

that the employee did not use prior to December 31 of the preceding calendar year at a rate prescribed by paragraph (7)(A)(i).

“(B) ALTERNATIVE COMPENSATION PERIOD.—An employer may designate and communicate to the employees of the employer a 12-month period other than the calendar year for determining unused flexible credit hours, and the employer shall provide monetary compensation, at a rate prescribed by paragraph (7)(A)(i), not later than 31 days after the end of the 12-month period.

“(6) PROGRAM DISCONTINUANCE AND WITHDRAWAL.—

“(A) EMPLOYER.—An employer that has established a flexible credit hour program under paragraph (2) may discontinue a flexible credit hour program for employees described in paragraph (3)(A)(ii) after providing notice to such employees 30 days before discontinuing such program.

“(B) EMPLOYEE.—

“(i) IN GENERAL.—An employee may withdraw an agreement described in paragraph (3)(A)(ii) at any time by submitting written notice of withdrawal to the employer of the employee 30 days prior to the withdrawal.

“(ii) REQUEST FOR MONETARY COMPENSATION.—An employee may request in writing, at any time, that the employer of such employee provide monetary compensation for all accrued and unused flexible credit hours. Within 30 days after receiving such written request, the employer shall provide the employee monetary compensation for such unused flexible credit hours at a rate prescribed by paragraph (7)(A)(i).

“(7) MONETARY COMPENSATION.—

“(A) FLEXIBLE CREDIT HOURS.—

“(i) RATE OF COMPENSATION.—An employer providing monetary compensation to an employee for accrued flexible credit hours shall compensate such employee at a rate not less than the regular rate, as defined in subsection (e), of the employee on the date the employee receives the monetary compensation.

“(ii) TREATMENT AS UNPAID OVERTIME.—Any monetary payment owed to an employee for unused flexible credit hours under this subsection, as calculated in accordance with clause (i), shall be considered unpaid overtime compensation for the purposes of this Act.

“(B) OVERTIME HOURS.—

“(i) IN GENERAL.—Any hour that an employee works in excess of 40 hours in a workweek that is requested in advance by the employer, other than a flexible credit hour, shall be an ‘overtime hour’.

“(ii) RATE OF COMPENSATION.—The employee shall be compensated for each overtime hour at a rate not less than one and one-half times the regular rate at which the employee is employed, in accordance with subsection (a)(1), or receive compensatory time off in accordance with subsection (s), for each such overtime hour.

“(8) USE OF FLEXIBLE CREDIT HOURS.—An employer shall permit an employee to use accrued flexible credit hours to take time off work, in accordance with the rate prescribed by paragraph (2), within a reasonable time after the employee makes a request for such use if the use does not unduly disrupt the operations of the employer.

“(9) PROHIBITION OF COERCION.—

“(A) IN GENERAL.—An employer shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any employee for the purpose of interfering with the rights of the employee under this subsection—

“(i) to elect or not to elect to participate in a flexible credit hour program, or to elect or not to elect to work flexible credit hours; or

“(ii) to use or refrain from using accrued flexible credit hours in accordance with paragraph (8).

“(B) DEFINITION.—In subparagraph (A), the term ‘intimidate, threaten, or coerce’ has the meaning given the term in subsection (s)(9).”.

SEC. 4. REMEDIES.

Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended—

(1) in subsection (b), by striking “(b) Any employer” and inserting “(b) Except as provided in subsection (f), any employer”; and

(2) by adding at the end the following:

“(f) An employer that violates subsection (s)(9) or (t)(9) of section 7 shall be liable to the affected employee in the amount of—

“(1) the rate of compensation, determined in accordance with subsection (s)(7)(A) or (t)(7)(A)(i) of section 7, for each hour of unused compensatory time or for each unused flexible credit hour accrued by the employee; and

“(2) liquidated damages equal to the amount determined in paragraph (1).”.

SEC. 5. NOTICE TO EMPLOYEES.

Not later than 30 days after the date of enactment of this Act, the Secretary of Labor shall revise the materials the Secretary provides, under regulations contained in section 516.4 of title 29, Code of Federal Regulations, to employers for purposes of a notice explaining the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) to employees so that the notice reflects the amendments made to such Act by this Act.

SEC. 6. PROTECTIONS FOR CLAIMS RELATING TO COMPENSATORY TIME OFF AND FLEXIBLE CREDIT HOURS IN BANKRUPTCY PROCEEDING.

Section 507(a)(4)(A) of title 11, United States Code, is amended—

(1) by striking “and”; and

(2) by inserting “, the value of unused, accrued compensatory time off under section 7(s) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(s)), all of which shall be deemed to have been earned within 180 days before the date of the filing of the petition or the date of the cessation of the debtor’s business, whichever occurs first, at a rate of compensation not less than the final regular rate received by such individual, and the value of unused, accrued flexible credit hours under section 7(t) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(t)), all of which shall be deemed to have been earned within 180 days before the date of the filing of the petition or the date of the cessation of the debtor’s business, whichever occurs first, at a rate of compensation described in paragraph (7)(A)(i) of such section 7(t)” after “sick leave pay”.

SEC. 7. GAO REPORT.

