,''.

SEC. 1092. FEDERAL DATA BREACH RESPONSE GUIDELINES.

(a) IN GENERAL.—Subchapter II of chapter 35 of title 44, United States Code, as added by this subtitle, is amended by adding at the end the following:

''§ 3559. Privacy breach requirements

''(a) POLICIES AND PROCEDURES.—The Director, in consultation with the Secretary, shall establish and oversee policies and procedures for agencies to follow in the event of a breach of information security involving the disclosure of personally identifiable information, including requirements for—

''(1) timely notice to affected individuals based on a determination of the level of risk and consistent with law enforcement and national security considerations;

''(2) timely reporting to the Federal information security incident center established under section 3556 or other Federal cybersecurity center, as designated by the Director;

''(3) timely notice to committees of Congress with jurisdiction over cybersecurity; and

''(4) such additional actions as the Director may determine necessary and appropriate, including the provision of risk mitigation measures to affected individuals.

''(b) CONSIDERATIONS.—In carrying out subsection (a), the Director shall consider recommendations made by the Government Accountability Office, including recommendations in the December 2013 Government Accountability Office report entitled 'Information Security: Agency Responses to Breaches of Personally Identifiable Information Need to Be More Consistent' (GAO–14–34).

''(c) REQUIRED AGENCY ACTION.—The head of each agency shall ensure that actions taken in response to a breach of information security involving the disclosure of personally identifiable information under the authority or control of the agency comply with policies and procedures established under subsection (a).

''(d) TIMELINESS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the policies and procedures established under subsection (a) shall require that the notice to affected individuals required under subsection (a)(1) be made without unreasonable delay and with consideration of the likely risk of harm and the level of impact, but not later than 60 days after the date on which the head of an agency discovers the breach of information security involving the disclosure of personally identifiable information.

''(2) DELAY.—The Attorney General, the head of an element of the intelligence community (as such term is defined under section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)), or the Secretary may delay the notice to affected individuals under subsection (a)(1) for not more than 180 days, if the notice would disrupt a law enforcement investigation, endanger national security, or hamper security remediation actions from the breach of information security involving the disclosure of personally identifiable information.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter II for chapter 35 of title 44, United States Code, as added by this Act, is amended by inserting after the item relating to section 3558 the following:

''3559. Privacy breach requirements.''.

SA 3771. Mr. CARPER 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—National Cybersecurity Communications Integration Center

SEC. 1091. NATIONAL CYBERSECURITY AND COMMUNICATIONS INTEGRATION CENTER.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following:

''SEC. 210G. OPERATIONS CENTER.

''(a) FUNCTIONS.—There is in the Department an operations center, which may carry out the responsibilities of the Under Secretary appointed under section 103(a)(1)(H) with respect to security and resilience, including by—

''(1) serving as a Federal civilian information sharing interface for cybersecurity;

''(2) providing shared situational awareness to enable real-time, integrated, and operational actions across the Federal Government;

''(3) sharing cybersecurity threat, vulnerability, impact, and incident information and analysis by and among Federal, State, and local government entities and private sector entities;

''(4) coordinating cybersecurity information sharing throughout the Federal Government;

''(5) conducting analysis of cybersecurity risks and incidents;

''(6) upon request, providing timely technical assistance to Federal and non-Federal entities with respect to cybersecurity threats and attribution, vulnerability mitigation, and incident response and remediation; and

''(7) providing recommendations on security and resilience measures to Federal and non-Federal entities.

''(b) COMPOSITION.—The operations center shall be composed of—

''(1) personnel or other representatives of Federal agencies, including civilian and law enforcement agencies and elements of the intelligence community, as such term is defined under section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)); and

''(2) representatives from State and local governments and other non-Federal entities, including—

''(A) representatives from information sharing and analysis organizations; and

''(B) private sector owners and operators of critical information systems.

''(c) ANNUAL REPORT.—Not later than 1 year after the date of enactment of the Carl Levin National Defense Authorization Act for Fiscal Year 2015, and every year thereafter for 3 years, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the operations center, which shall include—

''(1) an analysis of the performance of the operations center in carrying out the functions under subsection (a);

''(2) information on the composition of the center, including—

''(A) the number of representatives from non-Federal entities that are participating in the operations center, including the number of representatives from States, nonprofit organizations, and private sector entities, respectively; and

''(B) the number of requests from non-Federal entities to participate in the operations center and the response to such requests, including—

''(i) the average length of time to fulfill such identified requests by the Federal agency responsible for fulfilling such requests; and

''(ii) a description of any obstacles or challenges to fulfilling such requests; and

''(3) the policies and procedures established by the operations center to safeguard privacy and civil liberties.

''(d) GAO REPORT.—Not later than 1 year after the date of enactment of the Carl Levin National Defense Authorization Act for Fiscal Year 2015, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the effectiveness of the operations center.

''(e) NO RIGHT OR BENEFIT.—The provision of assistance or information to, and inclusion in the operations center of, governmental or private entities under this section shall be at the discretion of the Under Secretary appointed under section 103(a)(1)(H). The provision of certain assistance or information to, or inclusion in the operations center of, one governmental or private entity pursuant to this section shall not create a right or benefit, substantive or procedural, to similar assistance or information for any other governmental or private entity.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by inserting after the item relating to section 210F the following:

''Sec. 210G. Operations center.''.

SA 3772. Mr. BEGICH (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 3060 proposed by Mr. WYDEN to the bill H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

On page 9, between lines 13 and14, insert the following:

(c) ENCOURAGEMENT OF CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES BY NATIVE CORPORATIONS.—

(1) IN GENERAL.—Paragraph (2) of section 170(b) is amended by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

''(C) QUALIFIED CONSERVATION CONTRIBUTIONS BY CERTAIN NATIVE CORPORATIONS.—

''(i) IN GENERAL.—Any qualified conservation contribution (as defined in subsection (h)(1)) which—

''(I) is made by a Native Corporation, and

''(II) is a contribution of property which was land conveyed under the Alaska Native Claims Settlement Act,

shall be allowed to the extent that the aggregate amount of such contributions does not exceed the excess of the taxpayer's taxable income over the amount of charitable contributions allowable under subparagraph (A).

''(ii) CARRYOVER.—If the aggregate amount of contributions described in clause (i) exceeds the limitation of clause (i), such excess shall be treated (in a manner consistent with the rules of subsection (d)(2)) as a charitable contribution to which clause (i) applies in each of the 15 succeeding years in order of time.

''(iii) DEFINITION.—For purposes of clause (i), the term 'Native Corporation' has the meaning given such term by section 3(m) of the Alaska Native Claims Settlement Act.''.

(2) CONFORMING AMENDMENT.—Section 170(b)(2)(A) of such Code is amended by striking ''subparagraph (B) applies'' and inserting ''subparagraphs (B) or (C) apply''.

(3) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to modify any existing property rights conveyed to Native Corporations (withing the meaning of section 3(m) of the Alaska Native Claims Settlement Act) under such Act.

SA 3773. Mr. PORTMAN 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 X, add the following:

SEC. 1035. SENSE OF SENATE ON THE MAY 31, 2014, TRANSFER OF FIVE DETAINEES FROM THE DETENTION FACILITY AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) FINDINGS.—The Senate makes the following findings:

(1) In enacting the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66), Congress provided the executive branch with clear guidance and requirements for transferring or releasing individuals from the detention facility at United States Naval Station, Guantanamo Bay, Cuba.

(2) The National Defense Authorization Act for Fiscal Year 2014 states the Secretary of Defense may transfer an individual detained at United States Naval Station, Guantanamo Bay, Cuba, if the Secretary determines, following a review conducted in accordance with the requirements of section 1023 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 801 note) and Executive Order No. 13567, that the individual is no longer a threat to the United States, or the individual is ordered released by a United States court, or such an individual can be transferred if the Secretary determines that actions have been or are planned to be taken which will substantially mitigate the risk of the individual engaging or re-engaging in any terrorist activity or other hostile activity that threatens the United States or United States persons or interests and the transfer is in the national security interest of the United States.

(3) The National Defense Authorization Act for Fiscal Year 2014 states that the Secretary of Defense must notify the appropriate committees of Congress of such a determination not later than 30 days before the transfer or release of the individual concerned from United States Naval Station, Guantanamo Bay, Cuba.

(4) The National Defense Authorization Act for Fiscal Year 2014 states that such a notification must include a detailed statement of the basis for the transfer or release, an explanation of why the transfer or release is in the national security interests of the United States, a description of any actions taken to mitigate the risks of reengagement by the individual to be transferred or released, a copy of any Periodic Review Board findings relating to the individual, and a description of the evaluation conducted pursuant to factors that must be considered prior to such a transfer or release.

(5) The Consolidated Appropriations Act, 2014 (Public Law 113–76) states that none of the funds appropriated or otherwise made available in that Act may be used to transfer covered individuals detained at United States Naval Station Guantanamo Bay, Cuba, except in accordance with the National Defense Authorization Act for Fiscal Year 2014.

(6) On May 31, 2014, detainees Khairullah Khairkhwa, Abdul Haq Wasiq, Mohammed Fazl, Noorullah Noori, and Mohammed Nabi Omari were transferred from United States Naval Station, Guantanamo Bay, Cuba, to Qatar.

(7) The appropriate committees of Congress were not notified of the transfers as required by the National Defense Authorization Act for Fiscal Year 2014 prior to the transfers.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the transfers of detainees Khairullah Khairkhwa, Abdul Haq Wasiq, Mohammed Fazl, Noorullah Noori, and Mohammed Nabi Omari from United States Naval Station, Guantanamo Bay, Cuba, to Qatar on May 31, 2014, violated the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66) and the Consolidated Appropriations Act, 2014 (Public Law 113–76); and

(2) Congress should—

(A) investigate the actions taken by President Obama and his administration that led to the unlawful transfer of such detainees, including an evaluation of other options considered to reach the desired common defense policy outcome of the President; and

(B) determine the impact of the transfer of such detainees on the common defense of the United States and measures that should be taken to mitigate any negative consequences.

SA 3774. Mr. PORTMAN 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 VII, add the following:

SEC. 737. PRELIMINARY MENTAL HEALTH ASSESSMENTS FOR INDIVIDUALS BECOMING MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Chapter 31 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 520d. Preliminary mental health assessments

''(a) PROVISION OF MENTAL HEALTH ASSESSMENT.—Before any individual enlists in an armed force or is commissioned as an officer in an armed force, the Secretary concerned shall provide the individual with a mental health assessment.

''(b) USE OF ASSESSMENT.—(1) The Secretary shall use the results of a mental assessment conducted under subsection (a) as a baseline for any subsequent mental health examinations of the individual, including such examinations provided under sections 1074f and 1074m of this title.

''(2) The Secretary may not consider the results of a mental health assessment conducted under subsection (a) in determining the assignment or promotion of a member of the armed forces.

''(c) APPLICATION OF PRIVACY LAWS.—With respect to applicable laws and regulations relating to the privacy of information, the Secretary shall treat a mental health assessment conducted under subsection (a) in the same manner as the medical records of a member of the armed forces.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 520c the following new item:

''520d. Preliminary mental health assessments.''.

(c) REPORTS.—

(1) INITIAL REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the National Institute of Mental Health of the National Institutes of Health shall submit to Congress and the Secretary of Defense a report on preliminary mental health assessments of members of the Armed Forces.

(B) MATTERS INCLUDED.—The report under subparagraph (A) shall include the following:

(i) Recommendations with respect to establishing a preliminary mental health assessment of members of the Armed Forces to bring mental health screenings to parity with physical screenings of members.

(ii) Recommendations with respect to the composition of the mental health assessment, evidenced-based best practices, and how to track assessment changes relating to traumatic brain injuries, post-traumatic stress disorder, and other conditions.

(iii) Recommendations with respect to overcoming limitations experienced during previous efforts to conduct preliminary mental health assessments of members of the Armed Forces.

(C) COORDINATION.—The National Institute of Mental Health shall carry out subparagraph (A) in coordination with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, the Director of the Centers for Disease Control and Prevention, the surgeons general of the military departments, and other relevant experts.

(2) PERIODIC REPORTS.—

(A) IN GENERAL.—Not later than two years after the date on which the Secretary of Defense begins providing preliminary mental health assessments under section 520d(a) of title 38, United States Code, as added by subsection (a), and not less frequently than once every three years thereafter, the Secretary shall submit to Congress a report on the efficacy of such preliminary mental health assessments.

(B) MATTERS INCLUDED.—Each report required by subparagraph (A) shall include the following:

(i) An evaluation of the parity between mental health screenings and physical health screenings of members of the Armed Forces.

(ii) An evaluation of the evidence-based best practices used by the Secretary in composing and conducting preliminary mental health assessments of members of the Armed Forces under such section 520d(a).

(iii) An evaluation of the evidence-based best practices used by the Secretary in tracking mental health assessment changes relating to traumatic brain injuries, posttraumatic stress disorder, and other conditions among members of the Armed Forces.

(d) IMPLEMENTATION OF PRELIMINARY MENTAL HEALTH ASSESSMENT.—The Secretary of Defense may not provide a preliminary mental health assessment under section 520d(a) of title 38, United States Code, as added by subsection (a), until the Secretary receives and evaluates the initial report required by subsection (c)(1).

SEC. 738. PHYSICAL EXAMINATIONS AND MENTAL HEALTH SCREENINGS FOR CERTAIN MEMBERS UNDERGOING SEPARATION FROM THE ARMED FORCES WHO ARE NOT OTHERWISE ELIGIBLE FOR SUCH EXAMINATIONS.

(a) IN GENERAL.—The Secretary of the military department concerned shall provide a comprehensive physical examination (including a screening for Traumatic Brain Injury) and a mental health screening to each member of the Armed Forces who, after a period of active duty of more than 180 days, is undergoing separation from the Armed Forces and is not otherwise provided such an examination or screening in connection with such separation from the Department of Defense or the Department of Veterans Affairs.

(b) NO RIGHT TO HEALTH CARE BENEFITS.—The provision of a physical examination or mental health screening to a member under subsection (a) shall not, by itself, be used to determine the eligibility of the member for any health care benefits from the Department of Defense or the Department of Veterans Affairs.

(c) FUNDING.—Funds for the provision of physical examinations and mental health screenings under this section shall be derived from funds otherwise authorized to be appropriated for the military department concerned for the provision of health care to members of the Armed Forces.

SEC. 739. REPORT ON CAPACITY OF DEPARTMENT OF DEFENSE TO PROVIDE ELECTRONIC COPY OF MEMBER SERVICE TREATMENT RECORDS TO MEMBERS SEPARATING FROM THE ARMED FORCES.

(a) REPORT REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth an assessment of the capacity of the Department of Defense to provide each member of the Armed Forces who is undergoing separation from the Armed Forces an electronic copy of the member's service treatment record at the time of separation.

(b) MATTERS RELATING TO THE NATIONAL GUARD.—The assessment under subsection (a) with regards to members of the National Guard shall include an assessment of the capacity of the Department to ensure that the electronic copy of a member's service treatment record includes health records maintained by each State or territory in which the member served.

SA 3775. Mr. CORNYN 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 24, between lines 6 and 7, insert the following:

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $122,250,000, to remain available until September 30, 2015, which shall be for drug interdiction and counter-drug activities of the United States Southern Command: *Provided*, That not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Appropriations and Armed Services of the Senate and the House of Representatives a report on the use of funds made available by this paragraph, including the amounts provided to any military or security forces of a foreign country and the use of amounts so provided by such forces.

(RESCISSION)

SEC. 3101. Of the unobligated balance available for ''Department of Homeland Security—Federal Emergency Management Agency—Disaster Relief Fund'', $122,250,000 is rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on a budget or the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That no amounts may be rescinded from the amounts that were designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SA 3776. Mr. TESTER (for himself and Mr. PORTMAN) 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 appropriate place, insert the following:

SEC. ____. ADDITIONAL APPOINTING AUTHORITIES FOR COMPETITIVE SERVICE.

(a) SELECTION FROM CERTIFICATES.—Section 3318 of title 5, United States Code, is amended—

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

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

''(b) CERTIFICATE SHARING.—

''(1) IN GENERAL.—During the 240-day period beginning on the date of issuance of a certificate of eligibles under section 3317(a), an appointing authority other than the appointing authority requesting the certificate may select an individual from that certificate in accordance with paragraph (2) for an appointment to a position that is—

''(A) in the same occupational series as the position for which the certification of eligibles was issued (in this subsection referred to as the 'original position'); and

''(B) at a similar grade level as the original position.

''(2) REQUIREMENTS.—The selection of an individual under paragraph (1)—

''(A) shall be made in accordance with subsection (a); and

''(B) may be made without any additional posting under section 3327.

''(3) APPLICABILITY.—An appointing authority requesting a certificate of eligibles may share the certificate with another appointing authority only if the announcement of the original position provided notice that the resulting list of eligible candidates may be used by another appointing authority.

''(4) COLLECTIVE BARGAINING OBLIGATIONS.—Nothing in this subsection limits any collective bargaining obligation of an agency under chapter 71.''.

(b) ALTERNATIVE RANKING AND SELECTION PROCEDURES.—Section 3319(c) of title 5, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (6);

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

''(2) An appointing official other than the appointing official described in paragraph (1) may select an individual for appointment to a position that is—

''(A) in the same occupational series as the position for which the certification of eligibles was issued (in this subsection referred to as the 'original position'); and

''(B) at a similar grade level as the original position.

''(3) The selection of an individual under paragraph (2)—

''(A) shall be made in accordance with this subsection; and

''(B) may be made without any additional posting under section 3327.

''(4) An appointing authority requesting a certificate of eligibles may share the certificate with another appointing authority only if the announcement of the original position provided notice that the resulting list of eligible candidates may be used by another appointing authority.

''(5) Nothing in this subsection limits any collective bargaining obligation of an agency under chapter 71.''; and

(3) in paragraph (6) (as so redesignated)—

(A) by striking ''paragraph (1)'' and inserting ''paragraphs (1) and (2)''; and

(B) by striking ''3318(b)'' and inserting ''3318(c)''.

(c) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Personnel Management shall issue regulations to carry out the amendments made by subsections (a) and (b).

(d) CONFORMING AMENDMENT.—Section 9510(b)(5) of title 5, United States Code, is amended by striking ''3318(b)'' and inserting ''3318(c)''.

SA 3777. Mrs. GILLIBRAND (for herself and Mr. CARPER) 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 title X, insert the following:

Subtitle I—Cybersecurity Workforce

SEC. 1091. DEPARTMENT OF HOMELAND SECURITY CYBERSECURITY WORKFORCE.

(a) IN GENERAL.—At the end of subtitle C of title II of the Homeland Security Act of 2002 (6 U.S.C. 141 et seq.), add the following:

"SEC. 226. CYBERSECURITY RECRUITMENT AND RETENTION.

''(a) DEFINITIONS.—In this section:

''(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives.

''(2) COLLECTIVE BARGAINING AGREEMENT.—The term 'collective bargaining agreement' has the meaning given that term in section 7103(a)(8) of title 5, United States Code.

''(3) EXCEPTED SERVICE.—The term 'excepted service' has the meaning given that term in section 2103 of title 5, United States Code.

''(4) PREFERENCE ELIGIBLE.—The term 'preference eligible' has the meaning given that term in section 2108 of title 5, United States Code.

''(5) QUALIFIED POSITION.—The term 'qualified position' means a position, designated by the Secretary for the purpose of this section, in which the incumbent performs, manages, or supervises functions that execute the responsibilities of the Department relating to cybersecurity.

''(6) SENIOR EXECUTIVE SERVICE.—The term 'Senior Executive Service' has the meaning given that term in section 2101a of title 5, United States Code.

''(b) GENERAL AUTHORITY.—

''(1) ESTABLISH POSITIONS, APPOINT PERSONNEL, AND FIX RATES OF PAY.—

''(A) GENERAL AUTHORITY.—The Secretary may—

''(i) establish, as positions in the excepted service, such qualified positions in the Department as the Secretary determines necessary to carry out the responsibilities of the Department relating to cybersecurity, including positions formerly identified as—

''(I) senior level positions designated under section 5376 of title 5, United States Code; and

''(II) positions in the Senior Executive Service;

''(ii) appoint an individual to a qualified position (after taking into consideration the availability of preference eligibles for appointment to the position); and

''(iii) subject to the requirements of paragraphs (2) and (3), fix the compensation of an individual for service in a qualified position.

''(B) CONSTRUCTION WITH OTHER LAWS.—The authority of the Secretary under this subsection applies without regard to the provisions of any other law relating to the appointment, number, classification, or compensation of employees.

''(2) BASIC PAY.—

''(A) AUTHORITY TO FIX RATES OF BASIC PAY.—In accordance with this section, the Secretary shall fix the rates of basic pay for any qualified position established under paragraph (1) in relation to the rates of pay provided for employees in comparable positions in the Department of Defense and subject to the same limitations on maximum rates of pay established for such employees by law or regulation.

''(B) PREVAILING RATE SYSTEMS.—The Secretary may, consistent with section 5341 of title 5, United States Code, adopt such provisions of that title as provide for prevailing rate systems of basic pay and may apply those provisions to qualified positions for employees in or under which the Department may employ individuals described by section 5342(a)(2)(A) of that title.

''(3) ADDITIONAL COMPENSATION, INCENTIVES, AND ALLOWANCES.—

''(A) ADDITIONAL COMPENSATION BASED ON TITLE 5 AUTHORITIES.—The Secretary may provide employees in qualified positions compensation (in addition to basic pay), including benefits, incentives, and allowances, consistent with, and not in excess of the level authorized for, comparable positions authorized by title 5, United States Code.

''(B) ALLOWANCES IN NONFOREIGN AREAS.—An employee in a qualified position whose rate of basic pay is fixed under paragraph (2)(A) shall be eligible for an allowance under section 5941 of title 5, United States Code, on the same basis and to the same extent as if the employee was an employee covered by such section 5941, including eligibility conditions, allowance rates, and all other terms and conditions in law or regulation.

''(4) PLAN FOR EXECUTION OF AUTHORITIES.—Not later than 120 days after the date of enactment of this section, the Secretary shall submit a report to the appropriate committees of Congress with a plan for the use of the authorities provided under this subsection.

''(5) COLLECTIVE BARGAINING AGREEMENTS.—Nothing in paragraph (1) may be construed to impair the continued effectiveness of a collective bargaining agreement with respect to an office, component, subcomponent, or equivalent of the Department that is a successor to an office, component, subcomponent, or equivalent of the Department covered by the agreement before the succession.

''(6) REQUIRED REGULATIONS.—The Secretary, in coordination with the Director of the Office of Personnel Management, shall prescribe regulations for the administration of this section.

''(c) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this section, and every year thereafter for 4 years, the Secretary shall submit to the appropriate committees of Congress a detailed report that—

''(1) discusses the process used by the Secretary in accepting applications, assessing candidates, ensuring adherence to veterans' preference, and selecting applicants for vacancies to be filled by an individual for a qualified position;

''(2) describes—

''(A) how the Secretary plans to fulfill the critical need of the Department to recruit and retain employees in qualified positions;

''(B) the measures that will be used to measure progress; and

''(C) any actions taken during the reporting period to fulfill such critical need;

''(3) discusses how the planning and actions taken under paragraph (2) are integrated into the strategic workforce planning of the Department;

''(4) provides metrics on actions occurring during the reporting period, including—

''(A) the number of employees in qualified positions hired by occupation and grade and level or pay band;

''(B) the placement of employees in qualified positions by directorate and office within the Department;

''(C) the total number of veterans hired;

''(D) the number of separations of employees in qualified positions by occupation and grade and level or pay band;

''(E) the number of retirements of employees in qualified positions by occupation and grade and level or pay band; and

''(F) the number and amounts of recruitment, relocation, and retention incentives paid to employees in qualified positions by occupation and grade and level or pay band; and

''(5) describes the training provided to supervisors of employees in qualified positions at the Department on the use of the new authorities.

''(d) THREE-YEAR PROBATIONARY PERIOD.—The probationary period for all employees hired under the authority established in this section shall be 3 years.

''(e) INCUMBENTS OF EXISTING COMPETITIVE SERVICE POSITIONS.—

''(1) IN GENERAL.—An individual serving in a position on the date of enactment of this section that is selected to be converted to a position in the excepted service under this section shall have the right to refuse such conversion.

''(2) SUBSEQUENT CONVERSION.—After the date on which an individual who refuses a conversion under paragraph (1) stops serving in the position selected to be converted, the position may be converted to a position in the excepted service.''.

(b) CONFORMING AMENDMENT.—Section 3132(a)(2) of title 5, United States Code, is amended in the matter following subparagraph (E)—

(1) in clause (i), by striking ''or'' at the end;

(2) in clause (ii), by inserting ''or'' after the semicolon; and

(3) by inserting after clause (ii) the following:

''(iii) any position established as a qualified position in the excepted service by the Secretary of Homeland Security under section 226 of the Homeland Security Act of 2002;''.

(c) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 225 the following:

''Sec. 226. Cybersecurity recruitment and retention.''.

SEC. 1092. HOMELAND SECURITY CYBERSECURITY WORKFORCE ASSESSMENT.

(a) DEFINITIONS.—In this section:

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

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Homeland Security of the House of Representatives; and

(C) the Committee on House Administration of the House of Representatives.

(2) CYBERSECURITY WORK CATEGORY; DATA ELEMENT CODE; SPECIALTY AREA.—The terms ''Cybersecurity Work Category'', ''Data Element Code'', and ''Specialty Area'' have the meanings given such terms in the Office of Personnel Management's Guide to Data Standards.

(3) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(4) DIRECTOR.—The term ''Director'' means the Director of the Office of Personnel Management.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(b) NATIONAL CYBERSECURITY WORKFORCE MEASUREMENT INITIATIVE.—

(1) IN GENERAL.—The Secretary shall—

(A) identify all cybersecurity workforce positions within the Department;

(B) determine the primary Cybersecurity Work Category and Specialty Area of such positions; and

(C) assign the corresponding Data Element Code, as set forth in the Office of Personnel Management's Guide to Data Standards which is aligned with the National Initiative for Cybersecurity Education's National Cybersecurity Workforce Framework report, in accordance with paragraph (2).

(2) EMPLOYMENT CODES.—

(A) PROCEDURES.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall establish procedures—

(i) to identify open positions that include cybersecurity functions (as defined in the OPM Guide to Data Standards); and

(ii) to assign the appropriate employment code to each such position, using agreed standards and definitions.

(B) CODE ASSIGNMENTS.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall assign the appropriate employment code to—

(i) each employee within the Department who carries out cybersecurity functions; and

(ii) each open position within the Department that have been identified as having cybersecurity functions.

(3) PROGRESS REPORT.—Not later than 1 year after the date of the enactment of this Act, the Director shall submit a progress report on the implementation of this subsection to the appropriate congressional committees.

(c) IDENTIFICATION OF CYBERSECURITY SPECIALTY AREAS OF CRITICAL NEED.—

(1) IN GENERAL.—Beginning not later than 1 year after the date on which the employment codes are assigned to employees pursuant to subsection (b)(2)(B), and annually through 2021, the Secretary, in consultation with the Director, shall—

(A) identify Cybersecurity Work Categories and Specialty Areas of critical need in the Department's cybersecurity workforce; and

(B) submit a report to the Director that—

(i) describes the Cybersecurity Work Categories and Specialty Areas identified under subparagraph (A); and

(ii) substantiates the critical need designations.

(2) GUIDANCE.—The Director shall provide the Secretary with timely guidance for identifying Cybersecurity Work Categories and Specialty Areas of critical need, including—

(A) current Cybersecurity Work Categories and Specialty Areas with acute skill shortages; and

(B) Cybersecurity Work Categories and Specialty Areas with emerging skill shortages.

(3) CYBERSECURITY CRITICAL NEEDS REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary, in consultation with the Director, shall—

(A) identify Specialty Areas of critical need for cybersecurity workforce across the Department; and

(B) submit a progress report on the implementation of this subsection to the appropriate congressional committees.

(d) GOVERNMENT ACCOUNTABILITY OFFICE STATUS REPORTS.—The Comptroller General of the United States shall—

(1) analyze and monitor the implementation of subsections (b) and (c); and

(2) not later than 3 years after the date of the enactment of this Act, submit a report to the appropriate congressional committees that describes the status of such implementation.

SEC. 1093. UNITED STATES CYBER COMMAND WORKFORCE.

(a) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1599e. Cyber operations recruitment and retention

''(a) GENERAL AUTHORITY.—(1) The Secretary of Defense may—

''(A) establish, as positions in the excepted service, such qualified positions in the Department as the Secretary determines necessary to carry out the responsibilities of the United States Cyber Command relating to cyber operations, including positions formerly identified as—

''(i) senior level positions designated under section 5376 of title 5; and

''(ii) positions in the Senior Executive Service;

''(B) appoint an individual to a qualified position (after taking into consideration the availability of preference eligibles for appointment to the position); and

''(C) subject to the requirements of subsections (b) and (c), fix the compensation of an individual for service in a qualified position.

''(2) The authority of the Secretary under this subsection applies without regard to the provisions of any other law relating to the appointment, number, classification, or compensation of employees.

''(b) BASIC PAY.—(1) In accordance with this section, the Secretary shall fix the rates of basic pay for any qualified position established under subsection (a)—

''(A) in relation to the rates of pay provided for employees in comparable positions in the Department, in which the incumbent performs, manages, or supervises functions that execute the cyber mission of the Department; and

''(B) subject to the same limitations on maximum rates of pay established for such employees by law or regulation.

''(2) The Secretary may—

''(A) consistent with section 5341 of title 5, adopt such provisions of that title as provide for prevailing rate systems of basic pay; and

''(B) apply those provisions to qualified positions for employees in or under which the Department may employ individuals described by section 5342(a)(2)(A) of such title.

''(c) ADDITIONAL COMPENSATION, INCENTIVES, AND ALLOWANCES.—(1) The Secretary may provide employees in qualified positions compensation (in addition to basic pay), including benefits, incentives, and allowances, consistent with, and not in excess of the level authorized for, comparable positions authorized by title 5.

''(2) An employee in a qualified position whose rate of basic pay is fixed under subsection (b)(1) shall be eligible for an allowance under section 5941 of title 5 on the same basis and to the same extent as if the employee was an employee covered by such section, including eligibility conditions, allowance rates, and all other terms and conditions in law or regulation.

''(d) PLAN FOR EXECUTION OF AUTHORITIES.—Not later than 120 days after the date of enactment of this section, the Secretary shall submit a report to the appropriate committees of Congress with a plan for the use of the authorities provided under this section.

''(e) COLLECTIVE BARGAINING AGREEMENTS.—Nothing in subsection (a) may be construed to impair the continued effectiveness of a collective bargaining agreement with respect to an office, component, subcomponent, or equivalent of the Department that is a successor to an office, component, subcomponent, or equivalent of the Department covered by the agreement before the succession.

''(f) REQUIRED REGULATIONS.—The Secretary, in coordination with the Director of the Office of Personnel Management, shall prescribe regulations for the administration of this section.

''(g) ANNUAL REPORT.—(1) Not later than one year after the date of the enactment of this section and not less frequently than once each year thereafter until the date that is five years after the date of the enactment of this section, the Secretary shall submit to the appropriate committees of Congress a detailed report on the administration of this section during the most recent one-year period.

''(2) Each report submitted under paragraph (1) shall include, for the period covered by the report, the following:

''(A) A discussion of the process used by the Secretary in accepting applications, assessing candidates, ensuring adherence to veterans' preference, and selecting applicants for vacancies to be filled by an individual for a qualified position.

''(B) A description of the following:

''(i) How the Secretary plans to fulfill the critical need of the Department to recruit and retain employees in qualified positions.

''(ii) The measures that will be used to measure progress.

''(iii) Any actions taken during the reporting period to fulfill such critical need.

''(C) A discussion of how the planning and actions taken under subparagraph (B) are integrated into the strategic workforce planning of the Department.

''(D) The metrics on actions occurring during the reporting period, including the following:

''(i) The number of employees in qualified positions hired, disaggregated by occupation, grade, and level or pay band.

''(ii) The placement of employees in qualified positions, disaggregated by directorate and office within the Department.

''(iii) The total number of veterans hired.

''(iv) The number of separations of employees in qualified positions, disaggregated by occupation and grade and level or pay band.

''(v) The number of retirements of employees in qualified positions, disaggregated by occupation, grade, and level or pay band.

''(vi) The number and amounts of recruitment, relocation, and retention incentives paid to employees in qualified positions, disaggregated by occupation, grade, and level or pay band.

''(E) A description of the training provided to supervisors of employees in qualified positions at the Department on the use of the new authorities.

''(h) THREE-YEAR PROBATIONARY PERIOD.—The probationary period for all employees hired under the authority established in this section shall be three years.

''(i) INCUMBENTS OF EXISTING COMPETITIVE SERVICE POSITIONS.—(1) An individual serving in a position on the date of enactment of this section that is selected to be converted to a position in the excepted service under this section shall have the right to refuse such conversion.

''(2) After the date on which an individual who refuses a conversion under paragraph (1) stops serving in the position selected to be converted, the position may be converted to a position in the excepted service.

''(j) DEFINITIONS.—In this section:

''(1) The term 'appropriate committees of Congress' means—

''(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

''(B) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

''(2) The term 'collective bargaining agreement' has the meaning given that term in section 7103(a)(8) of title 5.

''(3) The term 'excepted service' has the meaning given that term in section 2103 of title 5.

''(4) The term 'preference eligible' has the meaning given that term in section 2108 of title 5.

''(5) The term 'qualified position' means a position, designated by the Secretary for the purpose of this section, in which the incumbent performs, manages, or supervises functions that execute the responsibilities of the United States Cyber Command relating to cyber operations.

''(6) The term 'Senior Executive Service' has the meaning given that term in section 2101a of title 5.''.

(b) CONFORMING AMENDMENT.—Section 3132(a)(2) of title 5, United States Code, is amended in the matter following subparagraph (E)—

(1) in clause (i), by striking ''or'' at the end;

(2) in clause (ii), by inserting ''or'' after the semicolon; and

(3) by inserting after clause (ii) the following new clause:

''(iii) any position established as a qualified position in the excepted service by the Secretary of Defense under section 1599e of title 10;''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of title 10, United States Code, is amended by inserting after the item relating to section 1599d the following new item:

''Sec. 1599e. United States Cyber Command recruitment and retention.''.

SA 3778. Mr. MENENDEZ 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. CONGRESSIONAL OVERSIGHT OF CIVILIAN NUCLEAR COOPERATION AGREEMENTS.

(a) THIRTY-YEAR LIMIT ON NUCLEAR EXPORTS.—

(1) IN GENERAL.—Notwithstanding section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) and except as provided in paragraph (2) and subsection (b), no license to export pursuant to an agreement that has entered into force pursuant to the requirements of such section 123 may be issued after the date that is 30 years after the date of entry into force of such agreement.

(2) EXCEPTIONS.—The restriction in paragraph (1) shall not apply to—

(A) any agreement with a country that is a member country of the North Atlantic Treaty Organization, or Australia, Israel, Japan, the Republic of Korea, New Zealand, the Taipei Economic and Cultural Representative Office in the United States (TECRO), or the International Atomic Energy Agency;

(B) any agreement that had entered into force as of August 1, 2014; or

(C) any amendment to an agreement described in subparagraph (A) or (B).

(b) EXTENSION OF EXISTING AGREEMENTS.—Congress may, in the final five years of the 30-year time limit applicable to the issuance of export licenses pursuant to an agreement under subsection (a)(1), enact a joint resolution permitting the issuance of such licenses for an additional period of not more than 30 years without the President submitting a new agreement pursuant to the requirements of section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153).

(c) APPLICABLE LAW.—Each proposed export pursuant to an agreement described under this section shall be subject to United States laws and regulations in effect at the time of each such export.

SA 3779. Mr. PRYOR (for Mr. MURPHY) proposed an amendment to the resolution S. Res. 520, condemning the downing of Malaysia Airlines Flight 17 and expressing condolences to the families of the victims; as follows:

In the fourth whereas clause of the preamble, insert ''more than'' before ''10 additional aircraft''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 31, 2014, at 10 a.m. to conduct a hearing entitled ''Financial Products for Students: Issues and Challenges.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CARDIN. 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 31, 2014, at 10:30 a.m. in room SR–253 of the Russell Senate Office Building a hearing entitled ''Domestic Challenges and Global Competition in Aviation Manufacture.''

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

COMMITTEE ON FINANCE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on July 31, 2014, at 10 a.m. in room SD–215 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 31, 2014, at 2:15 p.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 31, 2014, at 3 p.m.

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

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND CONSUMER PROTECTION

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Financial Institutions and Consumer Protection be authorized to meet during the session of the Senate on July 31, 2014, at 2 p.m. to conduct a hearing entitled ''Examining the GAO Report on Expectations of Government Support for Bank Holding Companies.''

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

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

RAFAEL J. LOPEZ, OF MARYLAND, TO BE COMMISSIONER ON CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE BRYAN HAYES SAMUELS, RESIGNED.

OVERSEAS PRIVATE INVESTMENT CORPORATION

CARMEN AMALIA CORRALES, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2015, VICE MATTHEW MAXWELL TAYLOR KENNEDY, TERM EXPIRED.

DEPARTMENT OF COMMERCE

MANSON K. BROWN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE KATHRYN D. SULLIVAN, RESIGNED.

THE JUDICIARY

ALLISON DALE BURROUGHS, OF MASSACHUSETTS, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MASSACHUSETTS, VICE RYA W. ZOBEL, RETIRED.

AMIT PRIYAVADAN MEHTA, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA, VICE ELLEN SEGAL HUVELLE, RETIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. STEVEN L. KWAST

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. TERRENCE J. O'SHAUGHNESSY

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. SCOTT G. PERRY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JOSEPH J. HECK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. MARK S. INCH

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. PHILIP S. DAVIDSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. DIXON R. SMITH

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

LISA L. ADAMS