

is amended by inserting after the item relating to chapter 36 the following:

“CHAPTER 37—TAX ON PAYMENTS PURSUANT TO CERTAIN GOVERNMENT CONTRACTS”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to contracts entered into after the date of the enactment of this Act.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SEC. 602. EFFECTIVE DATE.

Except as otherwise provided for in this Act, this Act and the amendments made by this Act shall take effect on January 1, 2017.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 355—CALLING ON THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF AFGHANISTAN TO CEASE THE EXTRA-JUDICIAL RELEASE OF AFGHAN DETAINEES, CARRY OUT ITS COMMITMENTS PURSUANT TO THE MEMORANDUM OF UNDERSTANDING GOVERNING THE TRANSFER OF AFGHAN DETAINEES FROM THE UNITED STATES CUSTODY TO AFGHAN CONTROL AND TO UPHOLD THE AFGHAN RULE OF LAW WITH RESPECT TO THE REFERRAL AND DISPOSITION OF DETAINEES

Mr. GRAHAM (for himself, Mr. DONNELLY, Mr. CHAMBLISS, Mr. BLUNT, Ms. AYOTTE, Mr. MCCAIN, Mr. BLUMENTHAL, Mr. INHOFE, and Mr. LEVIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 355

Whereas, on March 9, 2012, Afghan General Abdul Rahim Wardak and United States Marine General John Allen signed a Memorandum of Understanding in which the United States reaffirmed its commitment to transfer Afghan nationals detained by the United States Armed Forces at the Detention Facility in Parwan (DFIP) to Afghanistan, provided that the Government of Afghanistan establish an administrative detention regime under its domestic law and comply with its international obligations with respect to due process;

Whereas, on March 25, 2013, a Memorandum of Understanding between the United States and Afghanistan called for the creation of an Afghan Review Board (ARB) to convene under Afghan law to determine the disposition of all Afghan detainees;

Whereas, in the event of a dispute over the disposition of detainees, the March 2013 Memorandum of Understanding also commits the Government of Afghanistan to exchange views and information between the Minister of Defense and the Commander of United States Forces, Afghanistan before any detainee is released;

Whereas the Government of Afghanistan has announced the imminent release of 65 dangerous individuals from the DFIP with-

out referral to the Afghan justice system, despite evidence showing these detainees have engaged in violent crimes against the Afghan people and under protest from United States Forces, Afghanistan;

Whereas detainees from this group of 65 are directly linked to attacks wounding or killing 32 United States or Coalition Forces and attacks wounding or killing 23 Afghan National Security Forces or Afghan civilians;

Whereas the United States Government has declassified and provided hundreds of pages of evidence and investigative leads to the ARB;

Whereas the Justice Center in Parwan has successfully adjudicated more than 3,000 criminal cases of individuals who committed acts of terror against Coalition Forces, Afghan National Security Forces, and the people of Afghanistan;

Whereas there is a legitimate force protection concern for the lives of Coalition Forces and Afghan National Security Forces if any disputed individual is released, since the primary weapon of choice is the improvised explosive device, which also poses a significant threat to Afghan civilians;

Whereas there is evidence that some detainees already released by the ARB have rejoined the fight against Coalition Forces;

Whereas, despite evidence to the contrary, President of Afghanistan Hamid Karzai stated the prisoners set to be released are innocent and must be released;

Whereas releasing the dangerous detainees deprives the people of Afghanistan of their day in court and undermines the rule of law in the country;

Whereas the release of detainees under these conditions is not authorized, and the ARB is performing an extra-judicial function, contrary to the rule of law in Afghanistan; and

Whereas this extrajudicial action harms the prospective Bilateral Security Agreement between the United States and Afghanistan for post-2014 United States military presence in the country: Now, therefore, be it

Resolved, That the Senate—

(1) insists President of Afghanistan Hamid Karzai honor the terms included in the Memorandum of Understanding, dated March 25, 2013;

(2) insists that if the Afghan Review Board (ARB) will not follow the conditions set forth in the Memorandum of Understanding, that the ARB shall be dismantled and the National Directorate for Security (NDS) and Afghan prosecutors shall determine how to handle the remaining detainees;

(3) urges close and continuing communication between the Minister of Defense and the Commander of United States Forces, Afghanistan prior to the release of any detainee;

(4) urges the Government of Afghanistan to cease the extra-judicial release of detainees and instead refer the dangerous individuals and the remainder of the ARB cases for prosecution at the Justice Center in Parwan or for investigation by the NDS; and

(5) calls on the Secretary of State to consider the Government of Afghanistan's adherence to existing detainee memoranda of understanding in implementing the certification requirements for assistance for Afghanistan under section 7044(3) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113-76).

SENATE RESOLUTION 356—DESIGNATING FEBRUARY 13, 2014, AS “\$2.13 DAY”

Mr. BROWN (for himself, Mr. HARKIN, Mr. MARKEY, Ms. WARREN, Mrs. MUR-

RAY, Mr. MERKLEY, Mr. CASEY, Mr. WHITEHOUSE, Mrs. GILLIBRAND, Mr. SANDERS, Mr. BLUMENTHAL, Ms. HIRONO, Ms. BALDWIN, Mr. LEVIN, Mr. DURBIN, Mrs. BOXER, Mr. HEINRICH, and Mr. FRANKEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 356

Whereas \$2.13 per hour is the Federal minimum wage that an employer is required to pay a tipped employee (as defined in section 3(t) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(t))) as a cash wage under section 3(m) of such Act (29 U.S.C. 203(m)) (referred to in this preamble as the “Federal minimum wage for tipped employees”);

Whereas when the Federal minimum wage for a tipped employee was established in 1966, such wage was linked to the Federal minimum wage for a covered nonexempt employee under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1));

Whereas while the Federal minimum wage for a covered nonexempt employee increased in 2009, the Federal minimum wage for a tipped employee has not changed in more than 20 years;

Whereas in the 1980s, the Federal minimum wage for a tipped employee reached 60 percent of the Federal minimum wage for a covered nonexempt employee, and in 2014, the Federal minimum wage for a tipped employee is only 29 percent of the \$7.25 per hour Federal minimum wage for a covered nonexempt employee;

Whereas tipped employees work in many occupations, including working as restaurant servers, airport attendants, hotel workers, valets, and salon workers;

Whereas \$2.13 per hour is such a low wage that tipped employees are dependent on the discretionary contributions of consumers for the majority of their income;

Whereas 7 States have 1 minimum wage for both tipped employees and covered nonexempt employees, and the restaurant industry has continued to thrive in such States;

Whereas in States with a minimum wage for a tipped employee that is higher than \$2.13 per hour, the poverty rate for tipped employees is lower than the poverty rate for tipped employees in States without such a higher minimum wage for tipped employees;

Whereas restaurant servers have a poverty rate that is 3 times that of the general workforce and are nearly 2 times more likely to depend on the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) than the general workforce;

Whereas States with a minimum wage for a tipped employee of \$2.13 per hour have a poverty rate for employees of color that is nearly double that of States with the highest minimum wage for a tipped employee;

Whereas women account for 66 percent of all tipped employees and 71 percent of restaurant servers;

Whereas 1/3 of tipped employees are parents who work hard to support their families;

Whereas the Bureau of Labor Statistics projected that from 2008 to 2018, the food preparation and serving sector, as defined by the Bureau, would add more than 1,000,000 jobs;

Whereas such food preparation and serving sector has the lowest median wages of the top 20 growth sectors; and

Whereas raising the Federal minimum wage for a tipped employee would provide hardworking people in the United States with more just wages, lift families in the United States out of poverty, and provide economic security to tipped employees in the United States: Now, therefore, be it

Resolved, That—

(1) the Senate designates Thursday, February 13, 2014, as “\$2.13 Day”; and

(2) it is the sense of the Senate that the cash wage that an employer is required to pay a tipped employee (as defined in section 3(t) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(t))) under section 3(m) of such Act (29 U.S.C. 203(m)) should be increased to 70 percent of the Federal minimum wage for a covered nonexempt employee under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)).

SENATE RESOLUTION 357—EX-PRESSING CONCERN OF UNDEMOCRATIC GOVERNANCE AND THE ABUSE OF THE RIGHTS OF INDIVIDUALS IN UKRAINE

Mr. MENENDEZ (for himself and Mr. RUSCH) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 357

Whereas the political crisis that has engulfed Ukraine reflects the people's desire for a democratic state which rejects corruption and abides by the rule of law;

Whereas Ukraine is a participating State of the Organization for Security and Co-operation in Europe (OSCE) and has made commitments to respect the human rights of its citizens;

Whereas, in 2009, Ukraine joined the European Union's Eastern Partnership initiative, pledging to uphold the shared values of democracy, the rule of law, and respect for human rights;

Whereas the Government of Ukraine committed to judicial and electoral reforms to align with those of the European Union in preparation for the signing of an Association Agreement with the European Union;

Whereas, on Thursday, November 21, 2013, Ukraine President Viktor Yanukovich announced that Ukraine would not sign an Association Agreement with the European Union, causing thousands of Ukrainians to assemble in Kiev's Maidan Square in peaceful protest;

Whereas, on November 30 and December 11, 2013, Ukrainian paramilitary police used excessive force against peaceful demonstrators in Kiev's Maidan Square;

Whereas, on January 16, 2014, the parliament of Ukraine passed anti-protest legislation restricting the right to peaceful assembly and the exercise of free speech, constraining independent media, and inhibiting the operation of nongovernmental organizations;

Whereas it is unclear whether these measures were passed legally, or have subsequently been entirely repealed;

Whereas, on January 20, 2014, Freedom House stated it is “deeply concerned by Ukrainian authorities’ targeted violence against journalists during public protests in Kiev – demonstrations spurred by President Viktor Yanukovich’s signing into law measures that tightly limit public protests, among other rollbacks on freedom”;

Whereas, on January 22, 2014, the actions of authorities in Ukraine resulted in the death of two protestors, including one who was “brutally beaten by two riot police officers,” according to Amnesty International;

Whereas, on January 30, 2014, Freedom House stated that “at least five Euromaidan activists are still reported missing, some since November 30, 2013 when anti-government demonstrations intensified”;

Whereas there are substantiated reports of kidnappings, including the abduction and torture of opposition activist Dmitrii

Bulatov, and evidence of police brutality carried out against protesters and other activists, and the Ukrainian nongovernmental organization EuroMaidan SOS claims that as many as 27 people may be missing;

Whereas, on January 31, 2014, Human Rights Watch found that “Ukrainian police assaulted and injured dozens of journalists and medical workers while trying to disperse street fighters and protesters in Kiev” and called upon the international community to “press Ukraine to investigate serious human rights violations and prosecute those responsible in accordance with international due process standards”;

Whereas, on January 31, 2014, Freedom House reported that “more than 40 journalists have been injured covering the demonstrations” and that “[m]any of the reporters were attacked while wearing visible identification of their status as journalists”;

Whereas the Government of Ukraine has continued to intimidate and use violence against journalists and others expressing political opinions critical of the current government; and

Whereas, on January 7, 2014, the United States Senate passed a resolution expressing support for the people of Ukraine in light of public resistance to President Yanukovich's decision not to sign an Association Agreement with the European Union: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President should increase democracy and human rights programming in Ukraine to the extent possible;

(2) the United States Government should immediately review security assistance funding for any organization in Ukraine involved in repressive efforts that violate the civil or human rights of the people of Ukraine;

(3) the United States Mission to the Organization for Security and Cooperation in Europe (OSCE) should utilize the resources and mechanisms of the OSCE to monitor and address human rights concerns, including the Office for Democratic Institutions and Human Rights (ODIHR) and Representative on Freedom of Media (RFM);

(4) the United States Representative to the United Nations Human Rights Council should address Ukraine appropriately to bodies such as the United Nations Human Rights Council;

(5) the Department of State should immediately consider the imposition of targeted sanctions, including visa bans and asset freezes, against the perpetrators of state-sanctioned violence in Ukraine against peaceful protesters, journalists, and other members of civil society;

(6) the United States Government should urge authorities in Ukraine to locate missing persons and release all political prisoners, including former Prime Minister Yulia Tymoshenko, and hold perpetrators of extra-legal measures accountable;

(7) the United States Government should work closely with the European Union to strengthen and support its efforts in Ukraine; and

(8) the United States Government endorses the statement of the European Union's Council on Foreign Affairs of February 10, 2014, which stated, “A new and inclusive government, constitutional reform bringing back more balance of powers, and preparations for free and fair presidential elections would contribute to bringing Ukraine back on a sustainable path of reforms.”

SENATE RESOLUTION 358—COM-MENDING THE SEATTLE SEAHAWKS FOR WINNING SUPER BOWL XLVIII AND THE 12TH MAN FOR THEIR CRITICAL SUPPORT

Ms. CANTWELL (for herself and Mrs. MURRAY) submitted the following resolution; which was considered and agreed to:

S. RES. 358

Whereas on February 2, 2014, the Seattle Seahawks won Super Bowl XLVIII with a commanding 43-8 victory over the Denver Broncos;

Whereas Super Bowl XLVIII is the first Super Bowl Championship won by the Seahawks franchise;

Whereas Seahawks coach Pete Carroll is only the third coach in the history of football to win both a Super Bowl in the National Football League (NFL) and a National Championship in college football;

Whereas Seahawks quarterback Russell Wilson is the third-youngest starting quarterback to win the Super Bowl;

Whereas the Seahawks had a 13-3 record for the 2013 regular season, giving the Seahawks the best regular season record in the National Football Conference and tying them with the Broncos for the best regular season record in the NFL;

Whereas in December 1984, the Seahawks retired the number 12 in honor of their fan base, who are among the loudest, proudest, and most impactful group of fans in sports, which is known as “the 12th Man”;

Whereas the 12th Man is critical to the home field advantage of the Seahawks at CenturyLink Field, holds a world record for crowd noise at 137.6 decibels, and has twice triggered measurable earthquakes on the Richter Scale;

Whereas the Seahawks have the top-ranked defense in the NFL, led by an unstoppable defensive line and cornerback Richard Sherman and the “Legion of Boom” secondary;

Whereas Seattle linebacker Malcolm Smith was named Most Valuable Player (MVP) of Super Bowl XLVIII after making several key plays, including a 69-yard interception return for a touchdown in the second quarter;

Whereas Smith is the first defensive player to be named Super Bowl MVP since Super Bowl XXXVII;

Whereas the Seahawks defense contributed to a Broncos safety that was the fastest score in Super Bowl history and helped the Seahawks hold the lead throughout the game despite the Broncos having the highest-scoring offense in NFL history;

Whereas Super Bowl XLVIII was the most-watched television show in United States history, with an average audience of 111,500,000 people tuning in;

Whereas Seahawks owner Paul G. Allen and team coaches, staff, players, and all of their families and supporters should be commended for their dedication to supporting communities throughout the State of Washington with generous charity and advocacy work on behalf of those less fortunate; and

Whereas on February 5, 2014, 700,000 fans packed the streets of Seattle to celebrate the Seahawks victory: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates—

(A) the Seattle Seahawks for their victory in Super Bowl XLVIII, the first National Football League championship brought home to the Pacific Northwest;

(B) Seahawks owner Paul G. Allen and the Seahawks coaching, management, and support staff;