Beginning 2 years after the date of enactment of this Act and each of the 3 years thereafter, the Comptroller General of the United States shall submit a report to Congress providing, with respect to the reporting period immediately prior to each such report—

(1) data concerning the extent to which employers provide compensatory time and flexible credit hours under subsections (s) and (t) of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207), as added by this Act, and the extent to which employees opt to receive compensatory time under subsection (s) and flexible credit hours under subsection (t);

(2) the number of complaints alleging a violation of subsection (s)(9) or (t)(9) of such section filed by any employee with the Secretary of Labor, and the disposition or status of such complaints;

(3) the number of enforcement actions commenced by the Secretary or commenced

by the Secretary on behalf of any employee for alleged violations of subsection (s)(9) or (t)(9) of such section, and the disposition or status of such actions; and

(4) an account of any unpaid wages, damages, penalties, injunctive relief, or other remedies obtained or sought by the Secretary in connection with such actions described in paragraph (3).

SEC. 8. SUNSET.

This Act and the amendments made by this Act shall expire on the date that is 5 years after the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 277—RECOGNIZING THE RELIGIOUS AND HISTORICAL SIGNIFICANCE OF THE FESTIVAL OF DIWALI

Mr. WARNER (for himself, Mr. CORNYN, Mr. MENENDEZ, and Mr. COONS) submitted the following resolution; which was referred to the Committee on the Judiciary:.

S. RES. 277

Whereas Diwali is a festival of great significance and celebrated annually by Hindus, Sikhs, and Jains throughout India, the United States, and the world;

Whereas Diwali is a festival of lights that marks the beginning of the Hindu new year, during which celebrants light and place small lamps around the home and pray for health, knowledge, peace, wealth, and prosperity in the new year;

Whereas Diwali will be celebrated throughout the world for five days and is an opportunity to celebrate the faith of all people and the universal right to religious expression and spiritual freedom;

Whereas the lights symbolize the light of knowledge within the individual that overwhelms the darkness of ignorance, empowering each celebrant to do good deeds and show compassion to others;

Whereas Diwali falls on the last day of the last month in the lunar calendar and is celebrated as a day of thanksgiving for the homecoming of the Lord Rama and worship of Lord Ganesha, the remover of obstacles and bestower of blessings, at the beginning of the new year for many Hindus;

Whereas, for Sikhs, Diwali is celebrated as Bandhi Chhor Diwas (The Celebration of Freedom), in honor of the release from imprisonment of the sixth guru, Guru Hargobind; and

Whereas, for Jains, Diwali marks the anniversary of the attainment of moksha, or liberation, by Mahavira, the last of the Tirthankaras (the great teachers of Jain dharma), at the end of his life in 527 B.C.: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the religious and historical significance of the festival of Diwali, the festival of lights, and expresses its respect for the people of India, Indian Americans, and members of the Indian diaspora around the world on this significant occasion; and

(2) supports a strong relationship between the people and governments of the United States and India, based on mutual trust and respect that will enable the countries to more closely collaborate across a broad spectrum of interests, such as global peace and prosperity.

SENATE RESOLUTION 278—DESIGNATING OCTOBER 2013 AS “SCHOOL BUS SAFETY MONTH”

Mr. THUNE (for himself and Mr. ROCKEFELLER) submitted the following resolution; which was considered and agreed to.:

S. RES. 278

Whereas approximately 450,000 public and private school buses carry 26,000,000 children to and from school every weekday in the United States;

Whereas America’s 450,000 public and private school buses comprise the largest mass transportation fleet in the Nation;

Whereas during the school year, school buses make more than 55,000,000 passenger trips daily and students ride these school buses 10,000,000,000 times per year as the Nation’s fleet travels over 4,000,000,000 miles per school year;

Whereas school buses are designed to be safer than passenger vehicles and are 13 times safer than other modes of school transportation, and 44 times safer than vehicles driven by teenagers;

Whereas in an average year, about 25 school children are killed in school bus accidents, with one-third of these children struck by their own school buses in loading/unloading zones, one-third struck by motorists who fail to stop for school buses, and one-third killed as they approach or depart a school bus stop;

Whereas The Child Safety Network, celebrating 25 years of national public service, has collaborated with the school bus industry to create public service announcements to reduce distracted driving near school buses, increase ridership, and provide free resources to school districts in order to increase driver safety training, provide free technology for tracking school buses, and educate students; and

Whereas the adoption of School Bus Safety Month will allow broadcast and digital media and social networking industries to make commitments to disseminate public service announcements designed to save children’s lives by making motorists aware of school bus safety issues: Now, therefore, be it

Resolved, That the Senate designates October 2013 as “School Bus Safety Month”.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2007. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 3204, to amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes; which was ordered to lie on the table.

SA 2008. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 3204, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2007. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 3204, to amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—USE OF ANTIMICROBIAL DRUGS IN FOOD ANIMALS

SEC. 301. SHORT TITLE.

This title may be cited as the “Delivering Antimicrobial Transparency in Animals Act of 2013”.

SEC. 302. PURPOSE.

The purpose of this title is to provide the Food and Drug Administration and the public with better information on the use of antimicrobial drugs in animals used for food to—

(1) enable public health officials and scientists to better understand and interpret trends and variations in rates of microbial resistance to such antimicrobial drugs;

(2) improve the understanding of the relationship between antimicrobial drug use in animals used for food and antimicrobial drug resistance in microbes in and on animals and humans; and

(3) identify interventions to prevent and control such antimicrobial drug resistance.

SEC. 303. RESEARCH PROGRAMS TO STUDY ANTIMICROBIAL RESISTANCE.

(a) DEFINITIONS.—In this title—

(1) the term “Commissioner” means the Commissioner of Food and Drugs; and

(2) the term “Secretary” means the Secretary of Health and Human Services.

(b) ESTABLISHMENT OF PROGRAMS.—The Secretary, acting through the Commissioner, shall develop a research program or programs to study the relationship between the sales, distribution, end-use practices of animal drugs containing an antimicrobial active ingredient in food-producing animals and antimicrobial resistance trends.

(c) PURPOSE OF PROGRAMS.—Any research program developed under subsection (b) shall be developed in order to better determine—

(1) the relationships between sales data, distribution data, and end-usage data of animal drugs containing an antimicrobial active ingredient in food-producing animals to inform policies of Food and Drug Administration regarding data collection and regulation of antimicrobial products in agriculture, including consideration of the potential value of data from veterinary feed directives; and

(2) the relationships between antimicrobial resistance and use of animal drugs containing an antimicrobial active ingredient in food-producing animals and trends in antimicrobial resistance, including by using the data collected through the National Antimicrobial Resistance Monitoring Program or other studies regarding resistance levels in bacteria associated with food-producing animals.

(d) CONSULTATION.—Any research program developed under subsection (b) shall be developed in consultation with the Under Secretary for Food Safety, the Under Secretary for Marketing and Regulatory Programs, and the Under Secretary for Research, Education, and Economics at the Department of Agriculture. To the extent practicable, such Under Secretaries shall provide assistance in developing and conducting such research programs.

(e) IMPLEMENTATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall implement the research program or programs developed under subsection (b). The Secretary shall analyze data from such program or programs to determine the contribution of such data to studying antimicrobial resistance, protecting public health, and establishing the coordinated data collection strategy as described in section 305.

(f) PUBLICATION.—The Secretary shall publish the results of any research program developed under this section as soon as practicable.

SEC. 304. ENHANCED REPORTING AND PUBLICATION OF SALES DATA.

(a) IN GENERAL.—Section 512(1)(3)(E) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(1)(3)(E)) is amended—

(1) by redesignating clauses (i) and (ii) as subclauses (I) and (II);

(2) by striking “The Secretary shall make summaries of the information reported under this paragraph publicly available, except that—” and inserting “(i) Not later than a date established by the Secretary for 2014, and on such date in each year thereafter, the Secretary shall make publicly available a summary of the information (including dosage form information, if practicable) reported under this paragraph for the previous year, except that—”; and

(3) by inserting after subclause (II), as redesignated by paragraph (1), the following:

“(ii) In making the summaries available under this subparagraph, the following shall apply:

“(I) The Secretary shall segregate the categories of amounts reported into the following 2 subcategories, after consultation with the applicable classifications of the World Health Organization:

“(aa) The volume of drugs of importance to human medicine.

“(bb) The volume of drugs not of importance to human medicine.

“(II) As practicable, the Secretary shall segregate amounts reported into the following 2 amounts:

“(aa) The volume of drugs labeled or eligible for use in food-producing animals.

“(bb) The volume of drugs that are not labeled or are ineligible for use in food-producing animals.

“(III) In any cross-tabulation of the amounts reported with any reporting category, the Secretary shall include the categories ‘Not Independently Reported’ and ‘Not Independently Reported Export’.”

(b) REISSUANCE.—Not later than 3 years after the date of enactment of this Act, the Secretary shall reissue the summary reports issued before 2012 under section 512(1)(3)(E) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(1)(3)(E)) using the format designed for the 2012 summary report. The Secretary shall publish the reissued reports in one combined publication.

SEC. 305. IMPLEMENTATION AND PUBLICATION OF ANTIMICROBIAL RESISTANCE DATA COLLECTION STRATEGY.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary, acting through the Commissioner, shall implement an Antimicrobial Data Collection Strategy, based on information received in the comments to the Advanced Notice of Proposed Rulemaking entitled “Antimicrobial Animal Drug Distribution Reporting” (77 Fed. Reg. 44177 (July 27, 2012)) and any research program developed under section 303.

(b) REEVALUATION.—Not less than every 5 years after the implementation of the Antimicrobial Data Collection Strategy under subsection (a), the Secretary shall reevaluate such Strategy and propose modifications as such Secretary determines appropriate, based on scientific data.

(c) AVAILABILITY.—The Secretary shall—

(1) submit to Congress the Strategy implemented under subsection (a), and any modification made to such Strategy pursuant to subsection (b); and

(2) make such Strategy and any such modification available to the public.

SEC. 306. ACTION BY GOVERNMENT ACCOUNTABILITY OFFICE.

(a) PUBLICATION OF FINAL GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish