United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, FIRST SESSION

Vol. 159 WASHINGTON, THURSDAY, OCTOBER 31, 2013 No. 154

House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, November 12, 2013, at 2 p.m.

Senate

THURSDAY, OCTOBER 31, 2013

The Senate met at 10 a.m. and was called to order by the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord, thank You for the total access You have given us to approach Your throne in prayer.

Today, equip our Senators to do Your will, helping them to grasp the wonder of Your purposes. Lord, give them the ability, power, and resources to complete Your mission on Earth, thereby achieving the destiny You have for their lives. Help them to seek not what they can get from You but what Your power can enable them to do for You. Fill their hearts with Your unalterable, unconditional, and unending love.

We pray in Your sovereign name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 31, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. SCHATZ thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of Senator MCCONNELL, the Senate will proceed to executive session to consider the nomination of Congressman WATT to be Director of the Federal Housing Finance Agency. The time until noon will be equally divided between the two leaders or their designees. At noon, Senator-elect BOOKER will become a U.S. Senator. Following the swearing in, there will be a cloture vote on the Watt nomination.

HAPPY BIRTHDAY WISHES

Mr. REID. Mr. President, October 31 has always been a special day for me, since it marks the admission of the great State of Nevada to the Union. There are always parades and celebrations at home, many of which I have sadly missed in recent years because of my responsibilities here.

But October 31 is special for another reason, and not just that it is Halloween. It is my brother's birthday—my youngest brother, 22 months younger than I. My brother Larry, who lives in Searchlight, celebrates another birthday today. It is my pleasure to wish both my brother and the Silver State of Nevada a very happy birthday.

Nevada Day is particularly special as it marks the beginning of a year-long celebration of our 150th anniversary of the Battle Born State's entrance into the Union.

For thousands of years Nevada was the home to Nevada American peoples. I have in my office across the hall a wonderful painting by a Nevadan which shows the first non-Indian to see the Las Vegas Valley. You can see there the Sunrise Mountain and glimpses of the oases that were there. There were a number of them in that valley. He was the first non-Indian to see the valley a long time ago. He is in the picture mounted on his beautiful horse with all his fancy regalia. But the fact is the picture doesn't begin to show what Rafael Rivera looked on that day, because he had been lost. He was with the Spanish Expedition and he was lost. He was there by accident. It is a wonderful picture, and we honor Rafael Rivera in Nevada. So it is a special day for us in Nevada.

On October 31, 1864, right in the middle of the Civil War, Nevada became

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

the 36th State of the Union. Nevada is only one of two States to join the Union during the war. The first was West Virginia, which seceded from Virginia to form a new State and remain part of the Union. It gained its statehood before Nevada, on June 30, 1863.

Union sympathizers had rushed to finalize Nevada's statehood in order to ensure Lincoln's reelection—because, remember, this is right before his reelection. In fact, they were so eager to mint a State they telegraphed the new Nevada constitution to Congress. At that time, it was the longest telegram ever sent—coming in at 16,543 words and costing $59,294.92. Eight days later, President Lincoln was reelected President of the United States.

Nevada is only one of two States to significantly expand its borders after its admission to the Union. Eastern and southern Nevada joined the State in the late 1860s after gold was discovered in the regions. Many Nevadans believe the State was only allowed to join the Union so its mineral riches could help fund the northern war effort, but in truth that is a myth. It is not true. The tale probably stems from the fact that the Nevada Territory was created in 1861 so its gold and silver could be used to help the Union rather than the Confederacy. So the State's slogan, Battle Born—a reference to the war—and an erroneous episode of ''Bonanza,'' which depicted a constitutional convention in Carson City I guess helped cement the legend.

The 150th anniversary of our admission to the Union is a wonderful time to study and reflect in this shared history we have as States and as a nation. It is also time to build a foundation for another 150 years of innovation and accomplishment for our State.

Nevada—from the mountains and high deserts of the east, to the geothermal wells of the north, including Lake Tahoe to the west, of course, to southern Nevada with the Las Vegas strip, from Indian Country to the mining towns and ranching communities—is a unique State in today's modern Union.

I like to say that people don't understand Nevada is more than the bright lights of Las Vegas. From the glittering waters of Lake Tahoe, Nevada is the most mountainous State in the Union, except for Alaska. We have more than 300 mountain ranges. Other than Alaska, it is the most dangerous place to fly a private plane because of the weather patterns which develop so quickly. I have been involved as I have flown in some of the smaller airplanes around the State.

We have magnificent wildlife. We have the famous bighorn sheep, we have mountain goats, the largest antelope range in the world. We have 1 mountain almost 14,000 feet high, and we have 32 mountains over 11,000 feet high. It is a magnificent State, and I am so fortunate to be able to represent that State—the State where I was born.

So today and throughout this special year we should celebrate everything that makes Nevada extraordinary and successful.

Happy Nevada Day, Nevadans.

CONGRATULATING CARL FRITTER

Mr. REID. Mr. President, I wish to take a minute to congratulate a man who has been part of the Senate for a long time. With more than four decades of service to the Federal Government and some 32 years here in the Senate, a man by the name of Carl Fritter will retire today. He began his career at the Government Printing Office and gave 44 years of service to the Federal Government. He is respected by his colleagues in the Secretary's Office and admired throughout the Senate community for his craftsmanship. Carl learned the art of bookbinding as an apprentice in the Government Printing Office. He received special training in bookbinding from experts across the globe.

In 1977, Carl was detailed to the Senate Library, where he eventually became Director of the Office of Conservation and Preservation. My son, during one of the summers, worked in that office, and that was a great experience. There he got to know Carl.

In addition to binding and repairing books, he has built many beautiful boxes and other things. He is a modern-day artisan. It is amazing the things he has built and can build. He has built, for example, boxes to contain gavels, books, and other works of art. Later today when we swear in the new junior Senator from New Jersey, the oath book Vice President BIDEN will use to swear in Senator-elect BOOKER was made by Carl Fritter.

I wish him the very best in his retirement. He is going to go to Key West, FL, where he wants to spend more time there with his wife Bunny and his children and grandchildren. I thank Carl for his decades of dedicated service to this institution and the Federal Government, and congratulate him on a career of success building and preserving artifacts here in the U.S. Capitol.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

TRIBUTE TO CARL FRITTER

Mr. MCCONNELL. Mr. President, I wish to say a few words of thanks this morning to a member of the Senate family who is leaving us today. After 44 years of government service, including 32 here in the Senate, Carl Fritter has decided it is time to go.

Carl has been a real friend to my office over the years, through his work in the Office of Conservation and Preservation, and we are sorry to see him leave us. But before he does, I want to say how grateful we are for his outstanding work over the years.

Carl learned the art of bookbinding in an apprentice program at the Government Printing Office many years ago. He says he never saw himself as a bookbinder, but after working outside one January during the construction of the Kennedy Center, he started thinking about getting a job indoors, and his supervisors over at the GPO gave him the opportunity. Carl would learn his trade from bookbinders from all over the world, each of whom taught him different techniques, which he put to good use in the Senate Library for many years.

In 1990, the Office of Conservation and Preservation was created. Carl was named Director 4 years later.

In addition to binding and repairing books, Carl taught himself a lot of other crafts. I am told he makes some pretty amazing decorative boxes, bowls, gavels, and books. One of Carl's most memorable projects was a fall-down box that he built as a gift for Margaret Thatcher. It was a box that opened to reveal a plate in the middle, with two congressional resolutions on either side. I am sure Prime Minister Thatcher loved it.

Carl, thank you for lending us your talents for so long and for giving so much of your life to this institution. We wish you and Bunny all the best in your retirement. I am sure you will enjoy passing down your skills to your grandkids. They will have a great teacher. But the entire Senate community will miss your craftsmanship and your commitment to excellence, and we will miss your friendship.

Carl, thank you very much.

FAMILY FRIENDLY AND WORKPLACE FLEXIBILITY ACT

Mr. MCCONNELL. Mr. President, given that October is National Work and Family Month, I wish to take the opportunity to discuss an issue that has become increasingly important to working families, and that is the need for workplace flexibility.

Yesterday my colleague Senator AYOTTE and I introduced the Family Friendly and Workplace Flexibility Act of 2013, which we hope will provide America's workers with the flexible work arrangements they need. Countless Americans have become increasingly familiar over the past several years with the same reality: more and more to do, with less and less time to do it. And while Congress can't legislate another hour in the day, we can help working Americans better balance the demands of work and family.

The Family Friendly and Workplace Flexibility Act is a commonsense measure Congress can pass to help alleviate that burden for millions of families by providing greater flexibility in managing their time. We all know working moms who are stretched between a job and supporting their kids,

and baby boomers with elderly parents who require care and attention. A 2010 study conducted by the White House Council of Economic Advisers found that work flexibility programs can ''reduce turnover and improve recruitment, [increase] the productivity of an employer's workforce, and are associated with improved employee health and decreased absenteeism.''

Another study conducted by the Society for Human Resource Managers found that women's responsibilities have increased at work and men's responsibilities have increased at home, resulting in 60 percent of wage and salaried employees believing they do not have enough time to spend with their loved ones. The American workplace has evolved dramatically since the industrial workplace of the post-Depression era. Yet the labor laws written during this time period are still in place today and the makeup of our workforce has also changed dramatically.

Today, 60 percent of working households have two working parents. Sixty-six percent of single moms and 79 percent of single dads work as well. American workers have had to adapt to keep pace with this changing environment. So should our laws. Instead of sticking with an antiquated labor law, I believe we need to update the Fair Labor Standards Act to actually meet the changing needs of workers.

That is why I am introducing the Family Friendly and Workplace Flexibility Act.

This bill will allow flexible workplace arrangements such as compensatory time and flexible credit hour agreements, which are currently available to employees working for the Federal Government—Federal employees already have this—to be extended to businesses regulated by the Fair Labor Standards Act.

Currently, the FLSA prohibits employers from offering compensatory time or comptime to their hourly employees. This bill would amend the FLSA to allow private employers to offer comptime to employees at a rate of 1½ hours for every hour of overtime work. I should add that this would be a completely voluntary process. An employee could still choose to receive monetary payments as their overtime compensation. This bill simply allows the option for employees to choose paid time off over work instead. There is no need for Washington to stand in the way of families earning the time that they need.

This bill also institutes a flexible credit-hour program under which the employer and employee can enter into agreements that allow the employee to work excess hours, beyond the typical number of hours he or she is typically required to work, in order to accrue hours to be taken off at a later time. This option is for employees who do not get the opportunity to work overtime, but still want a way to build up hours to use as paid leave. Like comptime, this program is voluntary and may not affect collective bargaining agreements that are in place.

Under this legislation, employers would not be mandated to offer flexible workplace arrangements, just as employees are not mandated to choose their benefits, rather than direct compensation for overtime work. Both parties are free to choose what works best for them.

I would like to take a moment to focus on some of the protections in the bill. Under this bill, an employee may accrue up to 160 hours of comptime per year. At any point in the year, a participating employee may request to revert back to receiving traditional overtime compensation in exchange for their accrued comptime, essentially cashing out their banked time. Further, the bill also requires employers to provide monetary payment at the end of the year for any unused comptime or flextime.

I have also included a provision that safeguards unpaid comptime and flextime in the case of bankruptcy. Thus, the bill takes steps to protect against any potential for lost wages in these kinds of circumstances.

If anyone understands the benefits of comptime, it is our public employees. That is because flexible work arrangements have been available to Federal employees since 1978. If the Federal law already provides these beneficial workplace arrangements to Federal and State workers, why should we not make them available to all employees? Public employees enjoy these arrangements so much that the unions representing them frequently fight for comptime arrangements when negotiating collective bargaining agreements.

It is very important to note this legislation does not do anything to alter the 40-hour work week. Let me repeat that: This bill in no way alters a 40-hour work week or how overtime is calculated.

Another way in which the Family Friendly and Workplace Flexibility Act protects employees is by prohibiting employers from coercing employees into accepting or rejecting comptime or flextime arrangements.

When we look at today's modern workplace, we see some companies such as Dell, Bank of America, and GE that already provide flexible workplace arrangements to their salaried employees who are not subject to the rules under FLSA. Perhaps it is no coincidence that workplaces such as these are also among the highest-ranked companies at which to work.

Now is the time to allow private companies to provide the benefits of flexible arrangements like comptime to their nonexempt workers as well. After all, it is not just workers at some places of employment who are parents or family members who need to be able to take time off to attend a function for their child's school, to see a son or daughter's supporting event, or to care for an aging parent. It is workers at all places of employment.

A report by the White House Council of Economic Advisers shows that nearly one-third of all American workers consider work-life balance and flexibility to be the most important factor in considering job offers.

Let me say that again. Nearly one-third of all American workers consider work-life balance and flexibility to be the most important factor in considering job offers.

It also shows that 66 percent of human resource managers cite family-supportive policies and flexible hours as the single most important factor in attracting and retaining employees. These numbers are pretty telling.

I am pleased that the Kentucky Chamber of Commerce has endorsed this legislation. I also thank my friend Congresswoman MARTHA ROBY for her leadership and dedication in advancing this cause over in the House. She introduced a bill to accomplish similar ends as the Family Friendly and Workforce Flexibility Act and actually saw her bill to passage. Now it is time for the Senate to act.

The effort to provide greater flexibility and support for families in the workplace is one I have long supported. I have previously supported legislation allowing flexible workplace arrangements. This is the fifth time I have sponsored legislation to establish comptime, and I am proud to continue that fight today.

I consider myself very fortunate to be joined by Senator AYOTTE in this effort. I suspect her predecessor, former Senator Judd Gregg, would be proud to see her leadership on this issue as well. Senator Gregg was a champion for flexible work arrangements throughout his entire Senate career, I was thankful to work with him on the issue in the past, and I am gratified to work with Senator AYOTTE on this issue moving forward.

Yesterday Senator LEE introduced a similar measure that seeks to provide for comptime for American workers. Senator LEE is helping with the effort, working with conservatives to find out-of-the-box solutions to the challenges Americans face today. I applaud Senator LEE for his commitment to this effort and look forward to working with him in the future on this issue.

In closing, I urge my colleagues on both sides of the aisle to support this commonsense bill because it is the right thing to do for working families.

MILLETT NOMINATION

Finally, I will be voting against cloture on the Millett nomination, and I would like to discuss why. Ms. Millett is no doubt a fine person. This is nothing personal.

Peter Keisler, of course, is a fine person too. But our Democratic colleagues pocket-filibustered his nomination to the DC Circuit for 2 years on the grounds that the court's workload did not warrant his confirmation. They did so despite his considerable skill as a

lawyer and his personal qualities. His nomination languished until the end of the Bush administration. He waited almost 1,000 days for a vote that never came.

The criteria our Democratic friends cited to block Mr. Keisler's nomination then clearly show the court is even less busy now. For example, the seat to which Ms. Millett is nominated is not a judicial emergency—far from it. The number of appeals at the court is down almost 20 percent, and the written decisions per active judge are down almost 30 percent.

In addition to these metrics, the DC Circuit has provided another. The chief judge of the court, who was appointed to the bench by President Clinton, provided an analysis showing that oral arguments for each active judge are also down almost 10 percent since Mr. Keisler's nomination was blocked.

These analyses show that not only is the court less busy in absolute terms now than it was then, it is less busy in relative terms as well, when one takes into account the number of active judges serving on the court. The court's caseload is so low, in fact, that it has canceled oral argument days in recent years because of lack of cases. After we confirmed the President's last nominee to the DC Circuit just a few months ago—and by the way we confirmed him unanimously—one of the judges on the court said that if more judges were confirmed there would not be enough work to go around. So if the court's caseload clearly does not meet their own standards for more judges, why are Senate Democrats pushing to fill more seats on a court that doesn't need them? What is behind this push to fill seats on the court that is canceling oral argument days for lack of cases, and according to the judges who serve on it will not have enough work to go around if we do?

We don't have to guess. Our Democratic colleagues and the administration's supporters have been actually pretty candid about it. They have admitted they want to control the court so it will advance the President's agenda. As one administration ally put it, ''The President's best hope for advancing his agenda is through executive action, and that runs through the DC Circuit.''

Let me repeat, the reason they want to put more judges on the DC Circuit is not because it needs them, but because ''The President's best hope for advancing his agenda is through executive action, and that runs through the DC Circuit.''

Another administration ally complained that the court ''has made decisions that have frustrated the President's agenda.'' Really? The court is evenly divided between Republican and Democratic appointees. According to data compiled by the Federal courts, the DC Circuit has ruled against the Obama administration in administrative matters less often than it ruled against the Bush administration.

Let me say that again. According to data compiled by the Federal courts, the DC Circuit has ruled against the Obama administration in administrative matters less often than it ruled against the Bush administration. So it is not that the court has been more unfavorable to President Obama than it was to President Bush. Rather, the administration and its allies seem to be complaining that the court has not been favorable enough. Evidently they do not want any meaningful check on the President. You see, there is one in the House of Representatives, but the administration can circumvent that with aggressive agency rulemaking. That is if the DC Circuit allows it to do so.

A court should not be a rubberstamp for any administration, and our Democratic colleagues told us again and again during the Bush administration that the Senate confirmation process should not be a rubberstamp for any administration. For example, they said President Bush's nomination of Miguel Estrada to the DC Circuit was ''an effort to pack the Federal courts.'' And they filibustered his nomination—seven times, in fact.

We have confirmed nearly all of President Obama's judicial nominees. As I said, we confirmed a judge to the DC Circuit unanimously just a few months ago. This year we have confirmed 34 circuit and district court judges. At this time in President Bush's second term the Senate had confirmed only 14.

Let me say that again. This year we have confirmed 34 circuit and district court judges. At this time in President Bush's second term the Senate had confirmed only 14 of those nominees. In fact, we confirmed President Obama's nominees even during the Government shutdown.

In writing to then-Judiciary Committee Chairman Arlen Specter to oppose the nomination of Peter Keisler, Senate Democrats said:

> Mr. Keisler should under no circumstances be considered—much less confirmed . . . before we first address the very need for the judgeship . . . and deal with the genuine judicial emergencies identified by the judicial conference.

That course of action ought to be followed here too. Senator GRASSLEY has legislation that will allow the President to fill seats on courts that actually need judges. The Senate should support that legislation, not transparent efforts to politicize a court that doesn't need judges in an effort to create a rubberstamp for the administration's agenda.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF MELVIN WATT TO BE DIRECTOR OF THE FEDERAL HOUSING FINANCE AGENCY

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk read the nomination of MELVIN L. WATT, of North Carolina, to be Director of the Federal Housing Finance Agency.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12 noon will be equally divided and controlled between the two leaders or their designees.

The assistant majority leader.

LETTER OF RESIGNATION

Mr. DURBIN. Mr. President, first, I ask unanimous consent that an official letter of resignation as mayor of Newark, NJ, from Senator-elect CORY BOOKER of New Jersey be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEWARK, NJ,
October 30, 2013.

ROBERT P. MARASCO,
City Clerk, City of Newark, Broad Street, Newark, NJ.

DEAR MR. MARASCO: Serving as the mayor of Newark, New Jersey has been one of the greatest honors of my life. Since taking office more than seven years ago, I've had the privilege to work closely with countless residents, municipal employees, elected officials, community leaders and others to move Newark forward. It was not easy, but together, we have brought incredible positive change to our city and set the stage for this momentum to continue in the coming years.

On Thursday, October 31, 2013 at noon, I will be sworn in as one of New Jersey's United States Senators. Therefore, effective Thursday, October 31, 2013 at 12:00 a.m., I am officially resigning as mayor of Newark.

While I am leaving one position, I am not leaving Newark. I am proud to be able to now represent Newark and our entire state as a United States Senator. My level of dedication, passion and service will not falter as I serve New Jersey. Our best days lie ahead, and together, we will continue to achieve great things.

The work goes on.

Sincerely,

CORY A. BOOKER,
Mayor.

Mr. DURBIN. Mr. President, I listened carefully to the statement that was just made by the Republican leader. It is a shame what is about to occur on the Senate floor if he has his way. The President has submitted the name of a nominee to serve on the DC Circuit Court. This is not just another court. Some view it as the second most important court in the land. Some of the most technical and challenging legal cases come before this court. The judges who serve there are called on not just to do routine things but to do extraordinary things on a regular basis. That is why the appointments to this court are so critically needed when

it comes to maintaining the integrity of our Federal judiciary.

What I heard from the Senate Republican leader was a statement that he would vote against the nomination of Patricia Ann Millett, President Obama's nominee for the vacancy on the court.

There are 11 judges authorized for this court. Currently, only eight are serving. There are three vacancies. Ms. Millett is being suggested for the ninth seat out of the 11 that are authorized. I am not going to go back into the history of our exchanges when it comes to the appointment of judges. I can make as compelling a case, if not more compelling, than that just made by the Senator from Kentucky.

At the end of the day those who are witnessing this will say it is another he said versus he said. What are these politicians up to? Who is right? Who is wrong? What I would suggest is, don't take my word for it and don't take the word of the Senator from Kentucky. Take the word of the Chief Justice of the Supreme Court of the United States.

On April 5 the Judicial Conference of the United States, led by Chief Justice John Roberts, made its Federal judgeship recommendations for this Congress. The Judicial Conference is not Republican or Democratic; it is nonpartisan. According to its letter, its recommendations reflect the judgeship needs of the Federal judiciary. The Judicial Conference, which judges the caseload and workload in the Federal courts, did not reach the same conclusion as the Senator from Kentucky. They didn't tell us we need fewer judges on the DC Circuit Court—not at all. It is incumbent upon us to fill those vacancies, and that is where we should be today.

Let me add one additional note. What is especially troubling about what they are going to do to this fine woman is the fact that she is so extraordinarily well qualified. She may hold a record of having been an advocate and argued before the U.S. Supreme Court some 32 times. She has received the endorsement of both Democratic and Republican Solicitors General. Those are the lawyers who represent the United States of America before that Court across the street, and her nomination is strongly supported by prominent former Republican Solicitors General.

So the notion that the Senator from Kentucky suggests—that this is some partisan gambit—is completely destroyed by her letters of recommendation from Republicans as well as Democrats who have served as Solicitor General and have witnessed her fine work. This is about putting the right person in the job on one of the most important courts in the land, and sadly, unless the position of the minority leader of the Senate is not the position of all Republican Senators, she may suffer from this partisan approach to the appointment of this vacancy. What a sad outcome for a fine woman who has done so well as a professional advocate before appellate courts, has been recommended on a bipartisan basis—the highest recommendations—and now, after languishing on the calendar, is going to be dismissed. She didn't fit into the political game plan. That is awful.

The men and women who step forward and submit their applications to become part of our Federal judiciary know they are going to be carefully scrutinized and criticized for some things in their past, but they do it anyway in the name of public service. What I hear from the Senator from Kentucky is that she doesn't fit into the political game plan on the other side of the aisle. I hope there are enough Republican Senators who will disagree with the Senator from Kentucky. We should give Patricia Ann Millett an opportunity to serve on the DC Circuit Court as quickly as possible.

I know there are others on the floor, and I want to make sure everyone has time to say what is on their mind today because there are important issues before us, but I do want to make one brief comment about another issue.

EXPIRATION OF STIMULUS FUNDS FOR SNAP

Mr. DURBIN. Mr. President, 2 days ago Kate Maehr of the Greater Chicago Food Depository came to visit me in my office. Kate is one of my favorite people. Kate runs this huge network of food distribution in the Chicagoland area. Her warehouses are huge, and they are filled with foodstuffs, much of which is donated by companies that produce food so that it can be distributed in food pantries and other sources all around the Chicagoland area. Kate is one of the best, and I look forward to her visits each year because I know the fine work she does to feed the hungry.

Two days ago she came into my office very sad.

She said: I don't know what we are going to do.

I said: What is the matter?

She said: This Friday the increase in food stamps, or SNAP benefits, for the poor people who live in the greater Chicagoland area is going to be cut. It may be only $10 or $15, but I know these people, I know many of them personally, and they live so close to the edge. It will call for some sacrifice on their part, and many of them will be hard-pressed to make that sacrifice, and I can't make up the difference. With all of the donations and all of the charitable contributions, I just can't make up the difference.

I thought about it for a minute. I thought, how would you approach a Member of the Senate or the House of Representatives and say: You know, this cutback of $15 a month will really hurt. It is hard for us, in our positions in life, to really understand or identify with the plight and the struggle of those who are not certain where their next meal is coming from.

Most of those people have the benefit of the SNAP program, the food stamp program. Well, who are these people? Who are these 48 million Americans who receive benefits from this program? Almost 1 million of them are veterans. Veterans who are not sure where their next meal is coming from get food stamps—SNAP benefits. Almost half of the 48 million are children. There are 22 million children and another 9 million who are elderly and disabled. When we talk about cuts in the SNAP program, we are talking about these people—the veterans, children, the elderly, and the disabled.

Right now there are two proposals before us. One proposal is from the Senate, and that cuts back spending on this program to the tune of $4 billion over 10 years. I supported it because I think it closes the potential for abuse. I don't want to waste a penny of Federal taxpayers' money on any program in any way, shape, or form. Senator STABENOW, chairman of the Senate agriculture committee, made this change in the food stamp program that will save us $4 billion and will not create hardship. In fact, it closes what may be a loophole.

Now comes the House of Representatives, and their view is much different. They want to cut some $40 billion—10 times as much—over the next 10 years. When we take a look at the approach they are using for these cuts—10 times the amount cut by the Senate—we understand how they get their so-called savings. They take almost 4 million—3.8 million—people out of the program: children, single mothers, unemployed veterans, and Americans who get temporary help from the food stamp program. The House would cut $19 billion and 1.7 million people from SNAP by eliminating the authority of Governors of both political parties to ask for waivers so that low-income childless adults under 50 can still receive benefits beyond the 3 months they do ordinarily. This says that Governors looking at their States with high unemployment understand that there are people in need.

It is hard for Members of Congress in the House or the Senate—it is hard for me too—to really appreciate the lifestyle of someone living from paycheck to paycheck, but that is a reality for millions of Americans. Many of the people who are receiving food stamps are working. That may come as a shock to people, but they are not making enough money to feed their families.

I went on a tour of a food warehouse in Champaign, IL, and had a number of people explain the importance of not only their work with food pantries but the importance of the food stamp program. I noticed one young woman who was part of the tour. I didn't quite understand why she was there. She was an attractive young mother who was dressed well. She explained that she had two children. I later learned why she was there. She is a food stamp recipient. She has a part-time job with the local school district—not a full-

time job—and her income is so low, she still qualifies for food stamps, SNAP benefits. She was there to thank me. She wanted to thank me not just for the food stamp program but because we changed the law a couple of years ago and allow mothers like her to take their kids to farmers markets and use their food stamps to buy fresh produce.

She said: It is almost like a trip to Disneyland for my kids. They have come to know the farmers, and they look forward to meeting them each week. The farmers give them an extra apple or tomato or this or that, and I just want to thank you. My kids are getting good food from farmers markets, and it helps us make ends meet.

This is a single working mom with two kids. Those are the types of people who are receiving food stamps and benefits. The notion that they are somehow lazy welfare queens—go out and meet them. Meet the woman at the Irving Park United Methodist Church food pantry I met who is trying to live in the city of Chicago on a Social Security check that pays her $800 a month. I challenge any Member in the Senate or House to try to get by on $800 a month in the city of Chicago. She makes it because she has two food pantries that give her 3 or 4 days of food each and she has food stamps.

I will conclude by saying that what we are talking about as far as food stamps is really a matter of basic hunger of children, veterans, elderly, and disabled who get this helping hand that makes a difference in their lives.

We are a great and caring nation. I am so proud to represent a great State in that Nation. We are a caring people, and caring people do not turn their backs on hungry kids or hungry elderly people. We better take care, when it comes to this food stamp program, that we don't make cuts that are going to make their lives more difficult.

Finally, Mr. President, I ask unanimous consent that all speakers on the Democratic side prior to noon be limited to 5 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I don't know whether Senator BOXER was to be recognized.

Mrs. BOXER. Mr. President, I will take 5 minutes.

Mr. SESSIONS. Mr. President, I understand that Senator BOXER wants 5 minutes, and I will yield to the fine chairman of the Environment and Public Works Committee for 5 minutes.

I ask unanimous consent that Senators on the Republican side be allocated 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I thank the ranking member on the Budget Committee. I know he has a lot on his plate. He and I work well together, and I thank him.

Mr. President, I want to put on the RECORD my strong support for Congressman MEL WATT to be Director of the Federal Housing Finance Agency. May I do that.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. I hope we have a resounding vote for MEL WATT. He is a terrific person. He has the heart, intelligence, and the experience.

Mrs. BOXER. Mr. President, as critical decisions are being made about the future of the housing finance system, it is time that we place permanent leadership at the head of the Federal Housing Finance Agency, FHFA. Congressman MEL WATT has both the experience and the expertise to help create a system that ensures access to safe and affordable credit and other housing options for all Americans.

Congressman WATT brings with him over 40 years of experience in housing, real estate, and other financial services issues. From 1970 to 1992, he ran a law practice focusing on business, real estate, municipal bonds, and community development, learning the details of housing finance from the ground level. He was first elected to represent the 12th district of North Carolina in 1992 and has served over 20 years on the House Financial Services Committee. In addition, his work on the House Subcommittees on Capital Markets and Government Sponsored Enterprises, and on Financial Institutions and Consumer Credit has given him the necessary policy expertise to run the agency that oversees Fannie Mae and Freddie Mac.

Congressman WATT's experience and expertise made him one of the first policymakers to recognize how predatory underwriting practices were threatening the larger housing market and economy as a whole. Years before the foreclosure crisis began, Congressman WATT, along with Congressman Brad Miller, introduced the Prohibit Predatory Lending Act in 2004. They reintroduced it every Congress after that until it was adopted as part of the Dodd-Frank Wall Street Reform and Consumer Protection Act. In March 2007, only 2 months after the Democrats became the majority party in Congress, Congressman WATT joined Chairman Barney Frank in introducing a bill to reform regulation of Fannie Mae and Freddie Mac. The bill passed both the House and the Senate with bipartisan support and now called the Housing and Economic Recovery Act, HERA, was signed into law by President Bush in July 2008.

Congressman WATT also brings with him the experience and balance in vision to represent all stakeholders fairly, and has broad support from both industry and consumer groups.

''The National Association of Realtors has long appreciated Representative WATT's proven ability and willingness to engage the industry, stakeholders, and consumers throughout his service in the House of Representatives. WATT has always aimed to craft policy that is fair, garners wide consensus, and allows all parties to move forward, all of which are vital qualities for the Director of the FHFA.''

The Mortgage Bankers of America said, ''Congressman WATT would bring considerable experience to the post of Director [and] a strong base of understanding on a wide variety of public policy issues related to housing finance. . . . [W]e would urge the Senate to approve his nomination.''

The Center for Responsible Lending said, ''WATT brings to FHFA an ability to work with a variety of stakeholders, with many competing interests and perspectives. He has a track record of crafting practical solutions and alliances for a complex, dynamic marketplace. He is consistently thoughtful, fair, and respectful of all opinions, and his policies have been guided by a concern for all Americans.''

The National Association of Home Builders said, ''We applaud the nomination of Representative WATT to this important position. After four years in conservatorship, the future of Fannie Mae and Freddie Mac stands at a crossroad. Rep. WATT brings years of experience to this position at a pivotal moment as our nation's housing market recovers. NAHB looks forward to working closely with Rep. WATT to help address the many complex challenges facing the U.S. housing finance system upon his confirmation by the U.S. Senate.''

The Center for American Progress said, ''We believe that Mr. WATT has the vision, expertise, and experience necessary to provide strong leadership for FHFA. His personal background and professional experience have provided him with a deep commitment to affordable housing and sustainable credit, which not only support a robust housing market, but also provide shelter and opportunity for America's families and spur economic growth for the nation as a whole.''

The United States Conference of Mayors said, ''It is not surprising that Representative WATT has bipartisan support in the Senate. His record shows that he can work across the political aisle finding solutions to complex problems. Time and time again, mayors have been impressed with his thoughtful approach in developing solutions that are mindful of all stakeholders. As the nation's housing market climbs back as a major part of our economy, we need such a leader as Mel WATT at the head of FHFA.''

Mr. President, I ask to speak as in morning business for the rest of my time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AFFORDABLE CARE ACT

Mrs. BOXER. Mr. President, I am so pleased to be on the floor with some very good news out of California and how ObamaCare, the Affordable Care Act, is working in our great State. People are phoning. People are going

online. People are talking with insurance agencies, with health insurance companies. They are getting health care coverage, some for the very first time, and for many for the first time it is affordable; all good policies—good policies that will be there when they are needed.

We know a small percentage of people, as the President addressed yesterday, are being told their old policies are not going to be offered to them anymore, but all of those folks know they can get better policies. They can't be turned away. There will be competition for their business. Many of them will get subsidies. So at the end of the day, this health care story, although quite bumpy, as we know the prescription drug launch was years ago—we know it is bumpy, and we are angry on both sides of the aisle that it is bumpy—but at the end of the day, I think it is going to be good.

I wish to read some of the comments made by people who have logged in to ''Covered California,'' which is coveredCA.com. Here is one who just got an affordable health care policy:

Thank you so much, President Obama! And everyone who works there.

This was soooo much easier than I thought it would be! I am soooo grateful to get medical insurance! Thank you!

Another:

Great phone support, thank you. No wait time, the assistant answered all my questions clearly.

Another:

GREAT JOB! EASY! WHAT'S All THE FUSS ABOUT?

Another:

Wow. This was easy and my monthly premiums are significantly less than my previous employer's health care coverage before the Affordable Care Act.

One who I thought truly summed it up:

Thank God Almighty I'm free at last!

These are the real people. These are not people who have a political agenda. They are real people. They are Democrats. They are Republicans. They are Independent voters. They have had a hard time getting health insurance and, because of the Affordable Care Act, with all of its glitches on the national Web site—and we acknowledge them—it is working. It is working in our State, and eventually, once that national Web site is fixed, it will work for everybody.

I wish to put some real numbers on this: 180,000 Californians have begun the process of signing up for coverage—180,000 families. Imagine the relief they have. Over 2 million unique visitors have been to coveredCA.com. There have been 200,000 calls to coveredCA.com's call centers. The average wait time is under 4 minutes and the average total call time is less than 16 minutes for Californians enrolling in coverage and asking questions. We have 4,000 insurance agents and clinic workers trained so far and certified. They have their badges so they can offer, in person, help to those who are looking to enroll.

Very recently I went to a clinic in my home county and I can tell my colleagues the excitement there is palpable. The doctors, the nurses, the assistants, the people in the waiting room, everybody knowing they can get either insurance on the exchange or insurance through an expanded Medi-Cal Program. We have millions of people who will be able to sign up on the exchanges. We have about 1.4 million people who could sign up for the expanded Medi-Cal Program.

Do I have any time remaining?

The ACTING PRESIDENT pro tempore. The Senator has 5 seconds remaining.

Mrs. BOXER. Five seconds. I hope we get these two wonderful nominees on the way to confirmation today.

I hope we will be patient and that we will all work together to fix the problems with health care. I think, at the end of the day, it is going to be great.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I wish to share some thoughts about the filling of the District of Columbia Circuit Court of Appeals judgeships. I have been involved in that issue for well over a decade. We started looking at the case numbers when President Clinton was in office. I, along with Senator CHUCK GRASSLEY, both Republicans, blocked President Bush from filling a vacancy, because that court did not need another judge and they wanted to fill it. Let's be frank. Presidents want to fill the DC Circuit Court of Appeals because they think they can shift the balance there and be able to advance their agenda throughout the judicial process because a lot of key cases are filed there, and lobbyists and outside forces that care about judges want the Presidents to put their kind of people in those positions—maybe even their law partner or their friend or their political buddy on that court. But there are some great judges on the court. But I am Ranking Republican on the Budget Committee also. I serve on the Judiciary Committee and on the Budget Committee. We have no money in this country to fund a judgeship that is not needed.

The last time we were able to move one of those judges to the Ninth Circuit where the position was needed. Today, it is clear that the caseload for the DC Circuit continues to fall. The number of cases per judge in the DC Circuit continues to decline. Senator GRASSLEY has been a champion of this issue for years. He chaired the court subcommittee of the Judiciary Committee. I chaired it after he did. We have seen these numbers.

Senator DURBIN says, Oh, it is a shame. It is a shame these nominees don't get confirmed. As Senator MCCONNELL noted, it was a shame that Peter Keisler, a fabulous nominee, didn't get confirmed. But, in all honesty, the court didn't need that slot filled and they don't need any of the three slots today that are vacant. They do not need to be filled. Congress has no responsibility to fill a vacancy that is not needed, and we shouldn't do it. Each one costs about $1 million a year. That is what it costs to fill a judgeship.

We have needs around the country. We have certain needs around the country, and we are going to have to add judges. Why would we fill slots with judges we don't need and not fill slots with judges we do need? That is my fundamental view about it. I will just say this: It is not going to happen. We are not going to fill these slots. This country is in deep financial trouble.

The majority basically is saying: Oh, the Budget Control Act and, oh, we have cut to the bone. We can't find another dime in savings. Do you know what the problem is, America? You haven't sent us enough money. If you would just send more money to Washington, we could spread it around and everything would be fine.

This is basically what we are hearing from the leadership: No more cuts. In fact, the Budget Control Act reduced spending too much. Oh, this is critically important. Every dollar we spend is critically important and we can't reduce a dime of it or even the growth of it. That is what we have been hearing: Send more money to Washington. We want to raise taxes. We are open about demanding increases in taxes to fund whatever it is we want to spend.

Is there any waste and abuse in this government? There absolutely is. Look at this chart. Senator DURBIN is on the Judiciary Committee. He has been involved in this. He knows these numbers. There is nothing phony about what I am showing my colleagues today. This is absolute fact: Total appeals filed per active judge. These are the judges on the court today. The DC Circuit has eight judges. They have eight judges. The number of appeals filed per judge in their court is 149, and the average per circuit judge in America is 383. The average is 2½ times that number. We do not need to fill these slots.

Look at the Eleventh Circuit. They have vacancies, but at this point they are doing almost 800 cases per judge per year. Think about that. In the Second Circuit, which is Manhattan—a very important circuit with very complex cases—there are more than 2½ times the number of cases than the DC Circuit. Remember, this is the current number of judges, I say to my colleagues. This isn't if we were to add three more judges. If we added three more judges, it would be a little over 100 cases per judge, not 149. This is absolute fact. They take the entire summer off. No other circuit does this. They have canceled oral arguments they had scheduled because there were no cases to argue. They take the summer off.

I talked to one circuit judge in another circuit who said: At least one of

the judges in the DC Circuit goes around the country sometimes and helps out, but none of our judges can because we are so busy we don't have time to do it.

Most of our judges are working very hard. I am a total believer in the integrity and the value of the Federal judiciary. I respect them greatly. They do important work. But it has just so happened in the course of our American system that the DC Circuit is at a point where it has the lowest caseload per judge in decades, of any circuit and it needs to be fixed and the number of cases continues to decline.

So what I would say to my colleagues is I believe we should give deference to the President in the nomination of judges. I voted for, I am sure, close to 90 percent of the nominations the President has submitted. I voted for almost 90 percent, I would suggest. But I am not going to support three judges we don't need. The last thing we need to be doing is burning on the Mall of the United States of America $3 million a year to fund judgeships we don't need. There are other places in this government we can cut wasteful spending as well, but this one highlights the situation.

I suggest to my colleagues this is a test to this Senate. This is a test for all of the Members of the Senate. If we say there is no place to save money in Washington; if we say we have found every bit of waste, fraud, and abuse there is—well, look at this court.

I am not condemning any of the nominees. I am not complaining about their quality or their ability. I am saying the taxpayers of America should not have extracted from them another $3 million a year to fund three judges that absolutely are not needed, particularly when we have legitimate needs in other courts around the country that need more judges.

Look at the Eleventh Circuit, my circuit: Almost 800 cases per judge filed. This circuit, the DC Circuit, 149, and they want three more judges—not so.

I believe we have a 10-minute limit. How much time remains?

The ACTING PRESIDENT pro tempore. The Senator has 1 minute remaining.

Mr. SESSIONS. So, in conclusion, I appreciate the opportunity to be here. It looks as though we will vote on the Millett nomination maybe later today. With no personal criticism of that nominee in any way, I think it is important for us to say we just don't need these slots. We are not going to fill them. Not one of the three needs to be filled. We are not going to fill any of them. We are going to honor the finances of the American people.

Once again, I express my appreciation to Senator CHUCK GRASSLEY, the ranking member of the Judiciary Committee, who has led the fight on this issue for a number of years. I have worked with him on it. We have legislation to transfer these judgeships to other places. That is what we should be doing, moving them to where they are needed. It has been great to work with Senator GRASSLEY.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mrs. HAGAN. Mr. President, I rise today to speak about Congressman MEL WATT.

Mr. SESSIONS. Mr. President, if the Senator will yield for an inquiry, under the UC were we going to divide 30 minutes per side? Was that the intent of the unanimous consent request I made earlier?

The ACTING PRESIDENT pro tempore. The time until noon is equally divided in the usual form.

Mr. SESSIONS. In the usual form. All right.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mrs. HAGAN. Mr. President, I rise today to speak about Congressman MEL WATT, who is a champion for middle class families in my home State of North Carolina. MEL WATT is the President's nominee to be the next Director of our Federal Housing Finance Agency.

Congressman WATT is a true North Carolinian. He was born in North Carolina. He attended the University of North Carolina at Chapel Hill, and he has spent much of his distinguished career working for the people of North Carolina.

Congressman WATT is an outstanding choice to lead the Federal Housing Finance Agency.

Over his 20 years on the House Financial Services and Judiciary Committees, Congressman WATT has been a steadfast advocate for affordable housing in North Carolina and across the country. He has worked tirelessly to protect families from predatory and deceptive lending practices.

He has been willing to work across the aisle to find common ground on issues that promote economic opportunity for the middle class.

Well before the housing crisis, Congressman WATT raised concerns that predatory lending practices were harming consumers and putting our housing market at risk. He was instrumental in enacting Dodd-Frank and in supporting its antipredatory lending provisions. He will be a tremendous asset to our housing market and economy moving forward.

In a letter to the Senate this week, 54 community and advocacy organizations called for Congressman WATT's confirmation, saying:

> Representative WATT has the depth to grasp the problems that plague Fannie Mae and Freddie Mac, and has the skills to work with everyone involved to get the housing market back on track.

I agree. I was proud to join my North Carolina colleague Senator RICHARD BURR in introducing Congressman WATT at his confirmation hearing earlier this year, and I am pleased that the Banking Committee approved his nomination.

The bipartisan support for Congressman WATT from our delegation in North Carolina is representative of his longtime ability to work across the aisle.

During his distinguished tenure in Congress, Congressman WATT worked with Republican Judiciary Committee Chairman BOB GOODLATTE and Representative LAMAR SMITH to pass legislation that addressed Patent and Trademark Office backlogs. And he worked with Representative BLAINE LUETKEMEYER on legislation that ensured adequate transparency for ATM fees while eliminating excessive regulatory burdens.

Congressman WATT's long congressional career builds on more than two decades in the private sector as a small business owner and a legal expert.

With experience in the private sector and more than two decades of service on the House Financial Services Committee, Congressman WATT has the background, the skills, and the history of bipartisan cooperation necessary to confront the challenges facing our recovering housing market.

His nomination is supported by industry leaders such as the National Association of Realtors president Gary Thomas and the National Association of Home Builders chairman Rick Judson. He is supported by the Mortgage Bankers Association and the United States Conference of Mayors. And he is supported by Erskine Bowles, cochair of the National Commission on Fiscal Responsibility and Reform, and the former Bank of America chairman and CEO Hugh McColl.

In fact, I ask unanimous consent that these letters from the National Association of Realtors, the National Association of Home Builders, and Mr. McColl be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION
OF REALTORS®,
Washington, DC, October 29, 2013.

DEAR SENATOR: On behalf of the one million members of the National Association of Realtors® (NAR), their affiliates, homebuyers, and homeowners, I strongly urge the United States Senate to expeditiously confirm Representative Mel Watt as the next Director of the Federal Housing Finance Agency (FHFA).

The National Association of Realtors® has long appreciated Representative Watt's proven ability and willingness to engage the industry, stakeholders, and consumers throughout his service in the U.S. House of Representatives. Watt has always aimed to craft policy that is fair, garners wide consensus, and allows all parties to move forward, all of which are vital qualities for the Director of the FHFA.

The extended conservatorship of the government-sponsored enterprises, Fannie Mae and Freddie Mac, is one of the most pressing issues facing the housing sector. This requires that the FHFA be led by a permanent Director, who looks for measured and comprehensive solutions that will protect both the housing market and taxpayers. Representative Watt has clearly demonstrated through his extended service and involvement with key housing issues before the

House Financial Services Committee that he has a keen understanding of the importance of housing finance to the nation's economy.

The FHFA Director plays a critical role in the future of our nation's housing finance system and must weigh the costs of action and inaction with the benefits of protecting the taxpayer and ensuring the continued recovery of housing. Representative Watt has the experience and skill necessary to work with Congress and the Administration to ensure that both costs and benefits are handled in a manner that benefits our nation. As our economy continues its slow recovery from the Great Recession, we must focus on sensible and commonsense policies that foster strong growth and stability. Representative Watt has the experience, knowledge, and ability to bring that much needed focus to the FHFA.

In short, we know that Representative Watt will not only be an asset to FHFA but also to the Congress and the Administration as we work together to restore strength to the housing and mortgage markets. The National Association of Realtors® urges confirmation of Representative Watt, and stands ready to work with FHFA and Congress to facilitate a strong housing and economic recovery.

Sincerely,

GARY THOMAS,
2013 President, National Association of Realtors®.

NATIONAL ASSOCIATION OF HOME BUILDERS,
Washington, DC, October 29, 2013.

Hon. HARRY REID, Majority Leader,
U.S. Senate,
Washington, DC,
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: On behalf of the 140,000 members of the National Association of Home Builders (NAHB), I am pleased to offer NAHB's strong support for the nomination of Representative Mel Watt as the next Director of the Federal Housing Finance Agency (FHFA). I urge you to support his nomination when it is considered by the full Senate later this week.

Today's mortgage finance system is in a state of uncertainty. The ongoing conservatorship of the government sponsored enterprises (GSEs), Fannie Mae and Freddie Mac, continues to be one of the most challenging issues facing the housing industry today. With the path forward for comprehensive housing finance reform taking shape, and with that outcome still very uncertain, having a permanent FHFA Director will be critical to ensure the safety and soundness of the housing GSEs, as well as promote a stable and liquid residential mortgage financing system for our nation's housing market. NAHB believes that the confirmation of Representative Mel Watt will bring much-needed certainty to the U.S. housing finance system as we transition from the current state of conservatorship to a new and stronger system of housing finance.

Representative Watt will bring years of experience to this position at a pivotal moment in the recovery of our nation's housing market. During Representative Watt's tenure on the House Financial Services Committee, he has proven to be a thoughtful leader on housing policy. The FHFA needs a permanent director with his leadership capabilities.

NAHB looks forward to working closely with Representative Watt to help address the many complex challenges still facing the housing finance system and the recovery of the housing market. We hope that the Senate will move quickly to approve his nomination.

Best regards,

RICK JUDSON,
2013 NAHB Chairman of the Board.

Charlotte, NC, October 25, 2013.

To: The Editor

TIME TO ACT ON THE MEL WATT NOMINATION

Given the need to have more economic activity, it appears to me that the Senate should move now to confirm Congressman Mel Watt as Director of FHFA. There seems to be no reason not to approve Mr. Watt's nomination other than he has been nominated by the President.

I have known Mel Watt for 40-some odd years, both as a lawyer and as a US Congressman. I know him to be highly intelligent, a man of impeccable character, and a straight shooter. While Chairman of the Board of the Bank of America, I consulted with him on many occasions about banking legislation. We did not always agree with each other, but I always knew that I was getting an honest opinion and one that was well thought out.

Mr. Watt has been a real estate lawyer in one of the fastest growing cities in America—Charlotte, NC, and he is very much aware of the need for housing loans for people from all economic segments. Most of his more than 20 years in Congress were spent on the House Financial Services Committee.

It is worth reminding people that Congressman Watt has a business degree from the University of North Carolina at Chapel Hill, and a law degree from Yale University. Without question, he is well educated. No doubt he is smart, and there is no doubt that we need somebody like him in charge.

I hope Senator Burr and Senator Hagan from North Carolina will push for his confirmation. The Country needs him.

Sincerely,

HUGH L. MCCOLL, JR.

Mrs. HAGAN. Congressman WATT's strong record of working with industry leaders, consumer advocates, Democrats and Republicans proves that he can deliver results for middle class families across the country and in North Carolina.

We need Congressman WATT at the Federal Housing Finance Agency. I know he will work successfully with Congress to strengthen the backbone of our current housing finance system, and I urge my colleagues to join me in supporting his nomination later today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, just a parliamentary inquiry: I have 10 minutes allocated to me?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. TOOMEY. Thank you very much, Mr. President.

I rise to address the candidacy of Congressman MEL WATT to be Director of the Federal Housing Finance Agency as well.

Let me preface my comments by making it very clear. I know Congressman MEL WATT. He is a good man. I served with him in the House. We served on the Banking Committee together. I know for many years he has been and continues to be a passionate advocate for increasing taxpayer subsidies for housing finance, and I have never once doubted his sincerity, his commitment, or his passion for working for his constituents and also for disadvantaged people generally. Having said that, while MEL WATT is certainly a good man, I think this is the wrong job for this good man, and I want to explain why.

I think it is useful to first consider the massive size of the institutions that the Federal Housing Finance Agency, the FHFA, regulates. Fannie Mae, Freddie Mac, the Federal Home Loan Banks combined are enormous.

Fannie and Freddie together hold 48 percent of all the outstanding mortgages in the United States of America. Last year, they guaranteed almost 80 percent of all the new mortgages that were issued. Combined, Fannie and Freddie have assets that are nearly $5.2 trillion—this is much larger than the Federal Reserve—which have just made themselves into an enormous institution. Combined, Fannie and Freddie are more than twice as big as JPMorgan Chase, the biggest bank in America. In addition to being very large, they are enormously complex, and they are at the center—in fact, they are the housing finance market of the United States of America.

So they are enormously large, they are enormously complex. And the post we are talking about here—the directorship of the regulator—has virtually unchecked powers. The legislation that creates this post, that creates this agency and the head of this agency, empowers the Director enormously. Let me quote from the statute. The Director's powers include ''all rights, titles, powers, and privileges of the regulated entity, and of any stockholder, officer, or director'' of the entity. In plain English that means this person has the power of the entire board of directors, the CEO and all the management, and the regulatory agency that controls it all. There is no parallel in our country for an institution where so much power is concentrated in one person.

In addition, there is no congressional oversight. The FHFA does not depend on Congress for appropriations. It gets its money from fees from the entities it regulates. So Congress has no control, no authority, once a person is confirmed in this post, and they are confirmed for a 5-year term and can only be removed for cause. So it is unchecked power on an enormous scale.

Now, precisely because of the unchecked power over these enormously large, important, powerful, and complex institutions—precisely for that reason—the statute stipulates very clearly that the person holding this post has to be someone who is technically competent because of their own history, because they have been a practitioner in this field. The legislation demands that, and for good reason. Specifically, the law insists that the Director shall have a ''demonstrated

understanding of financial management or oversight, and have a demonstrated understanding of capital markets, including the mortgage securities markets and housing finance.''

So we are not talking about being automatically qualified by virtue of being a Member of Congress. One needs to be a practitioner. I will give you one quick example of many why central to the management of the enormous complexity of these institutions is the use of complex derivatives, which manage the interest rate risk inherent in these portfolios. Fannie and Freddie are the world's biggest users of derivatives for this risk management purpose. Understanding how these work, the risks that are inherent in them, and how it affects the broader capital markets is absolutely essential. Yet in December 2011, MEL WATT said this. I quote Congressman WATT:

For all of the last term of Congress, I sat in the Financial Services Committee, and a lot of these arguments that I am hearing today are the same arguments that I heard about derivatives. Well, I didn't know a damn thing about derivatives. I am still not sure I do.

Derivatives are central to the management of these institutions.

There is another reason why this statute insists on an experienced practitioner and a technocrat rather than a politician, and that is because pursuing a political agenda at these institutions is enormously dangerous. Look at the damage that it did the last time. Congressman WATT was an advocate for all of the policies that helped to drive Fannie and Freddie into the conservatorship that cost taxpayers so much money. He supported lower capital standards, lower downpayments, lower underwriting standards, loan forgiveness. He was opposed to tougher regulations, even when it was becoming clear that these institutions were on a downward spiral and soon would need a massive bailout.

Unfortunately, Congressman WATT still supports these policies. And if he were confirmed as the Director, with all of these powers, he could unilaterally reinstitute these policies.

Now, fortunately, at the moment, we have a Director who understands that his obligation to the taxpayer precludes these misguided policies. I am deeply concerned that if confirmed, Congressman WATT would reverse that practice and reinstitute some of these very damaging and dangerous policies.

So for these reasons and, I would say, in respect and in honoring the clear language of the statute, we have an obligation to not confirm Congressman MEL WATT. While I know he is a very good man, I think he is the wrong person for this job. So I would urge my colleagues to vote no on cloture later today.

I yield the floor.

THE NOMINATION OF MEL WATTS

● Mr. INHOFE. Mr. President, while not many people know about the Federal Housing Finance Agency, it has become one of the most powerful and important government agencies. Following the financial crisis and massive bailouts of Fannie Mae, Freddie Mac, and all the big banks, the Federal Government took a primary position in the mortgage market. Right now, 48 percent of all outstanding U.S. mortgages and 77 percent of those issued last year were guaranteed by the Federal Government. This is a problem in and of itself, but the FHFA is the agency that oversees all of them.

MEL WATTS is the guy President Obama has nominated to lead the agency. I know MEL from my time both in the House and the Senate, and I am deeply concerned that he will push the Federal Government further into the mortgage business, instead of moving us away from it. He has shown his colors during his time here in Washington, and he is not the right guy to lead the agency. I am opposed to his nomination and urge my colleagues to oppose him.●

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise in opposition to any motion to invoke cloture on nominees to the DC Circuit. I am somewhat disappointed that the Senate majority wants to turn to a very controversial nomination next rather than to continue on a path of cooperative confirmations or other important Senate business. It seems to me that scheduling such a controversial vote in the closing weeks of this session of Congress is designed simply to heat up the partisanship of judicial nominations.

My opposition is based on a number of factors.

First, an objective review of the court's workload makes clear that the workload simply does not justify adding additional judges, particularly when additional judgeships cost approximately $1 million—$1 million—every year per judge.

Second, given that the caseload does not justify additional judges, you have to ask why the President would push so hard to fill these seats. It appears clear that the President wishes to add additional judges to this court in order to change judicial outcomes.

Third, the court is currently comprised of four active judges appointed by a Republican President and four active judges appointed by a Democratic President. There is no reason to upset the current makeup of the court, particularly when the reason for doing so appears to be ideologically driven.

I will start by providing my colleagues with a little bit of history regarding this particular seat on the DC Circuit.

It may come as a surprise to some, but this seat has been vacant for over 8 years. It became vacant in September 2005, when John Roberts was elevated to Chief Justice.

In June of 2006, President Bush nominated an eminently qualified individual for this seat, Peter Keisler. Mr. Keisler was widely lauded as a consensus bipartisan nominee. His distinguished record of public service included service as Acting Attorney General. Despite his broad bipartisan support and qualifications, Mr. Keisler waited 918 days for a committee vote. The vote never happened.

When he was nominated, Democrats objected to even holding a hearing for the nominee based upon concerns about the workload of the DC Circuit.

First, I would like to remind my colleagues that in 2006 Democrats argued that the DC Circuit caseload was too light to justify confirming any additional judges to the bench. Since that time, do you know what happened. The caseload has continued to decrease.

In terms of raw numbers, the DC Circuit has the lowest number of total appeals filed annually among all the circuit courts of appeals. In 2005 that number was 1,379. Last year it was 1,193—a decrease of 13.5 percent.

There are a lot of different ways to look at these numbers, but perhaps the best numbers to examine are the workload per active judge. The caseload has decreased so much since 2005 that even with two fewer active judges, the filing levels per active judge are practically the same. In 2005, with 10 active judges, the court had 138 appeals filed per active judge. Today, with only 8 active judges, it has 149. This makes the DC Circuit caseload levels the lowest in the Nation and less than half the national average.

It has been suggested that there are other circuits, namely the Eighth and the Tenth, that have lighter caseloads than the DC Circuit. That is inaccurate. The DC Circuit has fewer cases filed and fewer cases terminated than either the Eighth or the Tenth Circuit.

Cases filed and cases terminated measure the amount of appeals coming into the court and being resolved. Some of my colleagues have been arguing that the Eighth and the Tenth Circuits are similar to the DC Circuit based upon the comparison of pending cases. But cases pending does not measure how many cases are being added and removed from the docket.

When looking at how many cases are added or filed per active judge, the DC Circuit is the lowest with 149. It is lower than the Eighth Circuit's 280 and the Tenth Circuit's 217. When looking at the number of cases being terminated by each court, the DC Circuit is once again the lowest at 149. Again, the Eighth Circuit and the Tenth Circuit courts are much higher at 269 and 218.

Let me mention one other important point about pending appeals and the statistics my colleagues use. Several of my colleagues said on the floor yesterday that in 2005 there were only 121 pending appeals per active judge. That number seemed a little odd to me, so we looked into it a bit further, what the situation was in 2005. In order to arrive at that number, my colleagues appear to be taking the total appeals for 12 months ending June 30, 2005, and dividing them by 11 active judges.

As it turns out, there were only 9 active judges for almost that entire 12-month period. Janice Rogers Brown was sworn in on June 10, 2005, and Judge Griffith was sworn in June 29, 2005. As a result, during that 12-month period there were 10 active judges for a total of only 19 days. There were 11 active judges on the DC Circuit for a grand total of 1 day.

A few months later in 2005, the court was back down to nine after Judge Roberts was elevated to the Supreme Court and Judge Edwards took senior status.

This is how hard pressed the other side is to refute what everyone knows to be true: The caseload of the DC Circuit is lower now than it was back in 2005. In order to have a statistic that supports their judgment, the other side is claiming there were 11 active judges for that 12-month period, while that claim was true for only a total of 1 day.

The bottom line is this: The objective data clearly indicates the DC Circuit caseload is very low and that the court does not need additional active judges. That is especially true if you use the standard Senate Democrats established when they blocked Mr. Keisler.

In addition to the raw numbers, in order to get a firsthand account, several months ago I invited the current judges of that court to provide a candid assessment of their caseload. What they said should not surprise anyone who has looked at this closely. The judges themselves confirmed that the workload on the DC Circuit is exceptionally low, stating, ''The court does not need additional judges.'' And, ''If any more judges were added now, there wouldn't be enough work to go around.''

Those are powerful statements from the sitting judges in that circuit. Given these concerns, it is difficult to see why we would be moving forward with additional nominations, especially in a time when we are operating under budget constraints. Unfortunately, the justification for moving forward with additional DC Circuit nominees appears to be a desire and an intent to stack the court in order to determine the outcome of cases this court hears.

It is clear the President wants to fill this court with ideological allies for the purposes of reversing certain policy outcomes. This is not just my view. It has been overtly stated as an objective of this administration.

I would quote along this line a Washington Post article, ''Giving liberals a greater say on the D.C. Circuit is important for Obama as he looks for ways to circumvent the Republican-led House and a polarized Senate on a number of policy fronts through executive order and other administrative procedures.''

We have a President who says: If Congress will not, I will. How do you stop that? The courts are the check on that. Even a member of the Democratic leadership admitted on the Senate floor that the reason they need to fill these seats was because, as he saw it, the DC Circuit was ''wreaking havoc with the country.''

This is perplexing, given the current makeup of the court. Currently, there are four Republican-appointed judges, and, with the most recent confirmation, there are now four Democratic-appointed judges. Apparently some on the other side want to make sure they get a favorable outcome of this court.

I have concerns regarding filling seats on this court which clearly has a very low caseload. I have greater concerns about this President's agenda to stack the court and to upset the current makeup simply in order to obtain favorable judicial outcomes because: If Congress will not, I will.

Given the overwhelming lack of a need to fill these seats based upon caseload and especially considering the cost to the taxpayers of over $1 million per judge per year, I cannot support this nomination and urge my colleagues to reject it as well.

I yield the floor.

Mr. HATCH. Mr. President, since I was first elected, the Senate has considered more than 1700 nominations to Article III federal courts. In nearly every case, the focus was on the individual nominee and whether he or she was qualified for judicial service. The nominee before us today is one of the rare exceptions. The focus here is on the court to which she and two others have been nominated, the US Court of Appeals for the DC Circuit. I cannot support any of these nominees because no one, no matter who they are and no matter what their qualifications, should be appointed to this court at this time.

It would be difficult to make a more compelling case that the DC Circuit needs no more judges. The Administrative Office of the U.S. Courts is the keeper of the caseload facts and ranks the DC Circuit last among all circuits in appeals filed and appeals terminated per judicial panel. In fact, the AO ranks the DC Circuit last even in the catch-all category of ''other caseload per judgeship.'' And Chief DC Circuit Judge Merrick Garland recently confirmed that the number of DC Circuit cases scheduled for oral argument has declined by almost 20 percent in the last decade.

Here is another way to look at this issue. In July 2006, Democrats on the Judiciary Committee signed a letter to then-Chairman Arlen Specter opposing more DC Circuit appointments for two reasons. First, they used specific caseload benchmarks to conclude that the court's caseload had declined. Second, they said that filling vacancies labeled judicial emergencies by the Judicial Conference was more important.

I am not aware that my Democratic colleagues on the Judiciary Committee have said either that they used the wrong standard in 2006 or that their 2006 standard should not be used today. I do not want to accuse anyone of using different standards for nominees of different political parties, so it is fair to apply the same standard that Democrats used to oppose Republican DC Circuit nominees.

Democrats opposed more DC Circuit nominees because total appeals filed had declined. According to the AO's most recent data, total appeals filed have declined 18 percent further since 2006. Democrats opposed more DC Circuit nominees because written decisions per active judge had declined. The AO's data show that written decisions per active judge have declined 27 percent further since 2006. Democrats opposed more DC Circuit nominees because there were nominees to only 60 percent of the 20 existing judicial emergency vacancies. Today, the Senate has pending nominees to only 49 percent of the 37 current judicial emergency vacancies. These are the facts. New appeals filed and written decisions per active judge in the DC Circuit are both 76 percent below the national average and 50 to 60 percent below the next busiest circuit.

I hope that my colleagues get the point. No matter how you slice it or dice it, the DC Circuit has the lowest caseload of any circuit in the country and its caseload continues to decline. The very same standards that Democrats used to oppose Republican nominees to the DC Circuit in 2006 show conclusively that the court needs no more judges today. As I said, none of my Democratic colleagues—and 4 who signed that 2006 letter are on the Judiciary Committee today—have said they were wrong in 2006 or attempted to explain why their 2006 standard is inappropriate today.

The Senate evaluates the vast majority of judicial nominees on their own merits. These current DC Circuit nominees are the rare exception because they have been chosen for a court that needs no more judges at all. The better course would be to enact S. 699, the Court Efficiency Act, which would move two of these unnecessary DC Circuit seats to circuits that need them.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. WARREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONGRATULATING THE BOSTON RED SOX

Ms. WARREN. Mr. President, before I start, I want to recognize the Boston Red Sox team for an outstanding historic season and to congratulate Red Sox Nation on their third World Series Championship in 10 years. Go Sox.

The Red Sox mean so much to the Commonwealth of Massachusetts and to our communities throughout New England, particularly this year. They have been a symbol of Boston's strength and resilience. From their historic one-season turnaround to their

win in front of the Fenway faithful for the first time since 1918, to their scruffy beards, this team will be remembered forever for its heart and for its success. Like all of us in Massachusetts, they have shown what it means to be Boston strong.

I also want to congratulate the St. Louis Cardinals on their 97-win season and their extraordinary achievement for winning 4 pennants in 10 years. Really amazing.

I am honored every day to represent the people of Massachusetts and the values we stand for. I am especially proud to congratulate the Red Sox today.

Mr. President, I rise today to speak in support of Congressman MEL WATT's nomination to serve as the Director of the Federal Housing Finance Agency.

In many areas of Massachusetts and around the country, housing markets have recovered, but in too many other areas the housing market is plagued by underwater mortgages and foreclosures. A wounded housing market continues to drag down our economy and it leaves millions of families struggling to rebuild economic security.

One of the people who can make an important difference in helping the housing market back to full health is the Director of FHFA. The FHFA oversees Fannie Mae and Freddie Mac. Between them, Fannie Mae and Freddie Mac back the vast majority of mortgages in the country, which means right now the FHFA has enormous influence over the American housing market.

The FHFA has the tools to help homeowners who continue to struggle following the 2008 financial crisis. It has the tools to help accelerate our economic recovery. For 4 years now, the FHFA has been led by an acting director. The time has come for some permanence and for some certainty. It is time for the FHFA to have a director, and Congressman MEL WATT is the right man for the job.

He has decades of relevant experience. He spent 22 years as a practicing lawyer, working with middle-income and lower income families on real estate closings and other housing issues. He then spent the next 21 years in Congress as a member of the House Financial Services Committee where he dealt firsthand with housing finance as a policymaker.

When it comes to housing, Congressman WATT has seen it all. Congressman WATT has shown good judgment throughout it all. Several years before the housing market collapse in 2008, Congressman WATT introduced the Prohibit Predatory Lending Act in an effort to stop mortgage lenders from taking advantage of homebuyers. The act would have helped Congress address the underlying cause of the financial crisis by making it harder for lenders to push families toward mortgages they could not repay and too often did not understand.

After that crisis hit, MEL built on his earlier legislation to craft laws that reduced risky mortgage lending and gave homeowners additional protection. Congressman WATT has worked hard to level the playing field for consumers. But he is no ideologue. I have worked with him for many years now. I have seen firsthand that he is a thoughtful policymaker. He can see problems coming, and when he does he seeks common ground and works hard to develop real solutions.

As Congress looks at ways to fix Freddie and Fannie to steady the housing market, Congressman WATT's practical approach is exactly what FHFA needs. The people who know him best, the Senators from his home State of North Carolina, the business leaders in his congressional district in Charlotte, support his nomination without reservation.

So what I want to know is this: Why would anyone in Congress try to block MEL from receiving a simple up-or-down vote? Why would they not want strong leadership in an agency that has been thrust into such a critical role in the economy? It does not make sense, not to the people who know MEL and not to the people who want to put this economy back on track.

MEL's work will help restore the housing market, help lift the economy, and most of all, help strengthen America's families.

It is time for obstruction for obstruction's sake to end, and it is time for the Senate to move forward with an up-or-down vote to confirm Congressman WATT so that he can get to work at the FHFA serving the American people.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOMINATION OF PATRICIA ANN MILLETT TO THE DC CIRCUIT COURT OF APPEALS

Mrs. FEINSTEIN. Mr. President, I rise to say a few words about the appointment of Patricia Millett to the DC Circuit. The DC Circuit is an 11-member appellate court that hears some of the greatest and most serious administrative appeals in this country. Most of them are complicated, somewhat convoluted, and they do take serious expertise.

The court is an 11-member court. It currently has eight members. Three of the eight are women, and there are three vacancies on the court. Patricia Millett has been nominated by the President to fill one of those vacancies. What is interesting about this debate is that no one questions her qualifications or her temperament. She graduated summa cum laude from the University of Illinois in 1985 and magna cum laude from Harvard Law School in 1988. Even Senator CRUZ from Texas has pointed out how superbly qualified she is. Yet there is a good chance that there will not be the votes to allow us to proceed to a vote on her qualifications and therefore confirm the nomination.

I wish to state some of her qualifications. She clerked for Judge Thomas Tang on the Ninth Circuit in Phoenix, AZ, for 2 years. She worked in the Solicitor General's office for 11 years, in the Justice Department's civil Appellate Section for 4 years. She leads the Supreme Court and appellate practice at the law firm Akin Gump. She has argued 32 cases in the Supreme Court, placing her in the top 10 of all attorneys from 2000 to 2012. She has also argued dozens of cases in other appellate courts.

She is known as a superb appellate lawyer. She is known as someone with sterling qualifications, and she has received the unanimous rating of ''well qualified'' from the ABA—the highest rating the ABA gives. She has received numerous awards from the Department of Justice and strong support across the aisle, including from all three Solicitors General who served in the Bush administration. She is not only an outstanding lawyer, she is also an exceptional person with a work ethic, a morality, and a history of faithful service that is truly admirable.

She is the mother of two children, David and Elizabeth. She earned a black belt in Tae Kwon Do after taking classes with her husband and their children. I am not sure how important that is, but I assume she is physically very fit.

She is a military spouse. Her husband Bob served in the Navy and the Navy Reserve until his retirement in 2012, and he was deployed to Kuwait in 2004.

Anyone who has read the Bars and Stripes article on her cannot but look at this woman and say she is the model American woman. Yet we may not even be able to vote on her today.

During that time, Patricia was also one of so many military spouses who shouldered the burden of parenting while her husband was overseas. She understands the sacrifices military families make to keep our country safe. ''Pattie did the job of two parents while Bob was away. . . . During Bob's nine-month deployment [to Kuwait], Pattie was still working at the Solicitor General's office and handling a heavy Supreme Court caseload,'' which is very special if one thinks about what it means. ''She argued one Supreme Court case and briefed five more while juggling her solo-parenting duties.'' According to this article, Tom Goldstein, a distinguished appellate practitioner and the founder of the popular scotus Web site, said ''Through it all, he never saw Pattie complain about these sacrifices for her country.''

She has also made a long-time commitment to work on behalf of the homeless. The Bars and Stripes article says:

The project most near and dear to Pattie's heart is Mondloch House, a group of homeless shelters and individuals that Pattie has been involved with for many years. Each week, Pattie coordinates fruit and vegetable deliveries . . . to make sure the shelters have fresh produce.

Judge Thomas Ambro of the Third Circuit Court of Appeals said it best:

Pattie is a really good human being. And, as everyone knows, she's in the first rank of appellate practitioners in this country. She combines talent, hard work, judgment, and focus; she's the complete package.

The question is, Why is there opposition to this nomination? Some on the Republican side have said the DC Circuit, which today has eight judges and three vacancies, doesn't need any new judges. They said President Obama is trying to pack the court. I disagree. Only 7 or 8 years ago my Republican colleagues were arguing to confirm President Bush's nominees to fill vacancies on the 9th seat, the 10th seat, and the 11th seat on the DC Circuit. They even threatened to invoke the nuclear option to fill these seats. The caseload isn't much different than it was then. In fact, it is greater in some measures today. The number of pending appeals per active judge on the DC Circuit is greater than the number when all four of President Bush's DC Circuit nominees were confirmed. In addition, while the raw filings per active judge are lower on the DC Circuit than some other circuits, there is good reason for that. The DC Circuit's caseload is different because of the substantial docket of complex administrative agency appeals.

In fact, statistics published by the Judicial Conference of the United States show that—without counting immigration appeals—43 percent of DC Circuit cases were administrative appeals. The average in all other circuits combined is only 1.7 percent. That is a huge difference.

If you look at the published opinions from the first six months of this year, the DC Circuit's published cases took just as long—and in many cases longer—than did the published decisions of many other circuits. The median time from filing to disposition is 11.8 months—28 percent above average among the circuits.

And, many of those DC Circuit cases involved highly complex administrative appeals with important questions of Federal law and regulation.

Chief Justice Roberts wrote about this in a 2006 law review article called What Makes the DC Circuit Different? He cited the Court's jurisdiction to review decisions of numerous important agencies, such as the FCC, the EPA, the NLRB, the FTC, and the FAA. And he wrote: ''Whatever combination of letters you can put together, it is likely that jurisdiction to review that agency's decision is vested in the Circuit.''

And, as former DC Circuit Judge Patricia Wald wrote in the Washington Post, ''These cases can require thousands of hours of preparation by the judges, often consuming days of argument, involving hundreds of parties and interveners, and necessitating dozens of briefs and thousands of pages of record—all of which culminates in lengthy, technically intricate legal opinions.''

So, the caseload does support the confirmation of new judges to the DC Circuit.

I would also like to take a moment to address this notion of ''court packing,'' a term that originated with a plan by President Franklin Roosevelt to authorize new seats on the Supreme Court when he was not getting decisions he favored.

This is not about creating new seats. This is about filling seats that exist, seats that have been authorized by Congress for many years, seats that the Judicial Conference continues to recommend be filled, and seats that my Republican colleagues pushed to fill not so many years ago. This is not ''court packing.''

Now, I remember how the DC Circuit looked after President Bush's last appointee was confirmed in 2006. The Court had seven Republican appointees and three Democratic appointees. Other circuits were similarly lopsided as well. Some might see that as packing the courts.

But I do not see it that way. A President must do his or her job making nominations to ensure that the judicial business of the American people gets done over time, long after that President leaves office. That is how our system works.

I supported two of President Bush's DC Circuit nominees, John Roberts and Thomas Griffith, and I supported cloture on a third, Brett Kavanaugh. I supported other controversial Bush circuit court nominees, sometimes to the chagrin of many on my own side. I did so because I believed those nominees were qualified and could be fair. I believe very deeply that the judiciary is too important to play partisan games with. That is exactly what is going on. Why should I continue, as a member of the Judiciary Committee with the second most seniority, when the administration changes, to step out and support any new Republican's nominees? I have done it in the past. I hoped to break this deadlock of partisanship. I had hoped we could vote when a nominee is qualified regardless of party. This nominee, if a motion to close off debate is not granted, shows me that the atmosphere is such that this can never be the case and that I, as someone on the Judiciary Committee who has been willing to cross party lines to vote for a qualified nominee, should cease and desist in this regard. That is the message of this nominee to me.

Think of this woman and her history: Army wife, mother of two, appellate lawyer, Solicitor General's office, and the tenth greatest number of Supreme Court appearances in the last 12 years. She is going to be denied, and no one has cast any blemish on her academic ability or her moral ethic. So the only thing I am left with is intense partisanship.

Please, let there be some Republicans who want to change the nature of this place and begin that change with the recognition that we have a superior woman. In a country where the majority of people are women, the number of women on this court is in the minority, and there is a need for bright, informed, legal talent. This woman is one of them. I hope she will survive cloture.

I ask unanimous consent that the article from Bars and Stripes be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Bars and Stripes, Oct. 21, 2013]

FAITH & FAMILY: THE CENTER OF A MILITARY SPOUSE DC CIRCUIT NOMINEE

(By Reda Hicks)

Patricia Millett (Pattie to her friends) is the complete package. From the beginning of her career, Pattie had all the markings of a legal rock star. Top of her classes at University of Illinois at Urbana-Champaign and Harvard Law School. Prestigious clerkship for the Ninth Circuit Court of Appeals. Appellate staff of the Department of Justice Civil Division. Assistant to the Solicitor General, serving equal time under Presidents Bush and Clinton. Head of Akin Gump's Supreme Court practice. More than 30 cases argued before the Supreme Court. Sky-high stack of professional accolades. ''Unanimously Well Qualified'' ABA Rating. Seven Solicitors General support her nomination to the D.C. Circuit.

But somewhere in that rocket-propelled career, Pattie fell in love with a Sailor. And became a mom. And earned a black belt. All while living a genuine, intentional, faith-based life of success. And these qualities and experiences, even more than her legal fame, are what make her the complete package.

Her long-time friend and fellow appellate attorney Tom Goldstein knows that all too well: ''Pattie is an outstanding talent, an incredibly hard worker, and the best legal writer I have ever had the good fortune to work with. But her success comes from a complete commitment to a core set of values, to family, God, and country that really drive all of her decisions.''

Pattie met Bob King in 1995, in Washington, D.C., while he was serving at the Pentagon in the U.S. Navy. They met at a Washington Street United Methodist Church singles event Bob reluctantly attended at the urging of his roommate. Bob knew right away that Pattie was the one; he felt like they had been together forever because their core values were so in step from the very beginning. Bob and Pattie were married a year later in June 1996, in the same church where they had first met.

Three years later, when it looked like Bob's next assignment would send him far from Pattie, they made the decision that Bob would transition to the Navy Reserves, where he served until his retirement in 2012. Commitment to family is a top priority for Bob and Pattie, who work together to make their children David and Elizabeth the center of their lives.

Like so many other military spouses, Pattie did the job of two parents while Bob was away on reserve duty, and eventually in 2004 he was called on to deploy. ''It was really hard for her, working sixty hour weeks and keeping our family together in my absence

with a three-year-old and six-year-old to handle at home,'' he says. ''But she did an amazing job!''

During Bob's nine-month deployment, Pattie was still working at the Solicitor General's office and handled a heavy Supreme Court caseload. She argued one Supreme Court case and briefed five more while juggling her solo-parenting duties. Tom Goldstein says through it all, he never saw Pattie complain about these sacrifices for her country.

''She was proud of Bob's service, and was completely committed to her family as her first priority.'' Pattie might have made it look easy, but her associate Hyland Hunt knows differently. Hyland, also a military spouse, has been working with Pattie at Akin Gump for two years.

''Pattie has been a tremendous encouragement to me,'' says Hyland. ''Other things pulling at us can sometimes make it very hard to focus on work, but watching Pattie helps me know that it can be done.'' But it doesn't just happen. ''If Pattie has taught me anything, it's that you have to live intentionally in each part of your life.''

Pattie served as a mentor for Hyland on the law, but has also been a sounding board as she navigates the difficult choices military spouses have to make when balancing career and a spouse's military service. Helping others is a practice familiar to those who know her, as Pattie is held in high esteem as much for being a good person as for being a good lawyer.

''Pattie is a really good human being,'' says Judge Thomas Ambro of the Third Circuit Court of Appeals. ''And, as everyone knows, she's in the first rank of appellate practitioners in this country.'' Judge Ambro met Pattie in 2000, when a friend suggested she would make a good addition to an appellate panel he was working on. The success of the first panel led to many more, and Pattie now speaks to Judge Ambro's Georgetown undergraduates each year about how to manage all of the things tugging at their time and balance. It's a message that really resonates with them.

''[She] combines talent, hard work, judgment, and focus; she's the complete package,'' Judge Ambro notes. ''And she does it all without being nasty.''

''The thing that amazes me, knowing how much stress she is under, is that she is incredibly kind and unfailingly humble and gracious,'' says associate Hyland Hunt. ''You never hear her snap at opposing counsel. She keeps an equanimity that is remarkable.''

For Pattie, this kindness goes hand in hand with her and Bob's core principles. From that first fateful day when Bob and Pattie met at Washington Street United Methodist, they have been committed to putting service and faith at the center of their family.

''We firmly believe that we are here to serve,'' Bob says, ''and we are very intentional about teaching that to our children.'' Today, the whole family is involved in various ministries. David worked on the Highland Support Project in Guatemala, bringing running water to remote areas. Elizabeth's service started when she raised $1,800 selling lemonade to raise money for children living in a garbage dump in Cambodia. And both kids have been on mission trips to West Virginia, where they worked with the Jeremiah Project to help repair and rebuild low-income housing. Next summer, says Bob, they are very excited to be going on a mission trip together for the first time, working with the White Mountain Apache Tribe in Ft. Apache, Arizona.

The project most near and dear to Pattie's heart is Mondloch House, a group of homeless shelters for families and individuals that Pattie has been involved with for many years. Each week, Pattie coordinates fruit and vegetable deliveries, organizing volunteers for pick-ups and drop-offs to make sure the shelters have fresh produce to serve. Hyland Hunt says Pattie's family has a well-known tradition of serving dinners together at one of the homes, called Hypothermia Shelter.

Pattie, Bob, and the kids love to do things together. In fact, Bob says spending time, all four of them together, is Pattie's favorite thing to do. That's why, many years ago when their daughter joined her older brother in taekwondo lessons, Bob and Pattie decided to start taking lessons, too.

''We wanted something to do together that was active,'' says Bob. ''It is a fun family activity, but it also teaches each of us basic self-defense skills, which are very important.'' Now, all four of them are black belts; in fact, Pattie is a second degree black belt, surpassing her husband and nearly catching up to her son David's third degree belt.

Pattie's colleagues say unequivocally that her passion for the law takes a backseat to her husband and their two children. Maintaining balance between family and a demanding legal field is probably also one of her greatest career challenges. But she has a champion in her biggest fan, her husband.

''Seventeen years is no short amount of time, but I have loved every minute with her,'' he says. ''She still amazes me with how she can juggle everything and keep her sanity.''

From her very first Supreme Court argument, Bob wanted to be in the gallery cheering Pattie on. But Pattie refused. ''I don't want you to see me crash and burn!'' she would say, although Bob knew that she certainly would not.

It took Bob five years to convince Pattie to let him come watch her argue, and when she finally agreed, Bob was blown away. Now, Bob goes to watch her every chance he gets. ''I've seen four or five arguments now, and I'm just amazed every time because you have to be so fast on your feet! I could never do that. She's one of the best! I know I'm not objective on that, but it's true!''

Watching Pattie before the Supreme Court, Bob says it is clear she has earned the respect of the Justices. ''They know what they will get when Pattie comes before them, because she is always prepared.'' That might be an understatement.

Before an argument, Pattie spends weeks studying the record, going through moot court arguments until she knows her case inside and out. Tom Goldstein calls Pattie a ''ferocious preparer, committed to leaving no stone unturned, and thinking of every possible nuance and counter argument to the counter argument.'' Says Hyland Hunt, ''It always amazes me how she can digest and know the record,'' but Pattie's is the kind of knowledge that comes from plain and simple diligence.

Pattie's hard work, focus, and tenacity have made her a great advocate. Her kindness, wisdom and graciousness have made her a highly respected professional. But her strong center, built on family, faith, and service make her the complete package.

Military spouses forging their own careers can learn a lot from Pattie's example. Whatever our professional pursuits, true success starts at the core; build a strong one, then hold on to it tightly.

Mrs. FEINSTEIN. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. I will be opposing cloture on the nominations of Melvin Watt to be the Director of the Federal Housing Finance Agency and Patricia Millett to be a U.S. circuit court judge for the District of Columbia Circuit. I do so because I believe that neither candidate should be affirmed by the Senate at this time.

I have been privileged many times to be a part of groups of Senators who were able to come together and negotiate agreements to end the gridlock surrounding nominees, avert the nuclear option, and allow the Senate to move forward with our work on behalf of the American people. My work in these groups—often referred to as ''gangs''—has won me both praise and condemnation and has often put me at odds with my party.

In 2005 when the Republicans were in the majority and we were about to exercise a nuclear option on President Bush's judicial nominees who were being filibustered by the other side that was in the minority, part of the agreement addressed future nominees, an agreement which has held all these years. I quote from the agreement:

> Signatories will exercise their responsibilities under the Advice and Consent Clause of the United States Constitution in good faith. Nominees should only be filibustered under extraordinary circumstances, and each signatory must use his or her own discretion and judgment in determining whether such circumstances exist.

As to both of the nominees we are considering today, I find and it is my judgment as a Senator that extraordinary conditions exist. The agreements I have entered into, including to begin on the motion to proceed, including last July on the NLRB nominations, have all included preserving the right of individual Senators to exercise their rights.

If we go to the nuclear option—which I understand some of my colleagues are now frustrated to the point where they would like to—meaning that 51 votes will now determine either nominees or other rules of the Senate, we will destroy the very fabric of the Senate; that is, that it requires a larger than numerical majority in order to govern.

I understand the frustration of my colleagues on the other side of the aisle. It is interesting that well over half of my colleagues in the Senate have been here less than 6 or 7 years. The majority of my friends on the other side have not been in the minority. The majority of my colleagues on this side have not been in the majority. I have been in both. When this side was in the majority, I watched how out of frustration we wanted to curtail the 60-vote criteria and go to 51 because we were frustrated over the appointment of judges. That was back in 2005. I watched my colleagues on the other side want to go to 51 votes because of their frustration over the motion to proceed. I have watched and understand the frustration the majority feels because they feel it is their obligation to make this body function efficiently.

The truth is, this body does not function efficiently nor was it particularly designed to. Is there more gridlock

than there used to be? In many respects, yes. And I believe with all my heart that what we just did to the American people in the shutdown of the government may motivate colleagues of mine on this side as well as the other side not to do this kind of thing again. Our approval rating with the American people has sunk to all-time lows and they are going to see another expression of gridlock when we take these votes today. But the cure is going to have repercussions for generations to come in this body.

There is no reason to have a House and Senate if we go to a simple 51-vote rule in this body. My colleagues should understand that someday—someday—this side of the aisle will be in the majority and this side of the aisle will feel frustration, as we did once before when we were in the majority because of blockage from the other side of the aisle.

I urge patience on the part of the majority leader. I urge patience on the part of my colleagues on the other side of the aisle. Most of all I urge the kind of comity between leadership on both sides and individuals on both sides.

I see the Senator from Virginia is here, and he has been one who has worked very hard to engender that in this body. Can't we work some of these things out without having a showdown on this floor every single time?

This dispute won't affect the American people. What we just did in the shutdown certainly injured the lives and well-being of millions of innocent Americans. Maybe we have learned from that, but I urge my colleagues to understand the votes being taken on these two issues are in keeping with the agreement I joined in with 13 of my colleagues, Republican and Democrat, back in 2005. That agreement stated that ''signatories''—those who made the agreement—''will exercise their responsibilities under the advice and consent clause of the United States Constitution in good faith.''

In good faith. I am acting, with my vote, in good faith.

I see my friend the majority leader on the floor of the Senate, and I hope he understands this action is being taken in good faith. But I also understand the frustration my friend the majority leader feels. So I urge my colleagues, when we get through this, to sit down, have some more conversations and negotiations so we can avoid this kind of cliff experience which has earned us the strong, profound, and well-justified disapproval of the American people.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, very briefly, I want to respond to my friend from Arizona.

I have worked with the senior Senator from Arizona on many things over these many years we have been in Congress together, and I heard what he said. I appreciate his suggesting we have a conversation about what is going to happen in the next couple of days and I am always willing to do that.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, I also to want speak to the judicial nomination, but I want to first respond as well to the Senator from Arizona. Let me first of all say there are few people in this body I have more respect for, and there are few people in this body who have time and again shown the political courage he has to put country ahead of party. I share a lot of his views. It is odd, but I feel sometimes that I work in the only place in America where being a gang member is considered a good thing.

I have not served here during these times when my party was in the minority, and intellectually I understand Senator MCCAIN's point, but I guess what I can't understand and what I can't explain to the folks all across Virginia when they ask me: Why can't you guys get anything done, is that on any historical basis, looking at the number of times these procedures have been used in the past—and clearly they have been used by both parties—it seems at some point, while the rights of the minority need to be protected, there has to be some level of common agreement for not exercising these tools to the extent they have been so that this institution becomes so dysfunctional we allow ourselves to do something that in my tenure both in public and private life was never as stupid as what we did during the first 3 weeks of October.

So I do appreciate the Senator's comments. And although I now want to speak to the extraordinary qualifications of Patricia Millett, someone from Virginia, I wanted to state that I believe in the Senator's good faith and I also hope we can avoid the kind of further breakdown that would further disappoint the American people. I thank him for his comments.

I do want to take a couple of moments to talk about something other Senators have come out to speak on, and that is the nomination the President has made of a fellow Virginian, Patricia Millett, to be part of the U.S. Court of Appeals for the DC Circuit.

I have had the opportunity as Governor to appoint people to the bench, and I took that responsibility very seriously in terms of reviewing the qualifications of the candidates. I had the opportunity as a Senator to recommend individuals to the courts for the President's consideration, and I can't think of a candidate who brings more qualifications, more evidence of bipartisan support, more deserving of appointment, than Patricia Millett.

We all know the DC Circuit plays an incredibly important role in our judicial system. We also know the court currently has 3 of its 11 seats vacant. I recognize that in the past this court has been the focus of some debate and discussion, but the idea that we are going to somehow change the rules midstream seems inappropriate. If there is a legislative reason why we should change the DC Circuit Court from 11 to some fewer number of judges, that ought to be fully debated, but we should not hold up the confirmation of an individual whose credentials I believe are impeccable.

Ms. Millett currently chairs the Supreme Court practice at Akin Gump. She went to the University of Illinois and Harvard Law School. She clerked on the U.S. Court of Appeals for the Ninth Circuit, and she worked on the appellate staff of the civil division of the U.S. Department of Justice.

She has spent over a decade in the U.S. Solicitor General's office, serving both Democratic and Republican administrations. During her time there she was awarded the Attorney General's Distinguished Service Award, and as has been mentioned by my other colleagues, during her career she has argued 32 times before the Supreme Court, which until recently was the highest number of cases argued by any woman in our history.

What is also remarkable—and the Senator from Arizona mentioned we need to move past some of these partisan divisions—is that this is an individual who is supported by both Democrats and Republicans.

I ask unanimous consent to have printed in the RECORD a letter indicating that support.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 3, 2013.

Hon. PATRICK LEAHY,
Chairman, Committee on the Judiciary, Dirksen Senate Office Building, U.S. Senate, Washington, DC.

Hon. CHARLES GRASSLEY,
Ranking Member, Committee on the Judiciary, Dirksen Senate Office Building, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: We are former Solicitors General of the United States, and we write in support of the nomination of Patricia Millett for a seat on the United States Court of Appeals for the District of Columbia Circuit. Each of us has substantial first-hand knowledge of Ms. Millett's professional skills and personal integrity. It is our uniform view that she is supremely qualified for this important position.

Ms Millett served for 15 years in the United States Department of Justice—first as an appellate attorney in the Civil Division during the George H. W. Bush Administration and then for 11 years in the Solicitor General's office, during the Clinton and George W. Bush Administrations. Since leaving the Department, she has co-led and then led the Supreme Court practice at Akin Gump. Over the course of her distinguished career, Ms. Millett has argued 32 cases in the Supreme Court and many more in the courts of appeals—in matters that span a broad range of federal-law issues, from constitutional challenges to administrative review, statutory-interpretation disputes, and commercial and criminal law questions. With deep experience in both private and government practice, she will bring an appreciation of both sides of the many important disputes before the District of Columbia Circuit.

Within the Bar, Ms. Millett has been a leader among her peers, and a mentor to many other lawyers, through her teaching visits to law schools and her work with a number of professional associations, including the Coke Appellate Inn of Court, the Supreme Court Institute, and the Opperman Institute for Judicial Administration.

Ms. Millett has a brilliant mind, a gift for clear, persuasive writing, and a genuine zeal for the rule of law. Equally important, she is unfailingly fair-minded.

We understand there is an ongoing debate about the optimal number of active judges for the District of Columbia Circuit, and this letter takes no position on that issue. But if additional judges are to be confirmed, we think Ms. Millett's qualifications and character make her ideally suited for a position on that distinguished Court. Please do not hesitate to contact any of us if you have any questions.

Sincerely,

KENNETH W. STARR,
(Solicitor General, 1989–1993).
DREW S. DAYS III,
(Solicitor General, 1993–1996).
WALTER E. DELLINGER,
(Acting Solicitor General, 1996–1997).
SETH P. WAXMAN,
(Solicitor General, 1997–2001).
THEODORE B. OLSON,
(Solicitor General, 2001–2004).
PAUL D. CLEMENT,
(Solicitor General, 2005–2008).
GREGORY G. GARRE,
(Solicitor General, 2008–2009).

Mr. WARNER. Ms. Millett served seven former Solicitors General from all ends of the political spectrum. In the letter I just referred to, her nomination is supported by Democrats such as Walter Dellinger as well as Republicans such as Ted Olson and Ken Starr.

She has also been recognized by the National Law Journal as one of the hundred most influential lawyers in America, and has received the endorsement of the American Bar Association.

As mentioned by the Senator from California already, she has a remarkable personal story as well. She is active in our community in Virginia, she is a resident, and actually attends church in my home city of Alexandria. We saw earlier the picture of her and her husband, and as was mentioned before a picture is worth a thousand words. Her husband was deployed a number of times as a naval reservist in Operation Iraqi Freedom, and earlier this month the Military Spouse J.D. Network recognized Ms. Millett for her professional service and for her service as a spouse of an Active-Duty participant.

So this incredible lawyer, this incredible community servant, this individual who has the support of both Republicans and Democrats, should not be denied her appointment to the DC Circuit.

Again, I have not been here when we were in the minority, but as has been mentioned time and again, when John Roberts—who is now, obviously, our Supreme Court Chief Justice—was nominated for the DC Circuit, he was confirmed unanimously. Even though many Democrats did not share his judicial views, they viewed his qualifications as impeccable.

I heard constantly the same from my colleagues on the other side, that this is not a question of Ms. Millett's qualifications. Why should this individual be denied her appropriate representation on the DC Court of Appeals? So I hope, my colleagues, that we can avoid further threats and counterthreats. Let's vote this individual based upon her qualifications. On any indication of qualifications, Patricia Millett is ably qualified, uniquely qualified to serve on the DC Circuit Court of Appeals, and I urge my colleagues to vote for her confirmation.

I yield the floor.

Mr. KAINE. Mr. President, I strongly support the nomination of Pattie Millett, of Alexandria, VA, to the United States Court of Appeals for the DC Circuit. Ms. Millett is extremely well qualified for this position, in terms of her legal expertise, experience, character, and integrity. The Senate should invoke cloture on and confirm her nomination.

As one of the Nation's leading appellate lawyers, Ms. Millett possesses remarkable legal expertise in this area. She has litigated appellate cases extensively, including 32 arguments and many briefs before the U.S. Supreme Court, and 35 arguments spanning 12 of the Federal Circuit Courts of Appeal (including the DC Circuit). Her cases have spanned the spectrum of legal issues that the DC Circuit confronts, including constitutional law, administrative law, civil and criminal procedure, commercial disputes, national security, and civil rights. Ms. Millett also has many years of experience in the public sector, having worked in the Office of the Solicitor General for over 11 years, and in the Appellate Section, Civil Division of the Department of Justice for 4 years. It's important to note that her service to the United States was bipartisan, spanning both Democratic and Republican administrations.

Ms. Millett graduated from Harvard Law School, magna cum laude, in 1988 and she clerked for the Honorable Thomas Tang of the U.S. Circuit Court of Appeals for the Ninth Circuit for 2 years.

I believe Ms. Millett possesses the character and integrity necessary for a nomination of this caliber. She is an active member of Aldersgate United Methodist Church, where she teaches Sunday school and visits the hospitalized and home-bound. For many years she has also participated in the Hypothermia Homeless Shelter, which operates during the winter months on the Route 1 corridor in Alexandria, preparing meals.

As a military spouse, Ms. Millett and her family have also sacrificed for our Nation. Ms. Millett's husband was deployed during Operation Iraqi Freedom, so she brings a unique understanding of veterans' issues and the stress of deployment on soldiers and their families.

I know there have been issues raised regarding the caseload for the DC Circuit. These issues do not concern me. With respect to the size of the DC Circuit, Congress removed a seat under the Court Security Improvement Act of 2007. Today, three of the DC Circuit's eleven existing seats are vacant. And three other circuits currently have lower caseloads per active judge than the DC Circuit. Yet, just this year, the Senate confirmed nominees to two of these other circuit courts—the Eighth and Tenth Circuit.

As Governor of Virginia, I chose two members of the Supreme Court of Virginia and have thought deeply about qualities that make for a strong appellate judge. I believe Ms. Millett is superbly qualified for a position on the DC Circuit Court of Appeals. I hope the Senate invokes cloture on her nomination today, and that she is confirmed for a position on the DC Circuit.

Mrs. MURRAY. Mr President, I wish to speak briefly about an outstanding candidate nominated to serve on the United States Court of Appeals for the District of Columbia Circuit. On June 4, 2013, President Obama nominated Patricia Millett to be a United States Circuit Judge.

Patricia's qualifications to be a United States Circuit Judge are impeccable. She is a graduate of Harvard Law School and the University of Illinois at Urbana-Champaign. Patricia practiced at Miller & Chevalier and worked as a law clerk for Judge Thomas Tang, on the Ninth Circuit Court of Appeals. Following 4 years in the appellate section of the Department of Justice's Civil Division, Patricia served as assistant to the Solicitor General for more than a decade.

After her public service, Patricia joined Akin Gump Strauss Hauer & Feld LLP, where she heads the firm's Supreme Court practice and is co-leader of its national appellate practice. She has extensive experience arguing cases before the Supreme Court—32 in all and is without question one of the Nation's leading appellate lawyers. Patricia's experience, education, and character have earned her praise from colleagues and clients alike. Following her nomination, the American Bar Association rated her unanimously well qualified to serve as a United States Circuit Judge.

Patricia is also a military spouse, having steadfastly stood by her husband's side as he served his country in uniform for 22 years. As she awaits Senate confirmation, I am proud to say Patricia's nomination is supported by Blue Star Families, by veterans, and active-duty members of the Armed Forces, who today stand with her as she prepares to serve her country once more. Their support is a testament to

Patricia's character and to the integrity with which she will serve as a federal judge.

I rise today to not only speak in strong support of Patricia's nomination, but also to decry the decision by Senate Republicans to once again play politics with President Obama's nominees and to place partisanship above all else.

I rise today because my colleagues in the minority have declared it unnecessary to fill the three vacancies on the DC Circuit, including the seat to which Patricia has been nominated. The Senate Republicans on the Judiciary Committee propose eliminating the 9th, 10th, and 11th seats on the DC Circuit, rather than confirming nominees put forward by this President. Now, of course, my Republican colleagues dispute any partisan motivation. Instead, they claim a diminished caseload on the DC Circuit simply does not warrant confirmation of President Obama's nominees. This might be a persuasive argument were it not belied by Senate Republicans' confirmation of President Bush's nominees to these same seats and by the fact that the DC Circuit caseload has been consistent over the past decade and has even increased in recent years.

In fact, when John Roberts, now Chief Justice of the Supreme Court, last held the seat Patricia would occupy, his caseload was lower than the pending caseload Patricia will encounter on her first day as a judge. Let me be clear, the fight over this confirmation has nothing to do with Patricia—instead it has everything to do with the fact that a Democrat, rather than a Republican, now controls the White House. My colleagues on the other side of the aisle are doing everything they can to prevent confirmation of this President's nominees.

Truly, the stakes are too high for this type of political gamesmanship, The DC Circuit is often called the second most important court in the United States, and for good reason. The DC Circuit handles some of the most complicated cases that enter the Federal court system, and its decisions touch the lives of Americans each and every day. From decisions affecting our clean air and water, to decisions having broad implications for labor relations, elections, and how we interpret and apply the Americans with Disabilities Act—decisions by the DC Circuit impact not only the quality of our lives today, but also our children's lives tomorrow.

Most importantly for our men and women in uniform, for our veterans, and for their families, the DC Circuit has jurisdiction over the Department of Defense and the Department of Veterans Affairs. Its decisions matter to our servicemembers, to our veterans, and to their families—which is why it is shameful that Senate Republicans would rather play politics than allow a clean up or down vote on Patricia's nomination. The American people expect more from us. They deserve more from us.

I urge my colleagues to set aside partisanship and politics and allow an up or down vote on Patricia's nomination. Through her distinguished career and public service, Patricia Millett has earned not only our admiration and respect, but our support. Join me in supporting this nominee who is eminently qualified to serve as a United States Circuit Judge.

Ms. HIRONO. Mr. President, I rise to speak in support of the nomination of Patricia Millett to be a Circuit Judge for the United States Court of Appeals for the District of Columbia Circuit.

As my colleagues have noted, Patricia Millett will bring a wealth of experience and skill to the bench. She is a nationally recognized appellate attorney. She has argued 35 cases in nearly all of the Federal appellate courts and 32 cases at the Supreme Court. Patricia Millett is unquestionably qualified to serve as a judge on the DC Circuit Court.

I am proud to serve on the Senate Armed Services and Veterans' Affairs Committees, and I have been moved by Patricia Millett's experience as part of a military family.

Her husband, Robert King, served in the Navy and as a Navy reservist until his retirement last year. In 2004, he was deployed to Kuwait as part of Operation Iraqi Freedom, and was called up again in the fall of 2009 for Afghanistan, while Patricia cared for their 2 children, maintained the household, and continued her career, arguing before the Supreme Court.

Patricia and her husband have faced what so many military families have, the difficulties of deployment, the challenges of separation and single parenting at home, and the process of reintegration when a servicemember returns. They have shown the deepest commitment to serving our Nation.

Patricia Millett will bring these important experiences and the devotion to this country unique to military families with her to the bench, a vital contribution to the DC Circuit given the distinct role it plays in adjudicating military and defense issues.

Much of Patricia's life has been devoted to public service, and her desire to serve as an appellate judge for the important DC Circuit is a reflection of that commitment to serve in the public interest. I am disappointed that our colleagues have blocked a vote to confirm Ms. Millett. I urge Senators to reconsider and support her nomination.

The PRESIDING OFFICER (Ms. BALDWIN). The majority leader.

SENATOR-ELECT CORY BOOKER

Mr. REID. Madam President, in a few minutes we are going to have the good fortune of welcoming a fine young man to be the next Senator from the State of New Jersey. I trust that serving in the Senate will be among the most rewarding experiences of his life, and he has had many of them.

I urge my fellow Senators, Democrats and Republicans, to get to know this good man. I feel so elated that he is going to be here. Of course, I loved Frank Lautenberg. We served together for all those many years. But we are going to find that CORY BOOKER is going to be a great asset to this Nation and to the Senate.

He has had a tough time the last few months. His parents moved to Las Vegas in early August. And as things happen in life, his dad was stricken with a very violent stroke. His aunt lives there, his mom's sister. She is a retired dentist from California. I was there because of the August recess and I had the good fortune of meeting all three of them. His dad, of course, was not able to communicate and, sadly, he died not too long after that. But this was right before his election was completed, and it was very difficult for Senator-elect Booker going to Nevada, campaigning with all the national publicity he had in that election, but he, during this time of fire, did extremely well. I am very proud of him.

He had a demanding year, no doubt, with all the things he was doing and his deciding to run for the Senate. But he traveled to Nevada on various occasions, as I indicated, to be with his family and to support them. This quality he has was apparent early in life—his love of family and dedication to his parents, now especially his mom, who is going to be here today. He is not only a devoted son but a brilliant scholar and a dedicated public servant.

Think about this man's academic record: Stanford undergraduate, senior class president at Stanford. That fine institution also allowed him to study even more there and he earned a master's degree in sociology, which has served him well in the work he has done. His having this advanced degree in sociology helped him in his work with the people of the State of New Jersey and the city of Newark. But with him, one Stanford degree wasn't enough; he got two. And then, if that weren't enough—and it wasn't—he was chosen to be a Rhodes scholar and then got another advanced degree at Oxford.

If that wasn't enough, he went to Yale Law School. This is quite a record. He has been a city councilman and mayor for more than a decade. He has lived with his constituents and kept in touch with them like no mayor with whom I have ever come in contact. We are so fortunate to have him here. He has been with his constituents in the inner city of Newark. I commend him for his dedicated service to the people of New Jersey and the people of Newark.

Part of his job was to highlight the difficulties of working poor families, and he did that and he did it very well. He has done everything he can to highlight to everyone who would listen to him and watch him to indicate that many Newark residents are struggling to know where their next meal will come from. At a time in the history of this country when we have so many people needing so much, where the rich

are getting richer and the poor are getting poorer and the middle class is being squeezed, we are very fortunate to have this good man in the Senate. I am confident he will treasure his memories in this historic legislative body and serve his Nation and State with distinction.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. REID. Before we have this ceremony, I wish to say one thing about CORY BOOKER. I have talked about his great academic record. But for me, a frustrated wannabe athlete, his most impressive qualification, as far as I am concerned, is that he was a tight end for one of the great Stanford football teams.

CERTIFICATE OF ELECTION

The VICE PRESIDENT. The Chair lays before the Senate a Certificate of Election to fill the vacancy created by the death of Senator Frank Lautenberg of New Jersey. The certificate, the Chair is advised, is in the form suggested by the Senate. If there is no objection, the reading of the certificate will be waived and it will be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF NEW JERSEY

CERTIFICATE OF ELECTION

To the President of the Senate of the United States:

This is to certify that on the sixteenth day of October, 2013, Cory Booker, was duly chosen by the qualified electors of the State of New Jersey, a Senator for the unexpired term ending at noon on the 3rd day of January, 2015, to fill the vacancy in the representation from said State in the Senate of the United States caused by the death of Frank Lautenberg.

Given, under my hand and the Great Seal of the State of New Jersey, this twenty-eighth day of October two thousand and thirteen.

By the Governor:

CHRIS CHRISTIE,
Governor.

[State Seal Affixed]

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senator-elect will now present himself at the desk, the Chair will administer the oath of office.

The Senator-designee, escorted by Mr. MENENDEZ, advanced to the desk of the Vice President, the oath prescribed by law was administered to him by the Vice President, and he subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations, Senator. Welcome.

(Applause, Senators rising.)

The VICE PRESIDENT. The majority leader.

EXECUTIVE SESSION

NOMINATION OF MELVIN L. WATT TO BE DIRECTOR OF THE FEDERAL HOUSING FINANCE AGENCY—Continued

Mr. REID. Mr. President, it is my understanding we are going to move now to the nomination of Mr. WATT. I yield back the time for the majority and the Republicans.

The VICE PRESIDENT. Without objection, it is so ordered. The time is yielded back.

CLOTURE MOTION

Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of MELVIN L. WATT, of North Carolina, to be Director of the Federal Housing Finance Agency.

Harry Reid, Tim Johnson, Mark Begich, Patrick J. Leahy, Christopher A. Coons, Martin Heinrich, Patty Murray, Bernard Sanders, Jeanne Shaheen, Benjamin L. Cardin, Al Franken, Sherrod Brown, Tom Harkin, Jack Reed, Thomas R. Carper, Sheldon Whitehouse, Bill Nelson, Charles E. Schumer.

The VICE PRESIDENT. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of MELVIN L. WATT, of North Carolina, to be Director of the Federal Housing Finance Agency for a term of 5 years, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE) and the Senator from Texas (Mr. CRUZ).

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 42, as follows:

[Rollcall Vote No. 226 Ex.]

YEAS—56

Baldwin	Hagan	Murray
Baucus	Harkin	Nelson
Begich	Heinrich	Portman
Bennet	Heitkamp	Pryor
Blumenthal	Hirono	Reed
Booker	Johnson (SD)	Rockefeller
Boxer	Kaine	Sanders
Brown	King	Schatz
Burr	Klobuchar	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Manchin	Udall (CO)
Coons	Markey	Udall (NM)
Donnelly	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murphy	

NAYS—42

Alexander	Blunt	Coats
Ayotte	Boozman	Coburn
Barrasso	Chambliss	Cochran
Collins	Hoeven	Reid
Corker	Isakson	Risch
Cornyn	Johanns	Roberts
Crapo	Johnson (WI)	Rubio
Enzi	Kirk	Scott
Fischer	Lee	Sessions
Flake	McCain	Shelby
Graham	McConnell	Thune
Grassley	Moran	Toomey
Hatch	Murkowski	Vitter
Heller	Paul	Wicker

NOT VOTING—2

Cruz Inhofe

The VICE PRESIDENT. On this vote the yeas are 56, the nays are 42. Three-fifths of the Senators duly chosen and sworn having not voted in the affirmative, the motion is rejected.

The majority leader.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on the Watt nomination.

The VICE PRESIDENT. The motion is entered.

NOMINATION OF PATRICIA ANN MILLETT TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA

CLOTURE MOTION

The PRESIDING OFFICER (Ms. BALDWIN). Under the previous order, the clerk will report the motion to invoke cloture.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Patricia Ann Millett, of Virginia, to be United States Circuit Judge for the District of Columbia.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, Johb D. Rockefeller IV, Benjamin L. Cardin, Jon Tester, Sheldon Whitehouse, Mark R. Warner, Patty Murray, Mazie K. Hirono, Angus S. King, Jr. Barbara Boxer, Jeanne Shaheen, Robert Menendez, Bill Nelson, Debbie Stabenow, Richard Blumenthal

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I ask unanimous consent that there be 2 minutes of debate equally divided in the usual format.

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

Mr. LEAHY. Patricia Millett is unquestionably qualified to be the next judge on the DC Circuit. The Senate will soon vote to end debate on her nomination and I hope that the rank partisanship that shut down our Government earlier this month will not be on display again with this upcoming vote. I hope the moderates who prided themselves in finding a solution to the shutdown will agree that Ms. Millett is an extraordinary nominee who should not be filibustered.

Over the last few weeks, I have heard those who want to filibuster Ms. Millett make some unfounded claims to justify their partisan agenda. First they asserted that the President is

somehow packing the court by nominating judges to vacant seats. No student of history can honestly say that nominating candidates to existing vacancies is court-packing.

Next, they claimed that because the last of President Bush's nominees to this court was not confirmed, Ms. Millett should be filibustered as payback. These partisans fail to note that by the time Peter Keisler was nominated, four of President Bush's nominees to the DC Circuit had been confirmed. Only one of President Obama's nominees to this court has been confirmed and another has been filibustered.

Mr. Keisler was nominated to the 11th seat on the DC Circuit—and would have marked the fifth time a President Bush nominee was confirmed the court and the second time a Bush nominee was confirmed to be the 11th judge on the court. At that time, Democrats noted the hypocrisy of Republicans pushing to confirm a second judge to the 11th seat on the DC Circuit after they had blocked Merrick Garland's nomination in 1996 to be the 11th judge. Judge Garland's nomination was held up until another judge retired and he was confirmed to be the 10th judge on the court. Patricia Millett, however, is nominated to be the 9th judge. Those who are determined to filibuster this highly qualified nominee should at least get their facts straight.

For all the discussion about the DC Circuit's caseload, you would think that it had the lowest caseload of any circuit court in the country. But you would be wrong. The circuit court with the lowest caseload is actually the Tenth Circuit Court of Appeals, which as of June 30, 2013, has 1,341 total pending appeals and 134 pending appeals per active judge. In contrast, the DC Circuit has 1,479 total pending appeals and 185 pending appeals per active judge.

Despite the lower caseload on the Tenth Circuit, the Senate has continued to confirm nominees to that court without any complaints from Republicans about the workload. Just this past year, we confirmed Robert Bacharach of Oklahoma to be the ninth judge on the Tenth Circuit and Gregory Phillips of Wyoming to be the tenth judge on the Tenth Circuit. We also recently held a hearing for Carolyn McHugh of Utah to be the eleventh judge on the Circuit. And in the next few weeks, we will hold a hearing for Nancy Moritz of Kansas to be the twelfth judge on the Tenth Circuit. If Ms. McHugh and Ms. Moritz are both confirmed, the Tenth Circuit will be at full strength with 12 active judges. Again, in all the hearings and votes we have had for these Tenth Circuit nominees, I cannot recall a single instance where Republican senators questioned the need for judges on that court.

Some have also cited the DC Circuit's six senior judges as a reason to filibuster Patricia Millett's nomination. Of course, the Tenth Circuit has 10 senior judges, and yet, we never hear this cited as a reason for not confirming nominees to existing vacancies in the Tenth Circuit. I hope the Senators from Oklahoma, Wyoming, Utah, and Kansas will hold Patricia Millett to the same standard that the circuit nominees from their home state were held to or which they expect to be held to.

Today's Washington Post editorial calls for Patricia Millett to be confirmed and concludes that Republicans ''shouldn't insist on altering the size of a court only when it's a Democratic president's turn to pick judges or filibuster highly qualified nominees on that pretext.'' I ask unanimous consent that the editorial be printed in the RECORD.

Patricia Millett is an outstanding nominee who deserves to be treated on her merits. No argument has been lodged against her that would rise to the level of an extraordinary circumstance. If the Republican caucus finds that despite her stellar legal reputation and commitment to her country that somehow a filibuster is warranted, I believe this body will need to consider anew whether a rules change should be in order. That is not a change that I want to see happen but if Republican Senators are going to hold nominations hostage without consideration of their individual merit, drastic measures may be warranted. I hope it does not come to that. I hope that the same Senators who stepped forward to broker compromise when Republicans shut down the Government, will decide here to put politics aside and vote on the merits of this exceptional nominee. I also hope the same Senators who have said judicial nominees should not be filibustered barring extraordinary circumstances will stay true to their word.

Ten years ago John Roberts, President Bush's nominee received a voice vote by the Senate. Today President Obama's nominee to that same seat, Patricia Millett, is being filibustered. What has changed in 10 years? The caseload of that court under any measure has remained constant or gone up slightly in the past 10 years so that is just a partisan pretext.

Let us treat this extraordinary nominee based on her qualifications. Patricia Millett has honorably served this Nation for so many years and we are better off for it. I urge my fellow Senators to vote for cloture. Do not filibuster this brilliant lawyer, this military spouse, this exceptional nominee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 30, 2013]

STRIPPING A COURT AS A POLITICAL PLOY

It would have been hard for President Obama to nominate a less controversial person to join the U. S. Court of Appeals for the District of Columbia Circuit, the second-most-important court in the land. So why are a lot of Republicans probably going to vote against moving forward with Patricia Millett's nomination on Thursday?

Ms. Millett is one of three people the president picked to fill three open slots on the court, a high-profile perch in the judiciary that reviews weighty matters such as regulation of Wall Street and the environment. A lawyer who has extensive experience arguing cases before the Supreme Court, she has gold-plated bipartisan credentials, having served in the Justice Department under the presidencies of Bill Clinton and George W. Bush. A raft of legal luminaries has endorsed her, including conservative former solicitors general Ted Olson, Paul Clement and Kenneth Starr. Even conservative GOP senators admit she is well-qualified.

But instead of being judged on her merits, Ms. Millett may well end up a victim of a GOP campaign against allowing any more of Mr. Obama's nominees onto the D.C. Circuit. Though Republicans pushed to fill its 11 seats when George W. Bush was president, they now argue that it doesn't need more than its current eight judges, and that Mr. Obama is trying to ''pack'' the court. Some have backed a bill from Sen. Charles E. Grassley (R-Iowa) that would strip the court of its vacancies rather than consider the president's duly appointed picks to fill them. A war of dueling numbers on the D.C. Circuit's workload has ensued. Republicans insist that it doesn't take as many cases as other appeals courts do. Democrats respond that the D.C. Circuit must consider more complex cases than others.

But the answer doesn't matter. Even if Republicans are right, they shouldn't insist on altering the size of a court only when it's a Democratic president's turn to pick judges or filibuster highly qualified nominees on that pretext. These moves are transparently self-serving, and would encourage similar behavior by Democrats against Republican presidents.

The recent history of the confirmation process is a steady descent into unreasonable partisanship; if acted upon, the Republicans' position would be another step down. It might also provoke another unnecessary battle over Senate rules, which could reshape the chamber in ways both parties would regret.

If Republicans are genuinely concerned that the D.C. Circuit has too many slots allotted to it, the fair way to trim it down would be to limit future presidents from filling seats that come open in the next presidential term and thereafter. In the meantime, President Obama's picks deserve the same fair treatment and respect as any others. Under that standard, Ms. Millett should fly through confirmation on Thursday.

Mr. LEAHY. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I want to illustrate why this seat doesn't need to be filled. These are the other circuits. The average of those other circuits is 383 caseloads. The DC Circuit has 149, so workload doesn't demand it.

Secondly, we are in a situation where this administration has said: ''If Congress won't, I will.'' He is going to do it by executive order. This is a court that can rule for or against the executive orders of this administration. We need to maintain checks and balances of the government.

Also, each one of these seats costs $1 million, and not just for 1 year, but every year for the rest of the life of those judges who are serving full time. I ask that my colleagues vote against this cloture motion.

Mr. LEAHY. Madam President, I ask unanimous consent that there be 2 more minutes equally divided.

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

Mr. LEAHY. Madam President, I am sure the Senator is concerned about costs. Yet, the same Senators blocking Patricia Millett's confirmation were not concerned when an unnecessary shutdown of the government cost the taxpayers billions of dollars.

I also note that under President Bush, there were 11 judges on the DC Circuit Court of Appeals with a lower caseload. Now there are 8 judges with a higher caseload. The numbers are the numbers.

President Obama is being treated differently than President Bush was. Patricia Millett is being treated differently than John Roberts was. It is not fair, it is not an extraordinary circumstance, and there is no justification for it.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. What that doesn't take into consideration is that there are six senior status judges on this court. Chief Judge Garland told us that their workload is the equivalent of 3¼ judges. So presently there are enough judges to go around and that would equal 11¼ judges. There are 8 judges there now plus the 3¼ that have senior status. There are plenty of reasons not to fill any more seats on this court.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Patricia Ann Millett, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CHAMBLISS (when his name was called). ''Present.''

Mr. HATCH (when his name was called). ''Present.''

Mr. ISAKSON (when his name was called). ''Present.''

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE), the Senator from Texas (Mr. CRUZ), and the Senator from Wyoming (Mr. ENZI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 38, as follows:

[Rollcall Vote No. 227 Ex.]

YEAS—55

Baldwin	Casey	Heinrich
Baucus	Collins	Heitkamp
Begich	Coons	Hirono
Bennet	Donnelly	Johnson (SD)
Blumenthal	Durbin	Kaine
Booker	Feinstein	King
Brown	Franken	Klobuchar
Cantwell	Gillibrand	Landrieu
Cardin	Hagan	Leahy
Carper	Harkin	Levin
Manchin	Nelson	Tester
Markey	Pryor	Udall (CO)
McCaskill	Reed	Udall (NM)
Menendez	Rockefeller	Warner
Merkley	Sanders	Warren
Mikulski	Schatz	Whitehouse
Murkowski	Schumer	Wyden
Murphy	Shaheen	
Murray	Stabenow	

NAYS—38

Alexander	Flake	Portman
Ayotte	Graham	Reid
Barrasso	Grassley	Risch
Blunt	Heller	Roberts
Boozman	Hoeven	Rubio
Burr	Johanns	Scott
Coats	Johnson (WI)	Sessions
Coburn	Kirk	Shelby
Cochran	Lee	Thune
Corker	McCain	Toomey
Cornyn	McConnell	Vitter
Crapo	Moran	Wicker
Fischer	Paul	

ANSWERED ''PRESENT'' —3

Chambliss	Hatch	Isakson

NOT VOTING—4

Boxer	Enzi
Cruz	Inhofe

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 38, and three Senators responded ''Present.'' Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The majority leader.

Mr. REID. Madam President, I enter a motion to reconsider the vote by which cloture was not invoked on the nomination of Ms. Millet.

The PRESIDING OFFICER. The motion is entered.

VOTE EXPLANATION

● Mrs. BOXER. Madam President, I was unable to attend the rollcall vote on the motion to invoke cloture on the nomination of Patricia Ann Millett, of Virginia, to be U.S. Circuit Judge for the District of Columbia Circuit. Had I been present, I would have voted ''yea.''●

Mr. REID. Madam President, I ask unanimous consent that the Senate recess until 2 p.m., and that at 2 p.m. the Senate proceed to a period of morning business for debate only until 6 p.m. with Senators permitted to speak for up to 10 minutes each.

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

RECESS

The PRESIDING OFFICER. The Senate stands in recess until 2 p.m.

Thereupon, the Senate, at 12:59 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Ms. HEITKAMP).

MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Massachusetts.

CONGRATULATING THE BOSTON RED SOX

Mr. MARKEY. Madam President, I come to the floor to discuss the first policy-focused legislation I am introducing as a Senator. I believe it will be a win for Massachusetts and a win for the Nation. But before I do so, I would like to comment briefly about another win last night for Massachusetts and for Red Sox Nation everywhere.

Behind the mighty bat of Big Papi, the tireless and tough arms of Jon Lester, John Lackey, and Koji Uehara, and the incredible power of the beard, this unlikely Red Sox team took us from last in the division to first in the world.

For many of us in Massachusetts, this was not just about baseball. Because on Patriots' Day, when the Sox play in the morning and New England comes together for a celebration, evil visited our city at the Boston Marathon this year.

While this team cannot bring back the lives we lost or heal the wounds inflicted, it did what no other team besides the Red Sox can do: It reaffirmed our common bond in Massachusetts, in New England, and with Red Sox Nation fans everywhere.

It is often said that baseball is a game of inches. But it is also a game that can span miles, bringing people together across entire communities and cultures, bridging differences and building friendships. That is what Red Sox baseball did for Boston, for Massachusetts, and for New England this year, when we needed it the most. The Red Sox gave us the chance to all raise our hands in triumph once again together as one.

The Red Sox came back to win in dozens of games. They never gave up. They fought to the last pitch in every game, showing the resilience that reflected the response of an entire city and region after the marathon tragedy, and in doing so they gave us so much more than entertainment. They gave us hope, something to cheer for, and something else to talk about at a time of deep sadness in our region.

As the song says: ''Don't worry about a thing, 'cause every little thing gonna be all right.'' Watching the celebrations last night in and around Fenway and especially on Boylston Street, just a brief distance from the marathon finish, reminds me of how proud I am to represent this great city and the Commonwealth of Massachusetts in the Senate.

The Sox team that won the World Series in 2004 allowed us to release 86 years of disappointment. This year's team allowed us to cheer again after months of mourning. For that, we congratulate and thank the 2013 World Series champions, the Boston Red Sox.

(The remarks of Mr. MARKEY pertaining to the introduction of S. 1627 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. MARKEY. I yield back the remainder of my time.

The PRESIDING OFFICER. The Republican whip.

Mr. CORNYN. Madam President, I offer my congratulations to the Senator from Massachusetts for the World

Series victory by the Boston Red Sox, and I know it is a happy day in his State.

DC CIRCUIT COURT OF APPEALS

Mr. CORNYN. Madam President, I wish to return to the issue of the DC Circuit Court of Appeals, because even though we had an earlier cloture vote where the Senate decided to continue debate and not close off debate on this issue, I anticipate the majority leader will bring to the Senate floor the other two nominees which have now cleared the Senate Judiciary Committee for the three seats President Obama has said he wants to fill and is asking for the advice and consent of the Senate.

I wanted to make sure we all understand exactly what this debate is about. At this very moment, there are plenty of U.S. appellate courts that urgently need judges to handle their existing caseload. As my friend, the distinguished Presiding Officer, knows as a former attorney general, there are a lot of district courts around the country, Federal district courts, that could use additional personnel because they are what are called judicial emergencies because they have such heavy caseloads. They need more help. So why in the world would we want to add more judges to a court that does not have enough work for them to do? That is exactly what this debate is all about. It is not about the specific nominees. It is not an ideological battle that we are all familiar with so much as it is one of practical economics.

Between 2005 and 2013, the total number of written decisions per active judge on the DC Circuit declined by 27 percent. From 2005 to 2013, the number of written decisions per active judge went down by almost one-third, 27 percent. The number of appeals filed with the court went down by 18 percent.

As of September 2012, both the total number of appeals filed with the DC Circuit and the total number of appeals decided by the DC Circuit per active judge were 61 percent below the national average. You can see from this chart that has been prepared by the office of the ranking member, Senator GRASSLEY, how the 13 circuit courts of appeals compare when it comes to the number of cases or appeals filed per active judge.

In red is the DC Circuit Court of Appeals, the lowest caseload, the fewest number of cases of any circuit court in the Nation. Conversely, the 11th Circuit out of Atlanta has 778 cases or appeals filed per active judge. So I do not know why you would want to take three new judges and assign them to the court with the lowest caseload per active judge. It makes absolutely no sense.

By the way, the average for the circuit courts, all 13 circuit courts, is 383 cases or appeals filed per active judge; again, the average for the entire Nation being 383 appeals per active judge. The DC Circuit, to which President Obama wants to add 3 additional new judges, is 149, almost one-third.

One other sort of unique thing about the DC Circuit Court of Appeals is while many of these courts are very busy and, indeed, are overworked relative to the other circuit courts, the DC Circuit Court is perhaps the only court in the Nation that literally took a 4-month break between May and September of this year because they could. They did not have enough work to do, so they took a break. They took 4 months off between May and September.

The bottom line is that this court is not one that needs more judges. In fact, one of the current members of the DC Circuit told Senator GRASSLEY, our colleague from Iowa, ''If anymore judges are added now, there won't be enough work to go around.''

So what is this all about? Why are my friends across the aisle ignoring the needs of other appellate courts and other jurisdictions around the country that have, as the judicial administration office terms it, judicial emergencies because they have so much work to do that they need help? Why are my colleagues on the other side of the aisle ignoring those courts where there are needs in favor of a court where there is no demonstrated need?

Here is perhaps one reason why: The DC Circuit Court of Appeals, being located in Washington, DC, does have a unique caseload. I would say the types of cases they consider are not particularly more complicated. I do not buy that argument. Many of them are administrative appeals, which, as the Presiding Officer knows, are highly deferential to the administration. It is usually an abuse-of-discretion standard, which is, as I say, very deferential.

But the reason why the DC Circuit Court of Appeals is the subject of so much focus, whether it is a Republican President or a Democratic President, is because it is often called the second most important court in the Nation by virtue of its docket, the kinds of cases it decides.

Indeed, this was a court that, before the Supreme Court held portions of the Affordable Care Act unconstitutional, actually affirmed the constitutionality of the Affordable Care Act, primarily because they did not feel it was their prerogative to hold it unconstitutional, rather than—and defer to the Supreme Court which ultimately had the ability to overrule old cases and reach that result.

But this court wields tremendous influence over regulatory and constitutional matters. The truth is, I will show you a few quotes here in a moment that Senator REID and the President hope that by adding three more judges to the court, they can transform it into a rubberstamp for the Obama administration agenda.

Right now there is a balance on the court. There are four judges who were nominated by a Republican President, there are four judges on the court nominated by a Democratic President. Yet my friends across the aisle have been condemning the DC Circuit Court without justification, in my view. They have been condemning it as a bastion of partisanship, extreme ideology.

The facts do not bear that out. As I said, remember, this is the same court that actually upheld the President's health care law as constitutional. It is the same court that twice upheld the President's executive order on embryonic stem cell research. It is the same court that has ruled in favor of the Obama administration in the majority of environmental cases that have come before it, including ones related to the regulation of greenhouse gasses, ethanol-blended gasoline, and mountaintop removal coal mining. That does not sound like a radical, ideological court to me. It sounds like it is a court doing its job without fear or favor, in an impartial way, administering justice, not engaging in crass partisanship or tilting at ideological windmills.

Of course, the critics of the court do not mention those decisions I mentioned when they are criticizing the court. Instead, they point to three separate rulings where the Obama administration did not fare so well.

The first one of those was a ruling that struck down the Securities and Exchange Commission proxy access rule which has to do with corporate governance. I know that sounds like a lot of mumbo jumbo, but basically the court found that the agency had failed to conduct a proper cost-benefit analysis. We all understand what that means. The statute actually requires the agency to conduct a cost-benefit analysis, but the agency did not do it. It ignored the letter of the law, and the DC Circuit ordered the administrative agency to follow the law and engage in that kind of cost-benefit analysis.

The second ruling that the critics of the recent court point out came in August of 2012 when the court invalidated the EPA's cross-State air pollution rule, saying it would impose massive emissions reduction requirements on certain States without regard to the limits imposed by the statutory text. In other words, when an administrative agency such as the EPA issues rules and regulations, they do not do so in a vacuum or in a void. They are necessarily guided by the authority given to them and the limitations imposed upon them by the laws that Congress writes. They are free, within that statutory mandate, to write rules and regulations, but they are not free to ignore them or to engage in rulemaking that basically goes counter to the direction of Congress.

So in this case, one that is cited by some of the critics, the court held the Clean Air Act does got give the EPA boundless authority or unlimited authority to regulate emissions. A court requiring an administrative agency to work within its legal authority I think is common sense. Otherwise, you would have administrative agencies free to

chart their own path without regard to any kind of guidance or legitimacy conferred by Congress in terms of regulation.

Remember, these administrative agencies are very powerful entities. Some say they are the fourth branch of government. There is a lot of concern that I have, that many people have, about overregulation and its damage to our economy. The very least the courts ought to do is make sure that they are operating within their mandate and the limitations imposed upon them by Congress. That is what the court did in this cross-State air pollution rule.

By the way, Texas was caught up in this rulemaking process without even having an opportunity to be heard and to challenge the modeling of the EPA. Due process is a pretty fundamental notion in our laws, in our jurisprudence. Texas, in that instance, was denied any opportunity for basic due process of law, another reason why the court made the right ruling.

The third case that has drawn the ire of some critics across the aisle on the DC Circuit Court of Appeals has to do with two Presidential recess appointments. Every President basically has made recess appointments, but no President has done what this President has done. It violated the Constitution when doing so. In other words, basically President Obama said: Notwithstanding the fact that the Constitution gives advice and consent responsibility to the Senate—that is in the Constitution—the President basically in this instance decided when Congress was going to be in recess, for the purposes of invoking this extraordinary power, basically said the President was going to decide when we were in recess.

Essentially, as some pundits said, basically the President was claiming an authority to be able to appoint judges using the recess appointment power when we are ''taking a lunch break.'' That cannot be the law. It is not the law. That is what the DC Circuit Court said. So the DC Circuit Court said President Obama's legal rationale for appointments and the role of the Senate in advice and consent and the confirmation proceedings would ''eviscerate the Constitution's separation of powers.''

That is what the DC Circuit said about President Obama's claim to have the extraordinary power to make recess appointments and bypass the confirmation of the Senate in the Constitution.

You might wonder if the court has actually been pretty evenhanded in terms of its decisionmaking process, you might wonder if it has the lightest caseload per judge in the Nation and there are other courts that need help a lot more, you might wonder what is going on here. Why does President Obama feel so strongly, why does Senator REID feel so strongly, why does the distinguished chairman of the Senate Judiciary Committee that I serve on feel so strongly that they want to move these three judges through, even though there is no need for these judges on the DC Circuit Court?

Well, I am sorry to reach the conclusion, but I think the evidence is overwhelming that what the President is trying to do by nominating these unneeded judges to this critical court, the second most powerful court in the Nation, is he is trying to pack the court in order to affect the outcomes.

I know my friends across the aisle do not like that term, court packing. Students of history remember when Franklin Delano Roosevelt claimed the power to appoint additional Supreme Court Justices. That was held to be an unconstitutional court packing. But I do not know what else you would call this, if you are going to try to jam three additional judges on this court that are not needed, the second most important court in the Nation, in order to change the outcome of those decisions and to rubberstamp the administration's expansive policies. I do not know what else you would call it other than court packing. I think a fair interpretation or fair definition of court packing is when you add judges to a court for the explicit purpose of securing favorable rulings.

That is exactly what Democrats are trying to do with these nominations.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CORNYN. I ask unanimous consent for an additional 2 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CORNYN. I wish to quote our friend Senator REID, the majority leader of the Senate. His candor is, again, remarkable and very clear. He said:

> We are focusing very intently on the DC Circuit. We need at least one more.

By that he means one more judge. Continuing:

> There are three vacancies. We need at least one more and that will switch the majority.

When the court sits en banc, when all judges decide to sit on the most important cases, then President Obama will have a majority of nominees on that court. They will be able to outvote the Republican nominees on the court.

Senator SCHUMER is complaining about some of the cases I mentioned a moment ago, and he concludes: ''We will fill up the DC Circuit one way or another.''

I believe that the evidence is overwhelming that the motivation at play here is one to make sure that this court becomes a rubberstamp for the big government policies of this administration. That is why they are ignoring appellate courts that actually need the help, and they are trying to stack the court in the second highest court in the land. That is why they are also threatening—we heard a little bit of that today, rattling that saber once again—the nuclear option to try to confirm judges with a simple majority rather than the 60-vote cloture requirement under the Senate rules.

We have a good-faith solution. This is Senator GRASSLEY's bill, which would allocate these three unneeded judges to places where they are actually needed. This is the kind of idea that our colleagues across the aisle embraced repeatedly when one of the judges from the DC Circuit was reallocated to the Ninth Circuit in 2007.

If our friends across the aisle continue to move ahead with their court-packing gambit, it will make this Chamber even more polarized than it already is. I only hope they choose a different course. This is why we are committed on this side of the aisle to stopping these nominations to these unneeded judges in this court and making sure that judges are placed where they are needed so they can engage in a fair and efficient administration of justice.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I wish to enter into a colloquy with my great friend from Missouri, Senator BLUNT.

I wish to make a comment, if my colleague will excuse me. I have to say I am amazed to hear that we are court packing when what we are talking about is trying to fill three vacancies on a court. I hadn't heard that before with other Presidents. Hopefully, we can fill vacancies and try to do it in a bipartisan way.

COMMUNITY MENTAL HEALTH

Ms. STABENOW. Madam President, I very much wish to thank a great friend and colleague, Senator BLUNT, for joining me today on the floor and in leadership on some very important community mental health legislation.

We have an opportunity to get something done with this issue.

I ask unanimous consent to proceed with the colloquy.

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

Ms. STABENOW. We wish to do this today because today marks the 50th anniversary to the day that President John F. Kennedy signed into law the Community Mental Health Act. The good news is he signed this act. The unfortunate news is it was the last act he signed in his life.

Today we want to recognize what that has meant to so many people across the country. This put in place the ability to serve people in the community who have mental health issues, rather than only being in institutions, being able to serve people closer to home, at home or to be able to give them the opportunity to get the help they need and still be active and successful in the community.

I think so many of us have been touched by mental health issues, which is part of physical—it is not mental and physical health. I think it is about time. I know my friend would agree that we start treating illnesses above

the neck differently than illnesses below the neck. It is all about comprehensive health care. We have all been touched in some way.

My father went undiagnosed with a bipolar disorder for 10 years when I was growing up. When he finally received the help he needed, the medication he needed, he was able to work and be successful for the rest of his life. I wish to make sure every family has that opportunity.

I know for President Kennedy it was his younger sister Rosemary who was institutionalized in the early 1940s and that brought him to this issue as well as to other passionate concerns that he had. President Kennedy saw a way to improve the lives of people such as his sister living with a mental illness by providing service in the community and, frankly, lowering the stigma on mental health. We still have a long way to go on reducing the stigma and understanding that it is, in most occasions, a physiological change in the brain, a chemical imbalance, something that needs to be treated appropriately, and that is certainly not a choice by an individual.

President Kennedy thought we needed to make sure we were providing the very best for the people in this community. In his statement to Congress he wrote:

> We need a new type of health facility, one which will return mental health care to the mainstream of American medicine, and at the same time, upgrade mental health services.

We have worked together in a bipartisan way since then. The Mental Health Parity and Addiction Equity Act was championed by our friends and colleagues, Senators Pete Domenici, Paul Wellstone, Ted Kennedy, and Congressman Patrick Kennedy in the House, and it became law. It said we have to have parity in how insurance companies treat mental health and physical health.

I was pleased to get those provisions into health reform, but there is more to do and that is why we are here.

I wish to turn to my friend from Missouri, who has been a great partner and ask, as we go forward, what his thoughts are on this day and what we should continue to do to continue with this legacy.

Mr. BLUNT. I wish to say it is a very important topic, and it is a moment when there are many reasons, as the Senator said, that we should keep returning to it.

It was this day 50 years ago when President Kennedy signed the Community Mental Health Act. He called it a ''bold new approach.'' Frankly, while some things happened in the 50 years since then and now, there haven't been that many bold new approaches in the last 50 years.

This is a topic that for whatever reason our society hasn't dealt with in ways that have been satisfactory in making great changes. In fact, some of what we have done in other areas has made it harder for communities and families to work with people who have behavioral challenges, to find out the information that person does not want to share with them.

All of us can probably think of some family where this has happened, where someone still has an ongoing commitment to an adult son or daughter, mom or dad, and are part of what they are doing. They are paying some bills or whatever. The information that people would benefit from knowing is hard to get to or the requirement that somebody follow up on a court-ordered procedure is difficult to enforce and make that happen.

This is one of the times when we really need to be thinking what do we need to do to make this challenging work better.

First, it is a widespread problem, but it is not a problem that is untreatable. There is one statistic I have seen from the National Institutes of Mental Health: ''One in four adults suffers from a diagnosable mental disorder'' that is diagnosable and, in virtually every case, treatable—one in four.

This is not a stigma. This is not something where you are the only person this has ever happened to or to your loved ones, that this is the only person this has ever happened to. This is something that many families understand. Many people have a challenge that never gets diagnosed, frankly.

Creating a way for that to happen, where we make it easier, we make it more comfortable, and we make it affordable—whatever we are doing to allow that, in almost every case, the treatable problem to be diagnosed and treatable is important.

One of the topics the Senator and I started talking about almost at the very first of this year—we have been talking about this for almost 10 months. Of course, it was after the tragedy at Newtown. One thing we know is that somebody who has a mental health problem is much more likely to be the victim of a crime than they are to be the perpetrator of a crime.

The other thing we know is that as we look at these tragedies we have seen happen in the last few years, the one common denominator—whether it was in Newtown, Aurora, Tucson, the Navy Yard or Virginia Tech, whether it was at a supermarket, at a theater or on a college campus—what we saw in every case was this was somebody who had a behavioral problem, a mental health problem that hadn't been dealt with in the right way. In many ways this has turned the attention of the country back to a problem that, for whatever reason, we would just as soon apparently not talk about.

In fact, when the Senate committee that deals with mental health had a hearing in January of this year on mental health, it was the first time since 2007 that there had been such a hearing devoted to this topic—a topic that the National Institutes of Health said one of four adults is challenged by and the Senate, in 6 years, hadn't talked about it in any kind of official, focused way. This is why Senator STABENOW and I have been working to try to take advantage of the moment.

In the principal piece of legislation we have been working on, the Excellence in Mental Health Act, we also have a model that works. A couple of different things were done. One, of course, was to expand the federally qualified health center concept, if they wanted, to add behavioral health, and they could under the same rules and regulations. Frankly, people would be walking through the same door as their neighbors.

We also created ways for community health centers—the very health centers that President Kennedy's legislation created—to add some of the advantages to be in a federally qualified center, to be in a community mental health center.

Certainly the Senator's efforts—and I know we both have other stories to tell about other things we are working on as well, but we have had great response from the community mental health centers and great response from veterans.

The Senator may wish to talk about that a little bit because I know she has been engaged in many discussions with veterans' groups who say if only our veterans had a place to go that was close and where their neighbors were going perhaps for some other kind of behavioral health. We have a wide swath of support from our veterans' groups as well as our health care groups.

The PRESIDING OFFICER. The time of the Senator has expired.

Ms. STABENOW. I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. STABENOW. I wish to go back to what the Senator from Missouri has indicated. Our veterans are coming home. We know that at least 200,000 of our veterans coming home will go into the community.

I see our distinguished chair of the Senate veterans' committee on the floor. I thank the Senator for all of his good work.

In addition to the VA system, where we are strengthening mental health services, we know that many will come home to the communities and be looking to an outpatient clinic or somewhere in the community for help. The reason we have strong support from the Iraq and Afghanistan veterans' organizations is because our Excellence in Mental Health Act legislation, which creates a behavioral health clinic model based on what has been done in community health that has worked so well, will create an opportunity for those veterans coming home to get support and help in the community.

One of the most difficult statistics to talk about is that 22 of our veterans are committing suicide every day—22 every day. That is unacceptable.

We need to make sure families and veterans have the support that they need so that when they come home they can receive the help they need. I am very proud of the fact we have about 50 organizations supporting the Excellence in Mental Health Act, such as sheriffs and police officers. Most likely, if somebody needs help, they are placed in a jail or in the emergency room. They don't go to a mental health facility.

What we are proposing is something that would provide 24-hour emergency psychiatric delivery, coupled with high quality community mental health services. The time is now to do this.

We have seen the need increase as states over the years have cut funding for in-patient mental health services and have not replaced them with services in the community.

Too often, people who need mental health treatment end up not getting the treatment they need, and end up in the emergency room or, worse, in jail. The ER and jail are not the place to treat mental illness.

It is fair to say that our need now is greater than ever.

Too many people who need treatment don't get it, including one-third of all people living with mood disorders and more than half of those with severe mental disorders.

Tragically, 22 American veterans commit suicide every day. At least 25 percent of returning veterans from Iraq and Afghanistan are in need of some form of mental health treatment.

We know that people suffering from mental illness are more likely to be the victims of violence than the perpetrators.

However, we have seen too many examples of what happens when people don't get the treatment they need around the country and right here in Washington, DC, where we've seen two tragic examples in the past 2 months, including the shootings at the Navy Yard and the woman who tried to drive her car into the White House and the Capitol.

What can we do to improve the way we treat mental health issues in this country? How can we improve people's lives?

We need to take the final step in mental health parity by strengthening access to quality mental health services in communities across America. That is why we need to pass the Excellence in Mental Health Act that the Senator from Missouri and I have sponsored together.

This bill would expand access to community mental health care by making sure more providers are available to treat mental health issues and can offer a broad range of mental health services, such as the 24-hour crisis psychiatric services, integrated preventive screenings, integrated treatment for mental illness and substance abuse, and expanded peer support and counseling services for patients and families.

This bill can help fulfill the legacy of President Kennedy's Community Mental Health Act and the Mental Health Parity and Addiction Equity Act.

There will be health care legislation coming to the floor before the end of this year to address physician payments, and that would be a natural place to address the Excellence in Mental Health Act.

I hope our colleagues will join us in supporting critical efforts to address mental health care in this country, and I hope they will join us in moving this proposal forward so we can get closer to this goal.

I wish to turn to my colleague, the distinguished Senator from Missouri for closing remarks. He has been a true champion for mental health and a wonderful partner to me and for his views on how we can work together to improve mental health treatment in America.

Mr. BLUNT. I would just say that both our States have led in this area. Missouri has clearly been a pioneer in mental health efforts. Our community health centers—many of them—have added behavioral health in the last few years. There are other pieces of legislation out there that add to this mental health first aid, where people, particularly dealing with young people, can take a course. And they do not become people who can deal with your problem, but they may help you recognize if you have a problem and that somebody needs to deal with this.

In 2011, Missouri pioneered a program for Medicaid beneficiaries with severe mental illness that is based in community mental health centers and provides care coordination and disease management to address the ''whole person,'' including both mental illness and chronic medical conditions. This combination saves money.

I have worked closely with the Missouri Coalition of Community Health Centers, which just celebrated their 35th anniversary and they are very excited about how this legislation could benefit the population they are serving.

I also co-sponsored the Mental Health First Aid Act of 2013 to help people identify, understand and respond to the signs of mental illnesses and addiction disorders through a pilot program for mental health first aid training. In my State, we are already benefitting from this program and in August over 100 new mental health first aiders were certified during Missouri's first large-scale mental health first aid training.

In addition, I co-sponsored the Justice and Mental Health Collaboration Act to improve access to mental health services for people in the criminal justice system. This bill would give law enforcement officers the tools they need to identify and respond to mental health issues, while continuing to support mental health courts and crisis intervention teams.

These bills—all of which have garnered bipartisan support—are steps in the right direction.

I hope Senate Majority Leader HARRY REID will allow stand-alone votes on mental health legislation, and I hope President Obama will work with members from both parties to improve our Nation's policies before another mental health crisis results in senseless loss.

I agree with Senator STABENOW that the time is now. We are actually probably beyond the time we should have done this. But we would be ill-advised to go further down this road without looking at this system and figuring out how we can improve it. There are many bipartisan ideas in the Senate, and I believe the Excellence in Community Health Act is right at the top of that list. But we need to look at this, do it, and do it now. I look forward to seeing something happen on this between now and the end of the year.

Ms. STABENOW. Madam President, I again thank my friend from Missouri for his commitment and for working with so many colleagues across the aisle on a bipartisan basis. I believe we will get this done and we will now, on this 50th anniversary of President Kennedy's signing the Community Mental Health Act, complete the circle in terms of mental health parity in our country.

The PRESIDING OFFICER. The Senator from Vermont.

THE BUDGET

Mr. SANDERS. First of all, I congratulate the Senator from Michigan and the Senator from Missouri for touching on what is obviously a very serious national issue; that is, how we deal with the crisis of mental health in this country. I thank both of them for the work they are doing.

I would like to say a few words as a member of the conference committee on the budget, which is hoping to avert another government shutdown and come up with a sensible long-term budget for our country.

The first point I would make is that when I return from Vermont and come here to Capitol Hill, I am always amazed at how different the world view is here as opposed to the real world—whether it is Vermont or when I travel to other States around the country. It almost seems as if we are living on two separate planets.

As a member of the Budget Committee, I understand, as do the American people, that a $17 trillion national debt and a $700 billion deficit is a serious issue that must be addressed. The American people know that, but what they also understand is that there is an even more important issue out there; that is, real unemployment today is close to 14 percent. Youth unemployment—an issue Pope Francis is beginning to talk about a great deal—in this country is approximately 20 percent. African-American youth unemployment is over 40 percent.

The American people are saying: Yes, deal with the deficit, but do not forget that we continue to have a major economic crisis with millions of Americans unemployed. And for many other Americans who are working, their wages are deplorably low. We have millions of folks working for $8 or $9 an hour who cannot take care of their families under those wages.

While the middle class is disappearing and the number of people living in poverty is at an alltime high, we also have another dynamic we don't talk about too much here for obvious reasons; that is, the wealthiest people are doing phenomenally well, corporate profits are at recordbreaking levels, and the gap between the very wealthy and everybody else is growing wider and wider. We are surrounded by lobbyists representing the wealthy and large corporations, and they don't really like that discussion, so we don't talk about that too much, but it remains absolutely true.

When I go home and talk to Vermonters or when I go around the country, people tell me—and the polls tell me—that the American people—regardless of political persuasion, by the way—are in significant agreement about a lot of issues. We don't see that reflected here, but the American people are in significant agreement. If we ask the American people, I suspect, in North Dakota, Vermont, Maryland, or anywhere else whether they think we should cut Social Security, Medicare, and Medicaid, they would overwhelmingly say no.

These are tough economic times. Poverty is going up among seniors. People are worried about health care costs, and these programs are vital to the survival of so many people. So do not cut Social Security, Medicare, and Medicaid. That is not what BERNIE SANDERS is saying; that is what the American people are saying. That is what Democrats are saying, that is what Republicans are saying, that is what Independents are saying, and that is what people who agree with the tea party are saying. There is not a whole lot of dispute outside of Washington, but inside Washington the picture becomes a little different. We have virtually all Republicans talking about cutting Social Security, Medicare, and Medicaid. We have the President talking about cutting Social Security, Medicare, and Medicaid. We have some Democrats talking about it. But that is not what the American people believe.

According to the latest poll I have seen on this issue—the National Journal/United Technologies poll—81 percent of the American people do not want to cut Medicare, 76 percent of the American people do not want to cut Social Security, and 60 percent of the American people do not want to cut Medicaid. So I have a very radical idea for my colleagues. What about occasionally—we don't have to overdo it—listening to the people who sent us here? What they are saying is they do not want to cut these terribly important programs.

Second of all, what do the American people want? What they want is for us to invest in our infrastructure and create the millions of jobs we desperately need. According to a Gallup poll of March 3, 2013, 75 percent of the American people—that includes 56 percent of Republicans, 74 percent of Independents, and 93 percent of Democrats—support ''a federal jobs creation law [that would spend government money for a program] designed to create more than 1 million new jobs.''

The American people are saying: Yes, the deficit is important, but what is more important is creating jobs, and rebuilding our crumbling infrastructure is one way to do it, but don't cut Social Security, Medicare, and Medicaid.

What else are the American people saying? Well, not too surprisingly, when we see so much income and wealth inequality in America, the American people believe that when 95 percent of all new income in the last few years has gone to the top 1 percent, given the fact that the wealthy are doing phenomenally well, maybe they should be asked to pay a little more in taxes, and maybe we should end all of the corporate loopholes that currently exist.

Again, that is not BERNIE SANDERS. According to a January 29, 2013, poll by Hart Research Associates, 66 percent of the American people believe the wealthiest 2 percent should pay more in taxes and 64 percent of the American people believe large corporations should pay more in taxes than they do today.

The American people are giving us a solution to the major crises facing the American people. They want to invest in our economy, they want to create jobs, they want to ask the wealthy and large corporations to pay more in taxes, and they do not want to cut Social Security, Medicare, and Medicaid. That is the real world, but then when we come back to Washington, what are people saying? Let's cut Social Security, Medicare, and Medicaid; let's not invest in our infrastructure and create jobs; and, in fact, let's give more tax breaks to the wealthy and large corporations. This is an ''Alice in Wonderland'' world. The American people are saying one thing and the lobbyists around here and many Members of Congress are saying something very different.

The deficit is an important issue, and we should be proud, by the way, that we have cut the deficit in half in the last few years. We have more to go, but we should take some credit for that. But when we talk about the deficit, it is very important for us to remember how we got to where we are today—a $17 trillion national debt and a $650 billion-or-so deficit.

I find it interesting that some of those people who were most active in causing the deficit are now standing up saying: Oh, I am really worried about this deficit that I helped cause; therefore, we have to cut all these programs that working people and children and the elderly need. So let's take a brief look back into the recent past and find out how we got to where we are today and who voted for those programs.

As I hope most Americans know, in January 2001 when President Clinton left office and President Bush took over, this country had a $236 billion surplus—a $236 billion surplus. That is quite a large surplus. The Congressional Budget Office projected that the 10-year budget surplus would be $5.6 trillion; that there would be a huge increase in our budget surplus. The projections were very strong. In fact, they projected that we could erase the national debt by 2011. Imagine that. That was where we were heading.

Well, President Bush took office and a number of things happened. We went to war in Afghanistan and Iraq. I voted for the war in Afghanistan; I strongly opposed the war in Iraq. But be that as it may, many of my friends, who are great deficit hawks, forgot to pay for those wars. Those wars are estimated to cost somewhere around $6 trillion. So folks who are standing up today saying: Gee, we just can't afford nutrition programs for children, they didn't have a problem voting for two wars and not paying for them. They also did not have a problem voting for huge tax breaks that went to the wealthiest people in this country, and they also did not have a problem voting for a Medicare Part D prescription drug program—written by the insurance companies, by the way, by the pharmaceutical industry—which also added to the deficit.

The point I am making is that many of the folks who are standing here demanding cuts in Social Security, Medicare, and Medicaid voted for two wars, tax breaks for the rich, and an unfunded Medicare Part D program. Then on top of all that, we had the Wall Street crash, which resulted in less revenue coming in to the Federal Government. Add all that stuff up and you have a large deficit.

Let me conclude by simply saying at a time when we have massive wealth and income inequality in America, which is something we should focus on from both a moral perspective as well as an economic perspective; at a time when the middle class is disappearing and millions of people are working longer hours for lower wages, at a time when we have the highest rate of childhood poverty in the industrialized world, at a time when senior poverty is increasing, at a time when we have 20 percent youth unemployment in this country, in my humble opinion, we do not balance the budget on the backs of the most vulnerable people in this country—working people, the elderly, the children, the sick, and low-income people. That is not what we do.

What we should do is go to those people who are doing very well and say to

them: You know what. Welcome to the United States of America. You are part of our country, and you are part of our economy. This country has problems now. You, if you are a large corporation—one out of four large corporations paying nothing in Federal income taxes—you are going to have to start paying your taxes. You can't just stash your money in the Cayman Islands and in other tax havens. And if you are an extremely wealthy person doing well, you are going to have to contribute more in tax revenue.

The bottom line is that we need to create jobs in this country, we need to protect the most vulnerable people in this country, and we need to do it in a way which is morally right and which makes good economic sense.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

COST OF GOVERNMENT SHUTDOWN

Mr. CARDIN. Madam President, this afternoon I joined with Senator WARNER and Senator KLOBUCHAR and Senator CASEY to point out just how much harm is caused to this country because we are governing from one manufactured crisis to another. The cost of the government shutdown, the cost of coming so close to defaulting on our obligations, the fact that we are governing through automatic across-the-board cuts known as sequestration, is hurting our economy.

This has been particularly difficult for the people in the State of Maryland, the State I represent. In our region we have so many Federal workers, so many Federal facilities—10 percent of our workforce works for the Federal Government—that we saw many small businesses in our communities that depend upon the Federal workforce literally having nobody in their restaurants and in their shops. Consumer confidence was at an alltime low.

There have been estimates as to the amount of harm caused by the government shutdown. Standard & Poor's said $24 billion was taken out of our economy as a result of the government shutdown. Add that to the extra cost because we came so close to defaulting on the debt. Add that to the fact that since 2011 we have been living under sequestration. The estimate is we have lost about 900,000 jobs from this self-inflicted crisis management.

I could give many examples, but I will give a few.

I am very proud that the National Institutes of Health is based in the State of Maryland. Their impact is all over this country, including in the State of Massachusetts. As a result of sequestration and then the government shutdown, hundreds of grants could not be awarded. I think it was 700 by sequestration alone.

What does that mean? That means young researchers don't get a grant. They may stay with research, they may go to a different field, they may go to a different country. It means that maybe the cure for Alzheimer's will be put back a little bit or the influenza vaccine will be put back a little bit. Literally, lives are at risk. But also, our economy is at risk because the research supports so many private sector jobs. I could give the same example at FDA, NIST, Beltsville Agricultural Research Center, or Fort Meade. We have many examples of how our country has been harmed. We cannot govern from one manufactured crisis to another.

My message is I hope we will get a budget agreement—I know the budget conferees met this week—which will give some predictability to our economy, eliminate sequestration, a progrowth budget so we can invest in education, research, and modern roads, bridges, and transit systems.

I am very optimistic about America's ability to globally compete if we stop these self-inflicted crises. I have been doing a ''made in Maryland'' tour throughout the State where I have visited many businesses. I give credit to my colleague in the House, Congressman HOYER, whose saying, ''Make it in America'' has really caught on. So I took my friend Congressman HOYER's suggestion, and I went around Maryland to meet with different companies. Maryland businesses are the best in the world. I know I am a little biased about Maryland, but they are the best in the world on innovation and creativity. I will give a few examples which may not be self-evident.

The Paul Reed Smith Guitar Factory is located on the eastern shore of Maryland in a small community called Stevensville. Over 200 people work there, and they produce the best guitars in the world and are sold all over the world. Santana's guitar was produced there. It is now in the Metropolitan Museum of Art, it is such an incredible instrument—not only in beauty, but in sound—and was made right here in Maryland, USA.

Another company I visited during my ''Made in Maryland'' tour was the Volvo Mack truck plant located in Hagerstown, MD, one of the largest employers in western Maryland, with good-paying jobs. They make the most efficient truck engine in the world and it is produced right in Maryland, in the United States of America, the most innovative and creative ways to deal with the problem of efficiency in trucks.

I visited Ernest Maier, which makes brick pavers with concrete. It is very close to the Nation's capital. We can do manufacturing in America and we can compete in manufacturing. They are developing the technology for pervious concrete. It is critically important to our environment.

I take great pride in the Chesapeake Bay and the work we are doing to clean up the Chesapeake Bay. One of the major sources of pollution comes every time we have a storm and all of the runoff goes into the tributaries that lead into the Chesapeake Bay, causing a lot of pollutants to come into the bay, creating dead zones. If we have pervious concrete, allowing the water to seep rather than to flow, it cuts down dramatically the amount of pollution. The Ernest Maier Company is doing something about cleaning up our environment as well as selling a product that is well received around the country.

We have Marlin Steel located in Baltimore. It is a small specialty steel company. Their jobs are growing. One hundred percent of the ingredients come from the United States, and their product—steel, manufactured in Maryland—is exported around the world because it is a quality product.

Atlas Container is another Maryland manufacturer with a national market. I visited them. They are doing great. Their sales are up, their employment is up.

An area which I think is particularly important to the Presiding Officer is the craft beer industry. I have been up to Massachusetts and enjoyed some of their craft beers. There are over 100,000 jobs in the craft beer industry in this country, and it is growing. Times have been tough—but not in the craft beer industry. It is growing.

I visited Flying Dog in Frederick and Heavy Seas in Baltimore. They are coming out with new and seasonal beers, which is keeping a market growing, using creativity, besides having a very fine product.

It is not just in the craft beer industry, it is also in the wine industry. We have about 64 wineries in our State. I visited one in Montgomery County, MD. I don't know if most people know that Montgomery County, MD, produces one of the best wines in this country and can compete internationally. We are very proud of what is done at Sugarloaf Mountain Winery in Montgomery County, MD.

I wish to talk about some of the high-tech jobs done here. Brain Scope has developed a portable device available in the battlefield which can tell the severity of a head wound, as to whether the warrior needs immediate attention in order to save his life because of a brain injury or whether they can take a little more time before treatment. It is inexpensive in its operations and gives the data necessary to determine brain waves and the severity of the head injury. I think the total cost was about $10 million to develop. The military is very appreciative of this discovery. Think about the lives it will save, and think about the application of this technology to our community life. I think we are always nervous when we see our children and grandchildren on the playing field at sporting events, knowing how common head injuries are. This technology can be used on the playing field to determine the severity—whether a person who suffers a head injury needs to seek immediate medical attention because it is life threatening or whether they just need to sit out for a while.

This is the type of innovation and creativity taking place in Maryland. I can name dozens more small innovative companies working in biosciences, life sciences, and cyber security areas.

At Brain Scope they started with two employees. They now have over 20. This is a common story. These are good-paying jobs created here in Maryland, in the United States of America.

Lions Brothers in Owings Mills, MD. If you have ever seen a uniform with emblems on it, it was most likely done at Lions Brothers. They have figured out a way in which they can produce this product—which is used not only for sports gear, but the U.S. Government for uniforms, Boy Scouts, Girl Scouts.

What is common in each of these companies? They are innovators. They find creative ways to create and expand markets. They are creating more jobs, and they are creating good-paying jobs.

We could name every State in this country where we have seen this creativity. We have duplicated this throughout our country. But the message is clear: Our country can take off, but we have to give predictability to our businesses. That is why the work being done in the conference committee on the budget is so important. We can't go through another manufactured crisis, another shutdown, another threatened default on our debt, the continuation of sequestration. It needs to end. We need to have a budget which allows for the type of government partnership for that type of economic growth—the basic research, the educated workforce, the modern roads and infrastructure and energy systems. That is what we need to have so the companies I mentioned can continue to lead the world in innovation, creativity, and creating the jobs we need—the good-paying jobs in America.

If we act, I am confident America will compete and win the global competition. ''Made in Maryland'' has been a huge success and has been duplicated all over our country. Let us act and get our work done so we truly can make it in America.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. WARREN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELLER. Madam President, I ask unanimous consent that the quorum call be rescinded.

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

TRIBUTE TO MICHAEL LANDSBERRY

Mr. HELLER. Madam President, I rise today to address the public revelations regarding classified government surveillance programs. But before I do so, I would like to take a moment to honor Mike Landsberry, who died a hero's death in Sparks, NV, last week.

After spotting a student with a gun at Sparks Middle School, Mr. Landsberry moved directly in harm's way to protect his students and others from danger. He was fatally shot.

Mr. Landsberry was an Alabama native, a graduate of McQueen High School in Sparks, a University of Nevada-Reno graduate, and a decorated master sergeant Nevada Guard airman.

To his students, he was a coach, a teacher, and also a mentor. To his community, Mr. Landsberry was a patriot, a father, and a friend. Master Sergeant Landsberry leaves behind a legacy of self-sacrifice and service to his country and community. He will continue to be remembered as a great and honorable man and a father.

USA FREEDOM ACT

Mr. HELLER. I would also like to briefly discuss current National Security Agency practices, including its bulk data collection programs and the implication these programs have for the privacy of Nevadans and millions of other law-abiding citizens.

Due to published reports in newspapers around the world, Nevadans are well aware that the Federal Government has been collecting phone data of law-abiding citizens without their knowledge through a process known as bulk collection. These practices are mostly authorized by section 215 of the PATRIOT Act.

Specifically, section 215 permits the FBI to seek a court order directing a business to turn over certain records when there are reasonable grounds to believe the information sought is relevant to an authorized investigation of international terrorism.

''Relevance'' has been found by the courts to be a broad standard that, in effect, allows large volumes of data to be collected. These same records can be combed through in order to identify smaller amounts of information that are relevant to an ongoing investigation. In other words, it has been established that section 215 allows for massive amounts of data to be collected in order to find the tiny amount of data that would solve an investigation regarding international terrorism. The court's reasoning that this is permitted is because, when submitted, it is likely that the data will produce information that will then help the FBI.

Millions of Americans' call records are collected and stored by the NSA because a few numbers may solve an authorized investigation. Supporters of bulk collection practices have defended this program as an important tool in the fight against terror. They have said this is a mechanism to access the logs quickly, and they are not actually listening to the content.

President Obama even said:

> When it comes to telephone calls, nobody is listening to your telephone call. Instead, the government was just sifting through this so-called metadata.

The President is correct. They are not listening to the actual calls like the FBI conducting a wiretap, but let me outline that the government can figure out what is going on from those call logs.

For example, they will know that an American citizen in Ely, NV, received a call from the local NRA office and then called their Representative and Senators. But they claim that the content of that call remains safe from government intrusion or they will also know that a Nevadan from Las Vegas called a suicide prevention hotline and spoke to an individual for 12 minutes, but they will not know what that person discussed.

The question I have is this: Why does the Federal Government have to house this data? I believe it is because Congress has authorized a massive surrender of our constituents' privacy.

I want to be clear: I share the concerns of all Americans that we must protect ourselves against threats to the homeland. I also believe we must continue to understand that terrorism is very real and that the United States is the target of those looking to undermine the freedoms we hold as a core of our national identity. Are we sacrificing our own freedoms in the process? Are we sacrificing our constitutional rights that are afforded under the Fourth Amendment? If so, this is a steep price to pay to protect Americans from terrorism.

So the next question must be: If the price to protect Americans from terrorism is an incredible loss of individual privacy, what are the results of this program?

What has the bulk collection program provided in tangible results that justifies a privacy intrusion of this level?

The answer is that two cases have been solved in the collection of millions of records through the use of the program authorized by section 215. We know that because on October 2, 2013, the chairman of the Senate Judiciary Committee, Senator LEAHY, asked the NSA Director Keith Alexander the following question:

> At our last hearing, the deputy director, Mr. Ingliss, stated that there's only really one example of a case where, but for the use of Section 215, both phone records collection, terrorist activity was stopped. Was Mr. Ingliss right?

To which Director Alexander responded, ''He's right. I believe he said two, Chairman.''

Congress has authorized the collection of millions of law-abiding citizens' telephone metadata for years, and it has only solved two ongoing FBI investigations. Of those two investigations, the NSA has publicly identified one. In fact, that case would have easily been handled by obtaining a warrant and going to that telephone company. The case involved an individual in San Diego who was convicted of sending $8,500 to Somalia in support of al-Shabaab, the terrorist organization claiming responsibility for the Kenyan mall attack. The American phone records allowed the NSA to determine

that a U.S. phone was used to contact an individual associated with this terrorist organization.

I am appreciative that the NSA was able to apprehend this individual, but it does not provide overwhelming evidence that this program is necessary. As Senator RON WYDEN from Oregon noted, the NSA could have gotten a court order to get the phone records in question.

In essence, Congress has authorized a program that invades the privacy of millions of Americans with little to show for it. The results simply do not justify this massive invasion of our privacy, and that is why I want to end bulk collection practices authorized under section 215 of the PATRIOT Act.

I joined Senator LEAHY to introduce the bipartisan, bicameral USA Freedom Act. This legislation, among other things, will rein in the dragnet collection of data by the National Security Agency. It will stop the bulk collection of Americans' communication records by ending the authorization provided by section 215 of the PATRIOT Act.

Some in this Chamber will argue this removes a massive tool for the NSA to assist the FBI. I disagree with that. All this legislation does is shut down the collection of millions of Americans' metadata by the NSA. If the FBI needs a telephone number, they can go to a FISA judge and get a warrant. The phone company can still provide that data. Chances are a major phone provider will have that data as they keep all detailed records for at least 1 year.

When talking broadly about how certain technological developments should be incorporated in our justice system, Associate Justice of the Supreme Court William Douglas once said:

> The privacy and dignity of our citizens are being whittled away by sometimes imperceptible steps. Taken individually, each step may be of little consequence. But when viewed as a whole, there begins to emerge a society quite unlike any we have seen—a society in which government may intrude into the secret regions of a person's life.

Here in the Congress it is our responsibility to take great care to acknowledge each possible step that could whittle away our privacy. We must examine its necessity carefully and reasonably. In this case, I do not believe such practices are warranted.

We can continue to protect Americans from threats of terrorism without infringing on individual privacy that the Constitution protects under the Fourth Amendment. We should shut down bulk collection practices.

With that, I thank the Chair, yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. MARKEY). The minority leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

OBAMACARE

Mr. MCCONNELL. Mr. President, I recently received a disturbing note from a constituent in Burlington, KY. Unfortunately, I suspect a lot of my colleagues have been receiving notes just like it.

This gentleman said that after receiving several letters from his insurer, it became clear to him that the President was being misleading when he said if you like the plan you have—if you like the plan you have—you can keep it. That is because he found out his policy, which came into effect just 2 months after the law's arbitrary cutoff date for grandfather plans, will be discontinued next year. He is not happy about this at all, especially given the fact that a plan on the ObamaCare exchanges will dramatically drive up his insurance costs, from $400 a month to more than $700 a month, with zero subsidies available.

Here is what he had to say:

> My wife and I are 54. We don't need maternity care and we don't need ObamaCare.

He is right to be upset. This is simply not in keeping with the spirit of the President's oft repeated promise.

Perhaps the administration would like to tell him he should have just done a better job of keeping up with its regulatory dictates. But what about the millions who purchased their plans relying on the President's promise that they could keep them? What about the husbands and wives across Kentucky who suffered when two of our largest employers had to drop spousal coverage? What about the folks who lost coverage at work? What about all the smaller paychecks and lost jobs? What about the part-timeization of our economy?

This law is a mess. It is a mess. As Secretary Sebelius said herself yesterday: ''The system is not functioning.''

Maybe she was referring to no more than the narrow problems with healthcare.gov. But as the President keeps reminding us over and over, ObamaCare is about more than just a Web site. He is right about that. That is why, if the system is not functioning, it is just another sign that ObamaCare itself is simply not working. The President and his Washington Democratic allies understand this. That is why the White House is so eager to enroll everybody—other than themselves—into the exchanges. It is why they handed out a yearlong delay to businesses, and that is why the Washington Democrats' Big Labor allies are looking for their own special carve-outs.

What about everybody else? What about the middle class? Where is their carve-out? So far, Washington Democrats have resisted every attempt to exempt the struggling constituents whom we all represent.

The folks who rammed this partisan bill through know it is not ready for prime time, and they seem to want no part of it themselves. But for you out there, the middle class, it seems to be tough luck—tough luck.

We have even seen some of the same folks try to stamp out innovations that would help folks get out from under some of ObamaCare's more crushing burdens. That is why they have launched a crusade against small businesses that dare to experiment with self-insurance and other pioneering ideas. Maybe the administration does not like self-insurance because it represents a free market alternative to ObamaCare. But the fact is nearly 100 million Americans are already availing themselves of it. I am sure most of them like the greater flexibility and affordability it provides.

So it is time these folks spent their energy working with us to look after the middle class and to bring about the kind of reforms that will actually lower costs and that our constituents want, because they should not have to wake up to news such as this: ''Florida Blue is dropping 300,000 customers.''

''Hundreds of thousands of New Jerseyans opened the mail last week to find their health insurance plan would no longer exist in 2014''—out of existence.

''Half of the roughly 600,000 people in [my State of] Kentucky's private insurance market will have their current insurance plans discontinued.''

Mr. President, 300,000 Kentuckians will have their current insurance plans discontinued.

This is not fair. It is not what Americans were promised, and Republicans intend to keep fighting for middle-class families suffering under this law. I hope more of our Democratic colleagues will join us in this battle in the future.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COONS). Without objection, it is so ordered.

TRIBUTE TO BRIGADIER GENERAL JONATHAN FARNHAM

Mr. LEAHY. Mr. President, I would like to take a moment to pay tribute to retired BG Jonathan Farnham, who is retiring after having honorably served his community, State and country for 34 years in the Vermont National Guard.

Jon was commissioned in 1981 through the Reserve Officer Training Corps at the University of Vermont where he earned a Bachelor of Science in economics. Prior to receiving his commission, he served as an enlisted member of the 1st Battalion, 86th Field Artillery of the Vermont Army National Guard.

From his first assignment with the 86th Field Artillery, to his role as Director of the Afghan National Security Forces Development Assistance Bureau, to his nearly 3 years as a civilian employee serving as the Vice Director of the Guard's Joint Staff, Jon has served under 6 Governors and 4 Adjutant Generals. As each of them undoubtedly would agree, his wealth of experience and knowledge has been invaluable to the State and Nation as he has risen through the ranks, serving at nearly every level of command in the Army Guard.

He also served as a fellow in the office of Senator Jim Jeffords, and I have personally benefitted from Jon's legacy, having had the privilege of employing his daughter Lily in my Burlington office during the summer of 2010.

Jon will be remembered for his keen sense of humor, dedication to duty, and deep love and appreciation for the State of Vermont.

I am grateful that the Vermont National Guard was able to benefit from Jon's lifetime of service, and Marcelle and I send our best wishes to him in the retirement he has certainly earned.

HAITI AND ARMENIA REFORESTATION ACT

Mr. DURBIN. Mr. President, it is an unfortunate reality—perhaps bordering on negligence—that Congress has been unable to do something about climate change.

How will our grandchildren look back at our inaction when they inherit a changed planet—one that we found too politically inconvenient to help avoid?

Thankfully, this President has shown leadership on this issue, but we must do more.

Recently, I offered a simple piece of legislation—one that has traditionally been very bipartisan—that can help take another common sense step and at the same time improve the lives of millions overseas.

The bill helps two friends of the United States overcome the devastating impacts of deforestation: Haiti and Armenia.

Our forests provide resources for almost two-thirds of all species on the planet, offering shelter, food, fresh water, and medicines. Forests help with biodiversity, water conservation, soil enrichment, and climate regulation.

Forests cover 30 percent of the world's land area, but we still lose swaths the size of entire countries—about 12–15 million hectares—each year.

In fact, approximately 76 percent of our world's original primary forests have been destroyed or degraded. And deforestation alone accounts for up to 20 percent of the global greenhouse gas emissions that contribute to global warming.

That is because forests take carbon out of the air, and in turn, replenish the atmosphere with oxygen. Forests help settle out or trap dust, ash, smoke, and other harmful pollutants. They offer water through an evaporation process and shade to hundreds of thousands of species.

If deforestation continues at this staggering level, we lose one of the planet's most important weapons in stabilizing the global climate.

And deforestation in Haiti and Armenia hurts far more than the global climate—deforestation is a factor in economic, agricultural, health, and environmental problems.

An already struggling country, Haiti was hit hard by the massive, January 2010 earthquake.

More than 200,000 people were killed, and an estimated 1.5 million were displaced. A staggering number of houses and buildings simply collapsed.

The subsequent cholera outbreak claimed over 8,000 lives and infected hundreds of thousands more.

While Americans and people from all over the world donated money, organized shipments of medicines and supplies, and even traveled to Haiti as emergency relief workers helped rescue and treat victims, there is an important piece of the puzzle that has been receiving little attention—the role of deforestation.

When you look at the lush green of the Dominican Republic and compare it to the stark desolation on Haiti's side of the border, it is easy to see why Haiti is so much more vulnerable to soil erosion, landslides, and flooding than its neighbor.

In 1923, Haiti's tropical forest covered 60 percent of the country. Today, less than 2 percent of those forests remain.

Deforestation induces soil erosion and landslides, making land more vulnerable to floods and mudslides. In a place such as Haiti, already scarce agricultural land is rendered all the less productive.

These issues are exacerbated by natural disasters such as the 2010 earthquake or the many tropical storms Haiti has faced in recent years.

I remember on a previous visit to Haiti that there was a strong rain during the evening in the capitol of Port au Prince. I mentioned the rain casually to our Haitian hotel host and she said that in the morning several people would be dead from the rain.

I was puzzled—from the rain?

Yes, the mountains around Port au Prince have been so deforested that a simple downpour leads to deadly mudslides.

Former Haitian Prime Minister, Michele Pierre-Louis, said it so aptly:

> ''The whole country is facing an ecological disaster. We cannot keep going on like this. We are going to disappear one day. There will not be 400, 500 or 1,000 deaths [from hurricanes]. There are going to be a million deaths.''

Mr. President, when I visited Armenia last year, I found a similar problem. I had the opportunity to drive through the Armenian countryside for several hours en route from Georgia. What I saw in this otherwise proud country was devastating.

While archaeological data suggests that approximately 35 percent of Armenia was originally forested, less than 8 percent of its forests remain today.

In recent years, increasing bouts of heavy rainfall, landslides, and floods have endangered hundreds of communities in Armenia and cost millions in damages. On the other hand, record droughts have threatened more than two-thirds of the nation by desertification as natural tree cover continues to diminish.

Groups such as the Armenia Tree Project have focused on reforestation efforts in northern Armenia because it suffered a significant loss of forest cover in the early 1990s.

Mr. President, deforestation is brought on by a number of reasons—making land available for urbanization, plantation use, logging, mining—and illegal logging and mining—and others.

Poverty and economic pressures also play significant roles; 80 percent of the population of Haiti and 36 percent of the population of Armenia live below the poverty line, and wood and charcoal produced from cutting down trees accounts for a major—and relatively cheap—supply toward the energy sectors of both nations.

But the implications of deforestation are disastrous. These forests, if protected and regrown, would fight the destructive effects of soil erosion.

They would help protect freshwater sources from contaminants, would safeguard irrigable land, and would save lives during natural disasters. Helping these nations deal with their deforestation problem—one that impacts the entire planet given the rise in greenhouse gas emissions—is not only the right thing to do, it is the smart thing to go with our limited assistance dollars.

Every dollar we put into reforestation in these hard-hit countries pays itself back in economic, health, and environmental returns.

That is why Senators BROWN, CARDIN, FEINSTEIN, and WHITEHOUSE have joined me in introducing the Haiti and Armenia Reforestation Act to help address the deforestation challenge.

The bill aims to restore within 20 years the forest cover of Haiti to at least seven percent and the forest cover of Armenia to at least 12 percent, about each country's respective levels in 1990.

Within 7 years of enactment, the bill also aims to restore the social and economic conditions for the recovery of 35 percent of both countries' land surfaces and to help improve sustainable management of key watersheds.

A number of groups and organizations are already on the ground working toward these goals in Haiti, and a few in Armenia such as the Armenia Tree Project I mentioned earlier, but more needs to be done to help support

these efforts in a coordinated manner and with backing from both the Governments of Haiti and Armenia and of the United States.

While it is important to start putting trees in the ground, this bill is about more than just planting trees. Our government has tried that approach in the past and it has proven to be ineffective.

This bill empowers the U.S. Government to work with Haiti and Armenia to develop forest-management programs based on proven, market-based models.

These models will be tailored to help both countries manage their conservation and reforestation efforts in ways that can be measured.

The bill encourages cooperation and engagement with local communities and organizations, provides incentives to protect trees through income-generating growth, and authorizes debt-for-nature swaps, focusing on sustainable restoration of forests, watersheds, and other key land surface areas.

Most importantly, the bill does not authorize any new funds. It will help make sure such existing funds are spent wisely and productively.

It will help the people of Haiti and Armenia rebuild their critical ecosystems, which in turn will have tremendous long-term impacts on their qualities of life.

I urge my colleagues to join me in this effort.

TRIBUTE TO CARMEN VELÁSQUEZ

Mr. DURBIN. Mr. President, I would like to take a moment to thank Carmen Velásquez of Chicago, who is retiring as executive director of Alivio Medical Center, for her many years of service to the Latino Community and the city of Chicago.

As a community leader, civil rights activist, health and education advocate, and one of my personal ''she-ros,'' Carmen Velásquez has dedicated her life to justice and equitable health access for all. As one of the original founders of the Alivio Medical Center, she has served the community for 25 years, helping grow one community health center to a network of 6 clinics, with plans to open two new sites this year.

Carmen is the daughter of Mexican immigrants—her father harvested beets in South Dakota before coming to Illinois to start a successful jukebox business. Carmen went on to earn degrees from Loyola University Chicago and the University of the Americas in Puebla, Mexico.

In her professional career, Carmen dedicated her talents and energy to universal health care and immigration reform as a community organizer. She was a social worker and bilingual education specialist, who quickly became a pillar of Chicago's Latino community.

As a member of Chicago's Board of Education, she realized that more needed to be done not only to address the needs of the Latino community in schools, but also in health clinics.

In 1988, Carmen's mission was clear; she needed to find a place to address the too often neglected medical needs of her community. While walking through Chicago's Pilsen neighborhood in search of clinic space, Carmen came upon a muffler shop parking lot littered with rusting old trucks. She went inside the shop and asked its owner if the lot was for sale.

His response? ''Offer me something.''

Carmen Velásquez made an offer, and with that, she began her active campaign to raise $2.1 million for construction of the first of Alivio's community health centers.

Carmen's passion and tenacity turned her dream into a reality. Alivio Medical Center opened its doors 1 year later in 1989, as a bilingual, bicultural nonprofit community health center. Alivio has since grown to become a respected advocacy organization that is also an essential safety net provider for many low-income and vulnerable residents of Chicago.

Because of Carmen Velásquez's hard work and dedication, Alivio continues to meet the primary health care needs of over 20,000 Spanish-speaking, predominantly Mexican immigrants who fall through the cracks of the health care system every year. The residents of the Pilsen, Little Village and Back of the Yards neighborhoods who come to the clinic every year know that, regardless of their income level or insurance coverage, they can expect the very best quality care.

Carmen's commitment to her community has not gone unnoticed. She has been recognized for excellence in her work throughout the years. She was recently recognized at halftime by the Chicago Bears with the National Football League's, NFL, Hispanic Heritage Leadership Award, and she has been honored with the MALDEF Lifetime Achievement Award, the Robert Wood Johnson Foundation Community Health Leadership Award, and Premio Ohtli, the highest honor bestowed by the Government of Mexico on an individual for service to Mexicans living abroad. Illinois Governor Pat Quinn has also honored Carmen as the Latino Heritage Month ''Trailblazer of the Day.''

I was fortunate to meet Carmen and her family early in my Senate career. On so many occasions I have counted on Carmen's wise counsel and caring heart to help me through the challenges we face. If I could make one phone call before facing a tough decision on an issue of social justice, particularly in the Hispanic community, I would call Carmen Velásquez and know that her life experience, caring heart, and street-level wisdom would never disappoint me.

Carmen's perseverance and her indomitable spirit are tremendous. Her willingness to stand up as a voice for the community during her tenure as Alivio's executive director has left an incredible legacy to Chicago's Latino community enormously.

Congratulations to Carmen on a spectacular career. I thank Carmen for all her years of distinguished service. I know I speak for Alivio's professional staff, the thousands of families that have benefited from her caring leadership, and all of Chicago when I say she will be sorely missed.

I wish her the best as she opens the next chapter in her life.

WORLD WAR II VETERANS VISIT

Mr. BEGICH. Mr. President. In October of 2013, Veterans in the Last Frontier and Alaska-Golden Heart hubs of Honor Flight will be traveling to Washington, DC, to visit their memorials. I would like to welcome these heroes to our Nation's capital and take this time to recognize their service to our Nation.

I would like to record the individual names of the World War II veterans selected for this trip: Mr. Jacob Knapp, Army; Mr. Stanley Coleman, Navy; Mr. John Collins, Army; Mr. William Field, Navy; Mr. Alvin Hershberger, Army; Mr. Norman Hogg, Army; Mr. Howard Hunt, Army; Mr. Alfred Kehl, Army; Mr. George Miller, Air Force; Mr. Manuel Norat, Army; Mr. Leonard Nugent, Navy; Mr. Dale Parker, Navy; Mr. Fredrick Samsun, Marines and Air Force; Mr. Marshall Solberg, Navy; Mr. Lafton Wells, Navy; Ms. Ellen White, Air Force; Ms. Juliana Wilson, Navy; Mr. Allen Woodward, Navy; Mr. Edward Young Jr., Air Force; Mr. James Brewster, Navy; Mr. Elvin Brush, Air Force; Mr. Arnold Booth, Army; Mr. Conrad Ryan, Army; Mr. William Miller, Army; Mr. Louis Palmer, Navy; Mr. James Dodge, Marines; Mr. Roy Helms, Army; Mr. Nelson McBirney, Navy and Mr. Wenzel Raith, Navy.

These veterans from Alaska join over 90,000 other veterans from across the country, who, since 2005, have traveled to our Nation's capital to visit and reflect at memorials built here in their honor. This Honor Flight trip was made possible by generous public donations and contributions from those who wish to honor these heroes.

We owe a great deal to our servicemen and veterans who put themselves in harm's way for our Nation and for our security. The sacrifices made by these heroes are truly incredible and without their honor, courage, commitment, and sacrifice, we would not enjoy the freedoms we cherish today.

Each of these veterans have my thanks for their service, and I very appreciate the staff, volunteers and supporters of the Honor Flight program who make these trips happen. Again, thank you to all Alaska veterans and the volunteers for their dedication, commitment, and service.

ESTEVEZ NOMINATION

Mr. MURPHY. Mr. President, yesterday, I voted to confirm Alan Estevez to

be a Principal Deputy Under Secretary of Defense. In this important position, the second highest ranking acquisition official at DOD, Mr. Estevez will help oversee hundreds of billions of dollars in procurement during his tenure.

I am eager to work with Mr. Estevez on an issue important to my State and our overall security strategy. Like my colleagues Senators BLUMENTHAL and CORNYN have discussed, it is unacceptable to me that the Department of Defense is continuing the procurement of Mi–17 helicopters from Rosoboron export, Russia's official arms export firm.

The reasons to stop this procurement are numerous, and, by contrast, the logic behind the continuation of this procurement is flawed.

Not only is Rosoboronexport at the heart of an industry that Russia's own chief military prosecutor publicly stated is corrupt, but this company is also supplying the Assad regime in Syria. We are handing money—tax dollars from my constituents in Connecticut—to a company that is propping up a regime that is committing atrocities against its own people.

I was outraged to learn that earlier this year that DOD awarded Rosoboronexport a $572 million contract for the procurement of 30 Mi–17 helicopters for the Afghan Special Mission Wing, completely ignoring the recommendation of the Special Inspector General for Afghan Reconstruction, SIGAR, to halt this procurement.

Even if DOD thinks that this procurement should go forward in light of the SIGAR recommendation, there is no credible reason that these helicopters should not be made in America. My constituents are tired of our procurement dollars going to overseas firms, and this particular example is one of the most egregious.

We have spent over $100 billion on equipment from overseas manufacturers in the last several years. When I talk to manufacturers in Connecticut who are churning out the most reliable and rugged military equipment in the world, including helicopters, they just can not understand why we are paying a corrupt Russian arms dealer for equipment we already make at home.

I look forward to making my feelings known to Mr. Estevez and, as we did last year during the consideration of the National Defense Authorization Act, making it clear that this body does not approve of this Mi–17 procurement.

TRIBUTE TO JUDGE S. ARTHUR SPIEGEL

Mr. PORTMAN. Mr. President, today I wish to honor a friend and fellow Cincinnatian, Judge S. Arthur Spiegel, on the occasion of his 94th birthday and would also like to recognize him for his service to our community and our Nation.

On April 5, 1980, Judge Spiegel was appointed as a United States District Judge for the Southern District of Ohio by President Jimmy Carter. He was confirmed on May 20, 1980 and began his duty on June 5, 1980.

With 33 years of Federal judicial service, including as Chief United States District Court Judge for the Southern District of Ohio and by designation on the United States Court of Appeals for the Sixth Circuit, he took Senior Status on June 5, 1995. He continues to serve on the Court as Cincinnati's oldest sitting judge and continues to handle a full docket and hundreds of cases a year.

Judge Spiegel served his country valiantly in World War II in the Pacific campaigns while serving as a flying artillery spotter in an unarmed light aircraft. He was a United States Marine Corps Captain from 1942 to 1946 in the First Marine Division.

Judge Spiegel received a BA from the University of Cincinnati in 1942 and obtained his LL.B. from Harvard University in 1948—postgraduate University of Cincinnati, 1949. In addition, he was awarded an Honorary Degree, Doctor of Humane Letters by Hebrew Union College, Jewish Institute of Religion in 1996 and a Distinguished Alumni Award, College of Arts & Sciences from the University of Cincinnati in 1997.

Judge Spiegel has served as a role model to many lawyers in private practice and on the bench. His intelligence and strength of character have been revered by many and he has set the highest standards of professionalism for those appearing in his courtroom. He was a co-founder of the Potter Stewart American Inn of Court in Cincinnati, which was one of the first establishments of this kind, and serves to mentor and teach professionalism and trial techniques to law students and young lawyers.

Judge Spiegel is a member of the American Bar Association, the Ohio Bar Association, the Cincinnati Bar Association and the Federal Bar Association. He was a lecturer on labor law, debtor/creditor rights, and appellate advocacy at the University of Cincinnati College of Law from 1970 through 1975. He was also a Delegate, Sixth Circuit Judicial Conference from 1967 through 1970; a Life Member, Sixth Circuit Judicial Conference beginning in 1971; and was a District Judge Representative for the Sixth Circuit, United States Judicial Conference in 1996 and 1997.

He has served on numerous boards of trustees in his community. He served on the Mayor's Friendly Relations Committee from 1961 to 1965 and the Cincinnati Human Relations Commission from 1967 to 1973, including serving as its first Chairman from 1965 to 1967. He was also a Board Trustee for Bowling Green State University from 1973 to 1981 and has been a Trustee and Trustee Emeritus for The National Conference for Community and Justice since 1973.

In recent years, Judge Spiegel has served on the Roundtable of the Black Lawyers Association of Cincinnati, which aims to broaden the opportunities in the legal profession for minorities. He regularly meets with students of local high schools regarding the role of the courts in our society and also conducts naturalization ceremonies in the local schools. He received the Award of Recognition from the Black Lawyers Association of Cincinnati in 1995.

A civil rights advocate both on and off the bench, Judge Spiegel served as the first Chairman of the Cincinnati Human Relations Commission, an organization with the mission of helping the community overcome prejudice and discrimination. As an active participant in the civil rights movement, Spiegel worked to calm tensions after race riots in the late 1960s.

A true renaissance man, Judge Spiegel is a pilot, painter, tennis player, writer, horseback rider and self-taught mechanic.

He is married to Louise Wachman Spiegel, and they have four sons, Thomas, Arthur M., Andrew and Roger, and seven grandchildren.

Today, I would like to recognize my friend and an Ohio icon and commend him for the many contributions he has made to our community and to the legal profession.

ADDITIONAL STATEMENTS

CONGRATULATING CSU-GLOBAL CAMPASS

• Mr. BENNET. Mr. President, in an increasingly global economy, we must find ways to promote innovation, increase college access, and make college affordable so that our students can remain competitive. In light of today's Senate Health, Education, Labor, and Pensions Committee hearing which focused on these important topics, I want to recognize Colorado's own Colorado State University-Global Campus for their impressive work in this area. This year marks CSU-Global Campus' 5-year anniversary, and I would also like to congratulate them on reaching that milestone.

CSU-Global Campus, and its president, Dr. Becky Takeda-Tinker, have demonstrated a remarkable commitment to ensuring a quality education at an affordable price. As the first and only 100 percent online, fully accredited public, non-profit institution in America, students enrolling at CSU-Global today will not see any tuition increases as long as they take at least one class per year, even if tuition rates increase five years down the road. CSU-Global does this because it wants students entering today to be able to plan their education and anticipate the full cost of graduation.

CSU-Global Campus has been at the forefront of new innovative approaches to learning, including offering competency-based courses. Students have access to CSU-Global's full course content online for free and can receive

academic credit for passing an exam with a score of 70 percent or better. A 3-credit exam costs $250 and a 1-credit costs $150; the fee covers 2 exam attempts in 12 months. There is no additional fee for students to access the materials, faculty, and resources during their study period leading up to the exam. Many of these resources are innovations themselves and include a 24–7 online tutoring service, 24–7 tech support, and a virtual library.

Its students' progress are carefully tracked electronically and student support is a priority. Students partner with faculty or receive other student support if it seems they have struggled in a certain class. Students at CSU-Global are given the flexibility needed to accommodate the many demands on their time, but are still counseled through to completion.

Thirty-four percent of CSU-Global's students are first-generation college students and 23 percent are from the underserved population. Finally, at a time when our country continues to recover financially, 95 percent of CSU-Global graduates are working for pay as of February 2013.

As the cost of college continues to rise, CSU-Global Campus is an innovative alternative. After repaying its $12 million start-up loan a year ahead of schedule in 2012, it now operates a sustainable model without future appropriations from the State of Colorado.

Mr. President, in April 2013, CSU-Global ranked seventh in U.S. News & World Report's ranking of the Best Online Bachelor's Programs. On the occasion of its fifth anniversary, I congratulate CSU-Global on its tremendous achievements.●

TRIBUTE TO JAMES BUCK

● Mr. LEVIN. Mr. President, I am delighted to honor the contributions of a loyal and dedicated public servant, Mayor James Buck. In November, Mayor Buck will retire after 4½ decades of public service, 29 years of which he served as Mayor of Grandville, MI. Through his vision and tireless advocacy, Mayor Buck has helped to make sure this fine city continues to be a wonderful place to raise a family and for businesses to thrive.

Jim Buck began his career in public service as an appointed member of the Grandville Park & Recreation Board in 1968. Three years later, in 1971, he was elected to the Grandville City Council. After a successful stint on the city council, Jim was elected mayor of Grandville in 1984 and has gone on to serve eight consecutive terms.

Although the position of mayor of Grandville is part-time, Mayor Buck has always approached it as a full-time responsibility. He has devoted himself to his work as mayor and is visible at community events throughout the year. He is committed to economic and residential development, and has made decisions that have brought businesses and residents to Grandville. He has been a pillar of integrity and a consensus builder. Under Mayor Buck's stewardship, the City of Grandville has maintained sound financial footing despite immense economic challenges.

Mayor Buck is a firm believer that a strong sense of community is vital and improves the quality of life of its residents. Throughout his 45 years on the Grandville Park & Recreation Board, which he has chaired for decades, the city has created new trails and parks and revitalized existing ones. During his tenure, the Park & Recreation Board has turned Grandville's 4th of July Celebration into a major regional event and a beloved community tradition.

An avid tennis player, Jim Buck has enjoyed many successful years of competition, including at the Senior Olympics in recent years. He has been assistant coach to the Grandville High School tennis team for the last 17 years. This year, the team won the OK Red Conference and Regional Championships. It is no coincidence that Grandville has some of the best tennis courts of any city its size in Michigan.

A dedicated and visionary leader, Mayor Buck has not only been Grandville's strongest advocate but also an active civic leader on regional and State levels. He is an honorary life member of the Michigan Municipal League (MML), chair of the MML Foundation Board, member of the West Michigan Strategic Alliance and the long-time chairman of the Grand Valley Metropolitan Council.

But more than the list of boards and commissions to his credit, Jim Buck is a man of his community. He works long hours attending events, meeting with residents, visiting schools, and listening to and appreciating the people of Grandville. He has created a standard of community engagement that will be an inspiration to his successors. Indeed, Mayor Buck has made a tremendous contribution to the lives of residents of the City of Grandville now and for generations to come.

I ask my colleagues to join me in recognizing the dedicated public service of one of the finest locally elected officials in Michigan, Jim Buck. He has dedicated himself to the betterment of his community. On behalf of the people of Michigan, I wish Jim and his wonderful wife, Kathryn (Kitty) Buck the very best for a well-deserved retirement.●

MESSAGE FROM THE HOUSE

At 11:03 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 992. An act to amend provisions in section 716 of the Dodd-Frank Wall Street Reform and Consumer Protection Act relating to Federal assistance for swaps entities.

H.J. Res. 99. Joint resolution relating to the disapproval of the President's exercise of authority to suspend the debt limit, as submitted under section 1002(b) of the Continuing Appropriations Act, 2014 on October 17, 2013.

ENROLLED BILL SIGNED

The message also announced that the Speaker pro tempore (Mr. THORNBERRY) has signed the following enrolled bill:

H.R. 3190. An act to provide for the continued performance of the functions of the United States Parole Commission, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. LEAHY).

The message further announced that pursuant to 22 U.S.C. 3003, and the order of the House of January 3, 2013, the Speaker appoints the following Members on the part of the House of Representatives to the Commission on Security and Cooperation in Europe: Mr. PITTS of Pennsylvania, Mr. ADERHOLT of Alabama, Mr. GINGREY of Georgia, and Mr. BURGESS of Texas.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 992. An act to amend provisions in section 716 of the Dodd-Frank Wall Street Reform and Consumer Protection Act relating to Federal assistance for swaps entities; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the second time, and placed on the calendar, pursuant to Sec. 1002 of Public Law 113–46:

H.J. Res. 99. Joint resolution relating to the disapproval of the President's exercise of authority to suspend the debt limit, as submitted under section 1002(b) of the Continuing Appropriations Act, 2014 on October 17, 2013.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3391. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Cold Treatment for Fresh Fruits and Vegetables; MidAmerica St. Louis Airport, Mascaoutah, IL'' (Docket No. APHIS–2012–0089) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3392. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Gypsy Moth Generally Infested Areas; Additions in Wisconsin'' (Docket No. APHIS–2012–0075) received during adjournment of the Senate in

the Office of the President of the Senate on October 24, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3393. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Citrus Canker, Citrus Greening, and Asian Citrus Psyllid; Interstate Movement of Regulated Nursery Stock'' ((RIN0579–AD29) (Docket No. APHIS–2010–0048)) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3394. A communication from the Associate Administrator, National Organic Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''National Organic Program (NOP); Sunset Review (2013)'' ((RIN0581–AD13) (Docket No. AMS–NOP–11–0003; NOP–10–13FR)) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3395. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Vidalia Onions Grown in Georgia; Change in Reporting and Assessment Requirements'' (Docket No. AMS–FV–12–0071; FV13–955–1 FIR) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3396. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Paper and Paper-Based Packaging Promotion, Research and Information Order; Referendum Procedures'' ((RIN0581–AD21) (Docket No. AMS–FV–11–0069; FR–B) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3397. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Domestic Dates Produced or Packed in Riverside County, California; Decreased Assessment Rate'' (Docket No. AMS–FV–13–0053; FV13–987–1 IR) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3398. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Potato Research and Promotion Plan; Amend the Administrative Committee Structure and Delete the Board's Mailing Address'' (Docket No. AMS–FV–13–0027) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3399. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Relaxing Size and Grade Requirements on Valencia and Other Large Type Oranges'' (Docket No. AMS–FV–13–0009; FV13–905–2 FIR) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3400. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Avocados Grown in South Florida; Change in Minimum Grade Requirements'' (Docket No. AMS–FV–12–0067; FV13–915–1 FR) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3401. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Cranberries Grown in States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Revising Determination of Sales History'' (Docket No. AMS–FV–12–0042; FV12–929–2 FR) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3402. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''United States Standards for Condition of Food Containers'' ((RIN0581–AC52) (Docket No. AMS–FV–08–0027; FV–05–332)) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3403. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tart Cherries Grown in the State of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin; Revising Handler Reporting and Grower Division Requirements'' (Docket No. AMS–FV–13–0030; FV13–930–2 IR) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3404. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Irish Potatoes Grown in Washington; Decreased Assessment Rate'' (Docket No. AMS–FV–13–0010; FV13–946–1 FIR)) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3405. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Sweet Cherries Grown in Designated Counties in Washington; Decreased Assessment Rate'' (Docket No. AMS–FV–13–0055; FV13–923–1 IR)) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3406. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Apricots Grown in Designated Counties in Washington; Suspension of Handling Regulations'' (Docket No. AMS–FV–13–0040; FV13–922–1 IR)) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3407. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Kiwifruit Grown in California; Decreased Assessment Rate'' (Docket No. AMS–FV–13–0071; FV13–920–2 IR)) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3408. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Apricots Grown in Designated Counties in Washington; Increased Assessment Rate'' (Docket No. AMS–FV–13–0041; FV13–922–2 FR)) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3409. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Irish Potatoes Grown in Washington; Temporary Change to Handling Regulations and Reporting Requirements for Yellow Fleshed and White Types of Potatoes'' (Docket No. AMS–FV–13–0067; FV13–946–2 IR)) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3410. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''VA Dental Insurance Program-Federalism'' (RIN2900–AO85) received during adjournment of the Senate in the Office of the President of the Senate on October 22, 2013; to the Committee on Veterans' Affairs.

EC–3411. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency declared in Executive Order 13413 with respect to blocking the property of persons contributing to the conflict taking place in the Democratic Republic of the Congo; to the Committee on Banking, Housing, and Urban Affairs.

EC–3412. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Energy Conservation Standards for Certain Consumer Products and Commercial and Industrial Equipment'' (RIN1904–AD08) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2013; to the Committee on Energy and Natural Resources.

EC–3413. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program for Consumer Products and Certain Commercial and Industrial Equipment: Test Procedures for Showerheads,

Faucets, Water Closets, Urinals, and Commercial Prerinse Spray Valves'' (RIN1904–AC65) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2013; to the Committee on Energy and Natural Resources.

EC–3414. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Mississippi Regulatory Program'' (Docket No. MS–023–FOR) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Energy and Natural Resources.

EC–3415. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, State of Iowa; Control of Emissions From Existing Hospital/Medical/Infectious Waste Incinerator Units, Negative Declaration and 111(d) Plan Rescission; Approval and Promulgation of Operating Permits Program, State of Iowa'' (FRL No. 9901–65–Region 7) received during adjournment of the Senate in the Office of the President of the Senate on October 22, 2013; to the Committee on Environment and Public Works.

EC–3416. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting; Final Frameworks for Early-Season Migratory Bird Hunting Regulations'' (RIN1018–AY87) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Environment and Public Works.

EC–3417. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting; Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands'' (RIN1018–AY87) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Environment and Public Works.

EC–3418. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2013–14 Early Season'' (RIN1018–AY87) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Environment and Public Works.

EC–3419. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2013–14 Late Season'' (RIN1018–AY87) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Environment and Public Works.

EC–3420. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds'' (RIN1018–AY87) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Environment and Public Works.

EC–3421. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting; Final Frameworks for Late-Season Migratory Bird Hunting Regulations'' (RIN1018–AY87) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Environment and Public Works.

EC–3422. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Threatened Species Status for Spring Pygmy Sunfish'' (RIN1018–AY19) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Environment and Public Works.

EC–3423. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Endangered Species Status for the Fluted Kidneyshell and Slabside Pearlymussel'' (RIN1018–AY06) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Environment and Public Works.

EC–3424. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Chromolaena frustrata (Cape Sable Thoroughwort), Consolea corallicola (Florida Semaphore Cactus), and Harrisia aborginum (Aboriginal Prickly-Apple)'' (RIN1018–AY08) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Environment and Public Works.

EC–3425. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Revised Critical Habitat for the Comal Springs Dryopid Beetle, Comal Springs Riffle Beetle, and Peck's Cave Amphipod'' (RIN1018–AY20) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Environment and Public Works.

EC–3426. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Determination of Endangered Species Status for 15 Species on Hawaii Island'' (RIN1018–AY09) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Environment and Public Works.

EC–3427. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Listing the Blue-throated Macaw'' (RIN1018–AY68) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Environment and Public Works.

EC–3428. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Fluted Kidneyshell and Slabside Pearlymussel'' (RIN1018–AZ48) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Environment and Public Works.

EC–3429. A communication from the Chairman, Board of Trustees and the President, John F. Kennedy Center for the Performing Arts, transmitting, pursuant to law, a financial report in accordance with Section 8G(h) of the Inspector General Act of 1978; to the Committee on Rules and Administration.

EC–3430. A communication from the Deputy General Counsel, Office of Government Contracting, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Subcontracting'' (RIN3245–AG22) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Small Business and Entrepreneurship.

EC–3431. A communication from the Deputy General Counsel, Office of Government Contracting, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Size and Status Integrity'' (RIN3245–AG23) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Small Business and Entrepreneurship.

EC–3432. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Size Standards: Support Activities for Mining'' (RIN3245–AG44) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Small Business and Entrepreneurship.

EC–3433. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Size Standards: Finance and Insurance and Management of Companies and Enterprises'' (RIN3245–AG45) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Small Business and Entrepreneurship.

EC–3434. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Size Standards: Agriculture, Forestry, Fishing and Hunting'' (RIN3245–AG43) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Small Business and Entrepreneurship.

EC–3435. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Size Standards: Arts, Entertainment, and Recreation'' (RIN3245–AG36) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2013; to the Committee on Small Business and Entrepreneurship.

EC–3436. A communication from the Deputy Under Secretary and Deputy Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Changes to Implement the Patent Law Treaty'' (RIN0651–

AC85) received during adjournment of the Senate in the Office of the President of the Senate on October 18, 2013; to the Committee on the Judiciary.

EC–3437. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Regulatory Amendment 19'' (RIN0648–BD16) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3438. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for the State of New York'' (RIN0648–XC878) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3439. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Bigeye Tuna Catch Limit in Longline Fisheries for 2013 and 2014'' (RIN0648–BC88) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3440. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic'' (RIN0648–BB70) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3441. A communication from the Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Multispecies Fisheries Management Plan; Northern Red Hake Quota Harvested'' (RIN0648–XC793) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3442. A communication from the Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; 2013–2014 Accountability Measure and Closure for Gulf King Mackerel in Western Zone'' (RIN0648–XC868) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3443. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Sharks in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XC872) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3444. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska'' (RIN0648–XC873) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3445. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; 'Other Rockfish' in the Aleutian Island Subarea of the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XC869) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3446. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Bluefish Fishery; Quota Transfer'' (RIN0648–XC815) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3447. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XC851) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3448. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XC832) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3449. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XC831) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3450. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Arrowtooth Flounder in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XC816) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3451. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Trip Limit Adjustments for the Common Pool Fishery'' (RIN0648–XC823) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3452. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XC882) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3453. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska'' (RIN0648–XC875) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3454. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Shortraker Rockfish in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XC876) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3455. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2013 Commercial Accountability Measure and Closure for South Atlantic Snowy Grouper'' (RIN0648–XC733) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3456. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Commercial Atlantic Aggregated Large Coastal Shark (LCS), Atlantic Hammerhead Shark, Atlantic Blacknose Shark, and Atlantic Non-Blacknose Small Coastal Shark (SCS) Management Groups'' (RIN0648–XC881) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3457. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Bay Swim VI, Presque Isle Bay , Erie, PA'' ((RIN1625–AA00) (Docket No. USCG–2013–0311)) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3458. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Nontank Vessel Response Plans and Other Response Plan Requirements'' ((RIN1625–AB27) (Docket No. USCG–2008–1070)) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3459. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Baltimore Harbor, Baltimore's Inner Harbor; Baltimore, MD'' ((RIN1625–AA87) (Docket No. USCG–2013–0767)) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3460. A communication from the Chairman of the Office of Proceedings, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Information Required in Notices and Petitions Containing Interchange Commitments'' (RIN2140–AB13) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3461. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Safety Standard for Cigarette Lighters; Adjusted Customs Value for Cigarette Lighters'' (16 CFR Part 1210) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3462. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Television Broadcasting Services; Cedar Rapids, Iowa'' (MB Docket No. 13–182, DA 13–1882) received during adjournment of the Senate in the Office of the President of the Senate on October 18, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3463. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; San Diego Bayfair; Mission Bay, San Diego, CA'' ((RIN1625–AA00) (Docket No. USCG–2013–0476)) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3464. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''An Inquiry Into the Commission's Policies and Rules Regarding AM Radio Service Directional Antenna Performance Verification'' (FCC 13–115) received during adjournment of the Senate in the Office of the President of the Senate on October 18, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3465. A communication from the Chief of the Satellite Division, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Comprehensive Review of Licensing and Operating Rules for Satellite Services'' (IB Docket No. 12–267, FCC 13–111) received during adjournment of the Senate in the Office of the President of the Senate on October 18, 2013; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MENENDEZ, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 268. A resolution condemning the September 2013 terrorist attack at the Westgate Mall in Nairobi, Kenya, and reaffirming United States support for the people and Government of Kenya, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 42. A bill to provide anti-retaliation protections for antitrust whistleblowers.

By Mrs. FEINSTEIN, from the Select Committee on Intelligence, without amendment:

S. 1631. A bill to consolidate the congressional oversight provisions of the Foreign Intelligence Surveillance Act of 1978 and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Kenneth L. Mossman, of Arizona, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2016.

*Jo Ann Rooney, of Massachusetts, to be Under Secretary of the Navy.

*Jamie Michael Morin, of Michigan, to be Director of Cost Assessment and Program Evaluation, Department of Defense.

*Michael D. Lumpkin, of California, to be an Assistant Secretary of Defense.

*Air Force nomination of Maj. Gen. Samuel D. Cox, to be Lieutenant General.

Air Force nomination of Col. Jill J. Nelson, to be Brigadier General.

Army nomination of Col. Hector Lopez, to be Brigadier General.

Army nomination of Brig. Gen. Keith D. Jones, to be Major General.

Army nomination of Col. Garrett P. Jensen, to be Brigadier General.

*Army nomination of Lt. Gen. Robert B. Brown, to be Lieutenant General.

Army nomination of Brig. Gen. Robert L. Walter, Jr., to be Major General.

*Army nomination of Maj. Gen. William C. Mayville, Jr., to be Lieutenant General.

*Army nomination of Maj. Gen. Stephen R. Lanza, to be Lieutenant General.

Navy nomination of Capt. Bruce L. Gillingham, to be Rear Admiral (lower half).

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nomination of Brian J. Hood, to be Major.

Air Force nominations beginning with John P. Schumacher and ending with Paul C. Robinson, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2013.

Air Force nominations beginning with Scott P. Irwin and ending with Dave C. Prakash, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2013.

Air Force nomination of Gregory L. Koontz, to be Major.

Air Force nomination of Nga T. Do, to be Lieutenant Colonel.

Army nomination of Richard L. Piontkowski, to be Colonel.

Army nominations beginning with Sary O. Beidas and ending with Gerry R. Gerry, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2013.

Army nomination of Benjamin P. Donham, to be Major.

Army nominations beginning with Anthony P. Clark and ending with Karen L. Ryan, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2013.

Army nomination of Robert F. Pleczkowski, to be Colonel.

Army nominations beginning with Milton L. Shipman and ending with Robert W. Stewart, which nominations were received by the Senate and appeared in the Congressional Record on October 7, 2013.

Army nominations beginning with John C. Anderson and ending with Alexis M. Wells, which nominations were received by the Senate and appeared in the Congressional Record on October 7, 2013.

Army nominations beginning with James L. Brisson, Jr. and ending with David A. Vanderjagt, which nominations were received by the Senate and appeared in the Congressional Record on October 7, 2013.

Army nominations beginning with James D. Brown and ending with Leslie D. Maloney, which nominations were received by the Senate and appeared in the Congressional Record on October 7, 2013.

Army nominations beginning with Laurence J. Bazer and ending with John E. Trunzo, which nominations were received by the Senate and appeared in the Congressional Record on October 7, 2013.

Army nominations beginning with Brian M. Adelson and ending with Brian G. Young, which nominations were received by the Senate and appeared in the Congressional Record on October 7, 2013.

Army nominations beginning with Kenneth E. Brandt and ending with Wiley R. Williams, which nominations were received by the Senate and appeared in the Congressional Record on October 9, 2013.

Navy nomination of Justin R. Hodges, to be Lieutenant Commander.

Navy nomination of George P. Byrum, to be Captain.

Navy nomination of Sennay M. Stefanos, to be Commander.

Navy nomination of Jessica Y. Lin, to be Lieutenant Commander.

By Mr. JOHNSON, of South Dakota, for the Committee on Banking, Housing, and Urban Affairs.

*Katherine M. O'Regan, of New York, to be an Assistant Secretary of Housing and Urban Development.

*Wanda Felton, of New York, to be First Vice President of the Export-Import Bank of the United States for a term expiring January 20, 2017.

By Mr. MENENDEZ for the Committee on Foreign Relations.

*Frank A. Rose, of Massachusetts, to be an Assistant Secretary of State (Verification and Compliance).

*Tomasz P. Malinowski, of the District of Columbia, to be Assistant Secretary of State for Democracy, Human Rights, and Labor.

*Gregory B. Starr, of Virginia, to be an Assistant Secretary of State (Diplomatic Security).

*Anne W. Patterson, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Ambassador, to be an Assistant Secretary of State (Near Eastern Affairs).

*Rose Eilene Gottemoeller, of Virginia, to be Under Secretary of State for Arms Control and International Security.

*Crystal Nix-Hines, of California, for the rank of Ambassador during her tenure of service as the United States Permanent Representative to the United Nations Educational, Scientific, and Cultural Organization.

*Pamela K. Hamamoto, of Hawaii, to be Representative of the United States of America to the Office of the United Nations and Other International Organizations in Geneva, with the rank of Ambassador.

Nominee: Pamela K. Hamamoto.

Post: U.S. Representative to the Office of the UN and Other International Organizations in Geneva, with rank of Ambassador.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date and donee:

1. Self: $1,000, 10/15/09, Democratic National Committee; $1,000, 4/27/10, Democratic National Committee; $5,000, 6/4/11, Tim Kaine for Virginia; $2,500, 6/7/11, Obama for America via Obama Victory Fund 2012; $2,500, 9/8/11, Obama for America via Obama Victory Fund 2012; $2,500, 9/8/11, DNC via Obama Victory Fund 2012; $1,000, 10/30/12, DNC via Obama Victory Fund 2012.

2. Spouse: Kurtis Kaull: No contributions.

3. Children and Spouses: Justin Kaull (son): No contributions. Jessica Kaull (daughter): No contributions.

4. Parents: Howard Hamamoto (father): $2,400, 8/14/09, Daniel K. Inouye for US Senate; $400, 8/14/09, Daniel K. Inouye for US Senate; $1,000, 8/24/09, Republican Party of Hawaii; $1,000, 9/14/09, Charles Djou for Hawaii; $1,000, 4/27/10, Friends of Mazie Hirono; $500, 8/23/10, Colleen Hanabusa for Hawaii; $500, 10/27/10, Friends of Mazie Hirono; $500, 10/28/10, Colleen Hanabusa for Hawaii; $500, 7/14/11, Republican Party of Hawaii; $500, 10/17/12, Friends of Mazie Hirono; $1,000, 4/10/13, Brian Schatz for Senate. Joanne Hamamoto (mother): $1,000, 5/26/09, Friends of Mazie Hirono; $1,000, 2/9/10, Daniel K. Inouye for US Senate; $2,500, 7/25/12, Linda Lingle Senate Committee.

5. Grandparents: Ralph Russell: Deceased; Lela Russell: Deceased; Hakumasa Hamamoto: Deceased; Hanako Kwai: Deceased.

6. Brothers and Spouses: David Hamamoto (brother): $2,400, 12/16/09, Friends of Schumer; $500, 3/10/10, Bill Binnie for US Senate; $35,800, 4/12/11, Obama Victory Fund 2012; $35,800, 3/19/12, Obama Victory Fund 2012. Martha Hamamoto (brother's spouse): $35,800, 4/12/11, Obama Victory Fund 2012; $35,800, 3/19/12, Obama Victory Fund 2012. Mark Hamamoto (brother): No contributions. Paul Hamamoto (brother): No contributions.

7. Sisters and Spouses: None.

---

*Adam M. Scheinman, of Virginia, a Career Member of the Senior Executive Service, to be Special Representative of the President for Nuclear Nonproliferation, with the rank of Ambassador.

*James Walter Brewster, Jr., of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Dominican Republic.

Nominee: James Walter Brewster Jr.

Post: U.S. Ambassador, Dominican Republic.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, date, amount, and donee:1. 01/02/09, $1000, Presidential Inaugural Committee; 2. 02/05/09, $500, Fritchey for U.S. Congress; 3. 02/27/09, $1000, Democratic National Committee; 4. 03/25/09, $2300, Alexi Giannoulias for Illinois; 5. 05/12/09, $1000, Democratic National Committee; 6. 06/22/09, $1000, Eddie Bernice Johnson for Congress; 7. 06/24/09, $500, Bill Foster for Congress; 8. 07/15/09, $5000, Democratic National Committee; 9. 08/28/09, $500, Alexi Giannoulias for Illinois; 10. 11/15/09, $500, Patrick Murphy for Congress; 11. 01/15/10, $500, Martha Coakley for Senate; 12. 03/01/10, $1900, Alexi Giannoulias for Illinois; 13. 03/31/10, $250, Bill Foster for Congress; 14. 05/16/10, $300, Patrick Murphy for Congress; 15. 06/14/10, $500, Dan Seals for Congress; 16. 06/28/10, $500, Democratic Congressional Campaign Committee; 17. 08/23/10, $5000, Democratic National Committee; 18. 09/15/10, $500, Alexi Giannoulias for Illinois; 19. 09/23/11, $1000, Schakowsky for Congress; 20. 09/24/10, $250, Eddie Bernice Johnson for U.S. Representative; 21. 09/26/10, $1000, Schakowsky for Congress; 22. 09/28/10, $500, Kendrick Meeks for Florida; 23. 10/14/10, $250, Eddie Bernice Johnson for Congress; 24. 10/24/10, $1900, Alexi Giannoulias for Illinois; 25. 10/25/10, $500, Fisher for Ohio; 26. 03/02/11, $1000, Schakowsky for Congress; 27. 03/03/11, $250, Gillibrand for Senate; 28. 04/07/11, $1500, Friends of Dick Durbin; 29. 04/04/11, $35800, Obama Victory Fund; 30. 06/13/11, $1000, Schakowsky for Congress; 31. 06/21/11, $2500, Kaine for Virginia; 32. 09/22/11, $500, Bill Foster for Congress; 33. 09/30/11, $500, Tammy Baldwin for Senate; 34. 12/29/11, $9200, Swing State Victory Fund; 35. 03/14/12, $30800, Swing State Victory Fund; 36. 05/08/12 $2300, Hillary Clinton for President; 37. 05/25/12, $1000, Quigley for Congress; 38. 05/31/12, $500, Friends of Dick Durbin; 39. 06/13/12, $2000, Tammy Baldwin for Senate; 40. 06/25/12, $250, Joe Kennedy for Congress; 41. 06/25/12, $2500, Cicilline Committee; 42. 06/27/12, $1000, Schakowsky for Congress; 43. 06/28/12, $2500, McCaskill for Missouri; 44. 07/19/12, $1000, Bill Foster for Congress; 45. 07/27/12, $500, Carmona for Arizona; 46. 09/04/12, $500, Tim Kaine for U.S. Senate; 47. 09/14/12, $5000, Committee for Charlotte; 48. 09/27/12, $1000, Schakowsky for Congress; 49. 12/10/12, $300, Quigley for Congress; 50. 01/10/13, $5000, Presidential Inaugural Committee; 51. 01/24/13, $1000, Al Franken for U.S. Senate; 52. 02/28/13, $250, Jeff Merkley for Congress.

Spouse: N/A.

Children and Spouses: N/A.

Parents: James Walter Brewster, none; Patsy Ruth Brewster—deceased.

Grandparents: deceased.

Brothers and Spouses: N/A.

Sisters and Spouses: Patti Susanne Fox, none.

---

*Brian A. Nichols, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Peru.

Nominee: Brian Andrew Nichols.

Post: U.S. Ambassador to the Republic of Peru.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: $1250, 02/14/2008, Obama, Barack, via Obama for America.

2. Spouse: Geraldine K. Kam: None.

3. Children and Spouses: Alexandra E. Nichols (minor, no spouse): None. Sophia E. Nichols (minor, no spouse).

4. Parents: Charles H. Nichols, father (decreased). Mildred T. Nichols, mother: $100.00, 01/09/08, Obama for America; $25.00, 01/10/08, Obama for America; $50.00, 01/25/08, Obama for America; $50.00, 02/01/08, Obama for America; $50.00, 02/07/08, Obama for America; $50.00, 02/28/08, Obama for America; $50.00, 03/19/08, Obama for America; $30.00, 04/06/08, Obama for America; $100.00, 04/30/08, Obama for America; $50.00, 05/21/08, Obama for America; $50.00, 05/28/08, Obama for America; $100.00, 07/02/08, Obama for America; $50.00, 07/09/08, Obama for America; $50.00, 07/30/08, Obama for America; $100.00, 08/12/06, Obama for America; $100.00, 08/25/08, Obama for America; $100.00, 09/12/08, Obama for America; $100.00, 10/18/08, Obama for America; $100.00, 11/03/08. $50.00, 11/22/08, Obama Transition Project. $50.00, 12/08/08, Hillary Clinton Committee. $120.00, 12 Monthly $10.00 Contributions, Democratic National Committee. $50.00, 10/12/08, Democratic National Committee. $50.00, 05/22/08, Democratic Congressional Campaign Committee; $35.00, 06/28/08, Democratic Congressional Campaign Committee; $35.00, 08/25/08, Democratic Congressional Campaign Committee; $50.00, 08/29/08, Democratic Congressional Campaign Committee; $50.00, 09/13/08 Democratic Congressional Campaign Committee. $25.00, 06/27/08, Democracy for America. $25.00, 08/18/08, 21st Century Democrats. $50.00, 07/09/10, Tarryl Clark Minnesota House Race—Friends of Tarryl Clark; $25.00, 09/17/10, Tarryl Clark Minnesota House Race—Friends of Tarryl Clark. $250.00, 03/01/2012, Rhode Island Senate Victory 2012. $300.00, 05/24/2011, Obama, Barack, via Obama for America; $250.00, 08/04/2011 Obama, Barack, via Obama for America. $250.00, 12/05/2011, Cicilline, David N. via Cicilline committee; $250.00, 05/21/2012, Cicilline, David N. via Cicilline committee. $250.00, 05/30/2011, Cicilline, David N. via Cicilline committee.

Joint Fundraising Contributions.

These are contributions to committees who are raising funds to be distributed to other committees. The breakdown of these contributions to their final recipients may appear below.

$1000.00, 09/24/2011, Obama Victory Fund, 2012; $250.00, 06/30/2012, Obama Victory Fund 2012; $500.00, 10/1515/2010, Rhode Island Victory.

These are the Final Recipients of Joint Fundraising Contributions.

$250.00, 03/01/12, Whitehouse, Sheldon II via Whitehouse for Senate. $250.00, 10/15/2010, Democratic Congressional Campaign Committee. $1000.00, 09/24/2011, Obama, Barack via Obama for America. $250.00, 06/30/2012, Obama, Barack via Obama for America. $500.00, 09/07/2012, Obama, Barack via Obama for America. $250.00, 10/15/2010, Cicilline, David N. via Cicilline Committee. $200.00, 09/09/2012, Cicilline, David N. via Cicilline Committee.

5. Grandparents: Charles H. Nichols, Sr. (deceased); Julia King Nichols (deceased); Thomas E. Thompson (deceased); Lillian Clark Thompson (deceased).

6. Brothers and Spouses: David G. Nichols (brother): $200.00, 04/28/2008, Obama, Barack via Obama for America. $208, 08/18/2011, Obama, Barack via Obama for America. $250, 09/27/2011, Obama, Barack via Obama for America. $208, 11/28/2011, Obama, Barack via Obama for America. $208, 04/01/2012, Obama,

Barack via Obama for America. $208, 05/02/2012, Obama, Barack via Obama for America. $208, 06/01/2012, Obama, Barack via Obama for America. $208, 07/01/2012, Obama, Barack via Obama for America. $208, 08/01/2012, Obama, Barack via Obama for America. $208, 02/01/2012, Obama, Barack via Obama for America. $208, 03/01/2012, Obama, Barack via Obama for America. $208, 11/01/2012, Obama, Barack via Obama for America. $208, 11/04/2012, Obama, Barack via Obama for America. $208.00, 09/01/2012, Obama, Barack via Obama for America. $208.00, 10/01/2012, Obama, Barack via Obama for America.

David Nichols contributions are designed to contribute the maximum to the Obama campaign (i.e. $2500 each for the primary and general election). He states that he contributed $208 per month x 12 months for the primary and $208 x 12 months for the general election. He is not able to provide further detail. The donations above are those that appear on the FEC website.

$500.00, 11/14/2009, Mikulski, Barbara via Mikulski for Senate Committee. Mayme Boyd (spouse of David Nichols): $500.00, 07/07/2010, Kratovil, Frank M. Mr. Jr. via Frank Kratovil, for Congress. Keith F. Nichols (Brother), Michele Pitts Nichols (Spouse of Keith Nichols): $35, 02/13/2011, Emily's List. $15, 05-13-11, Democratic Senate Campaign Committee. $25, 05-28-10, Democratic Senate Campaign Committee. $225.00, 09/26/2012, Obama Victory Fund 2012. $225.00, 09/26/2012, Obama, Barack via Obama for America.

7. Sisters and Spouses: None.

---

*Mark Bradley Childress, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania.

Nominee: Mark B. Childress.

Post: U.S. Ambassador to Tanzania.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: $500, 9/7/2012, Tim Kaine.

2. Spouse: Katherine Childress: $1,000, 6/3/2013, Kay Hagan; $1000, 10/22/2012, Tim Kaine; $500, 1/13/2012, Tim Kaine; $500, 9/7/2012, Tim Kaine; $250, 3/31/2010, Charles Schumer.

3. Children and Spouses: none.

4. Parents: Gran Childress, none; Gayle Childress, none.

5. Grandparents: Gaylord Hancock, none; Alice Hancock, none.

6. Brothers and Spouses: none.

7. Sisters and Spouses: Susan McCracken, none; Randy McCracken, none; Leesa Sluder, $50.00, 3/27/2012, DCCC; $50.00, 6/30/2010, DCCC; $50.00, 5/18/2010, DCCC; Todd Sluder, none.

*Carlos Roberto Moreno, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belize.

Nominee: Carlos Roberto Moreno.

Post: Belize.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: $2500, 9/1/12, Obama Victory Fund; $1000, 1/14/12, Obama Victory Fund; $100, 5/20/12, Feinstein 2012.

2. Spouse: $2500, 9/1/12, Obama Victory Fund.

3. Children and Spouses: Keiko Moreno, none; Nicholas Ray Moreno, none; Heather Rose Moreno, none.

4. Parents: Jesus Moreno—deceased (1975); Luisa Brucklmaier—deceased (1975).

5. Grandparents—all deceased: Karl & Luisa Brucklmaier; Pedro & Anastasia Moreno.

6. Brothers and Spouses: William Moreno—deceased; Peter Louis Moreno, none.

7. Sisters and Spouses: Lupe Bobadilla—deceased; Gloria Hidalgo, none.

*John Hoover, of Massachusetts, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Sierra Leone.

Nominee: John F. Hoover.

Post: U.S. Ambassador to Sierra Leone:

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions: amount, date, donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: Terrence Lin Hoover: None. Patrick David Hoover: None.

4. Parents: Terrence David Hoover: $50, 2012 Democratic Governor's Association; Ann Hoover: $75, 2012 Obama campaign; $25, 2012 Democratic Senate Committee.

5. Grandparents: Jacob Hoover: deceased; Louise Hoover: deceased; Catherine Fockler: deceased; Frederick Fockler: deceased.

6. Brothers and Spouses: David Hoover: None. Marion Proud: None. Andrew Hoover: $200, 2012 Obama campaign. Kay Clarke: None.

7. Sisters and Spouses: Elizabeth Hoover: None.

---

*Timothy M. Broas, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

Nominee: Timothy M. Broas.

Post: U.S. Ambassador to the Kingdom of the Netherlands.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and Donee:

1. Self: $2400, 3/2/09, Friends of Byron Dorgan; $2400, 3/31/09, Patrick Murphy for Congress; $500, 9/17/09, Friends of Patrick Kennedy Inc; $500, 10/27/09, Campaign for Our Country; $15200, 2/3/10, Democratic National Committee; $1000, 2/28/10, John Kerry for Senate; $1000, 6/22/10, John Kerry for Senate; $500, 6/22/10, Friends of Schumer; $15200, 7/30/10, Democratic National Committee; $2400, 8/9/10, Bennet for Colorado; $25, 8/16/10, Democratic National Committee; $1000, 9/30/10, Alexi for Illinois; $1000, 9/30/10, Perriello for Congress; $2400, 10/25/10, Patrick Murphy for Congress; $2800, 12/22/10, John Kerry for Senate; $35800, 4/8/11, Obama Victory Fund; $30800, 4/8/11, Democratic National Committee, via The Obama Victory Fund; $5000, 4/8/11, Obama for America; $2500, 5/2/11, Kaine for Virginia; $1000, 5/14/11, Campaign for Our Country 2012; $2500, 5/12/11, Klobuchar for Minnesota; $1500, 5/25/11, Montanans for Tester; $2500, 6/17/11, Setti Warren for Senate; $2500, 11/30/11, Kaine for Virginia; $1000, 3/6/12, Friends of John Delaney; $2500, 3/27/12, Andrei for Arizona; $1000, 3/28/12, Elizabeth for MA Inc.; $1000, 3/29/12, Hoyer's Majority Fund; $2500, 3/28/12, Joseph Kennedy III for Congress; $30,800, 3/31/12, Obama Victory Fund; $30,800, 3/31/12, Democratic National Committee, via The Obama Victory Fund; $1000, 04/01/13, Common Ground PAC; $1000, 02/04/13, Ed Markey for US Senate; $4000, 06/05/13, Common Ground PAC; $500, 07/16/13, Udall for Colorado.

Spouse: Julie McAree Broas: $2500, 10/17/12, Obama Victory Fund 2012; $2500, 10/17/12, Obama for America via Obama Victory Fund 2012.

3. Children: Emily Broas: $2500, 10/12/11, Obama for America, via Obama Victory Fund 2012; $2500, 10/17/12, Obama for America via Obama Victory Fund 2012; Allison Broas: $2500, 10/17/12, Obama for America via Obama Victory Fund 2012; Madeline Broas: $2500, 10/17/12, Obama for America, via Obama Victory Fund 2012.

4. Parents: none.

5. Grandparents: none.

6. Brothers and Spouses: none.

7. Sisters and Spouses: none.

---

*Donald Lu, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Albania.

Nominee: Donald Lu.

Post: Albania.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Ariel C. Ahart: none.

3. Children and Spouses: Kipling I. Lu, none; Aliya A. Lu, none.

4. Parents: David S. Lu, none; Allena Kaplan, none.

5. Grandparents: Abbie Fong, none.

6. Brothers and Sisters: Gene and Terry Lu, none.

7. Sisters and Spouses: Bonnie and Douglas Morgan, none.

Robert A. Sherman, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Portuguese Republic.

Nominee: Robert A. Sherman.

Post: U.S. Ambassador to the Portuguese Republic.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: $5,000.00, 10/22/2012, Obama Victory Fund; $5,000.00, 10/22/2012, Obama Victory Fund; $5,000.00, 10/22/2012, Obama Victory Fund; $2,500.00, 10/13/2012, Win Virginia 2012 (Tim Kaine); $533.00, 09/28/2012, Toward Tomorrow PAC; $1,000.00, 09/28/2012, Toward Tomorrow PAC; $10,000.00, 6/30/2012, Obama Victory Fund; $2,500.00, 03/31/2012, Joe Kennedy for Congress; $2,500.00, 03/28/2012, Debbie Wasserman Schultz for Congress; $2,500.00, 01/30/2012, Obama Victory Fund 2012; $(5,000.00), 01/05/2012, Obama Victory Fund 2012; $5,000.00, 12/23/2011, Obama Victory Fund 2012; $5,000.00, 12/23/2011, Obama Victory Fund 2012; $1,000.00, 12/21/2011, RO for Congress, Inc.; $500.00, 12/20/2011, Whitehouse for Senate; $1,000.00, 12/13/2011, Christie Vilsack for Iowa; $5,000.00, 08/10/2011, Obama Victory Fund 2012; $2,500.00, 08/10/2011, Obama Victory Fund; $2,500.00, 06/30/2011, Khazei for Massachusetts; $1,000.00, 06/29/2011, Menendez for Senate; $2,500.00, 06/29/2011, Kaine for Virginia; $1,000.00, 12/13/2010, John Kerry for Senate; $1,000.00, 12/13/2010, John Kerry for Senate; $1,000.00, 09/29/2010, Friends of Blanche-Lincoln; $1,000.00, 09/16/

2010; Sestak for Senate; $250.00, 09/16/2010, Tommy Sowers for Congress; $500.00, 06/23/2010, Patrick Murphy for Congress; $250.00, 05/24/2010, Gillibrand for Senate; $250.00, 05/24/2010, Mark Critz for Congress; $1,000.00, 02/08/2010, Hodes for Senate; $1,400.00, 02/08/2010, Hodes for Senate; $5,000.00, 12/31/2009, DNC Serv Corp/Democratic Nat Comm; $1,000.00, 12/22/2009, Martha Coakley for Senate Committee; $250.00, 11/23/2009, Patrick Murphy for Congress; $500.00, 06/30/2009, Dem Senatorial Campaign Comm; $500.00, 04/21/2009, NY–20 Victory Fund; $1,000.00, 03/13/2009, Hodes for Senate.

2. Spouse: Kim Sawyer: $2,500.00, 09/18/2012, Joe Kennedy for Congress; $500.00, 09/28/2010, Emily's List; $1,500.00, 04/13/2010, Obama Victory Fund; $2,400.00, 10/08/2009, Martha Coakley for Senate.

3. Children and Spouses: Matthew Sherman (son) single, not married: None; Stephanie Sherman (daughter) single, not married: None.

4. Parents: Samuel Sherman (father): deceased; Rose Sherman (mother) deceased.

5. Grandparents: deceased.

6. Brothers and Spouses: None.

7. Sisters and Spouses: None.

---

*Robert O. Blake, Jr., of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Indonesia.

Nominee: Robert O. Blake, Jr.

Post: Jakarta, Indonesia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, donee, date, amount:

1. Self: Whitehouse, Sheldon II, via Whitehouse for Senate, 09/27/2011, 2500.00; Whitehouse, Sheldon II, via Whitehouse for Senate, 09/27/2011, 2500.00.

2. Spouse: None.

3. Children and Spouses: None (children are ages 11, 9 and 6 and did not make contributions).

4. Parents: Father Robert Blake (Sr), Whitehouse, Sheldon II, via Whitehouse for Senate, 01/31/2011, 1000.00; Obama, Barack, via Obama for America, 04/19/2007, 2300.00; 09/30/2008, 2300.00; via Oceguera for Congress, 09/02/2012, 1000.000; Brown, Charles, via Brown for Congress, 09/04/2008, 1000.00; Whitehouse, Sheldon II, via Whitehouse for Senate, 03/30/2011, 2500.00; Bennet, Michael F, via Bennet for Colorado, 08/04/2010, 250.00, Shafroth, William G, via Shafroth for Congress, 08/04/2008, 500.00; Whitehouse, Sheldon II, via Whitehouse for Senate, 05/07/2012, 2500.00; Reid, Harry, via Friends for Harry Reid, 10/12/2009, 2400.00, 10/12/2009, 2400.00; Tester, Jon, via Montanans for Tester, 06/10/2011, 1000.00; Boxer, Barbara, via Friends of Barbara Boxer, 06/30/2009, 250.00; Boxer, Barbara, via Friends of Barbara Boxer, 09/01/2010, 500.00.

Sister Lucy Blake's husband Steven Nightingale: Heinrich, Martin Trevor, via Martin Heinrich for Senate.

---

*Thomas Frederick Daughton, of Arizona, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Namibia.

Nominee: Thomas F. Daughton.

Post: Ambassador to Namibia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None

2. Spouse: Melinda C. Burrell: $200.00, 04/21/13, Democratic Party Cmte Abroad; $26.15, 12/20/12, Feminist Maj'y Fnd; $175.00, May–Nov/12, Brown, Sherrod; $100.00, 09/04/12, Obama, Barack; $50.00, 06/14/12, Color of Change; $100.00, 05/16/12, McNeil for DCCC; $250.00, 10/08/10, Perriello, Tom; $1000.00, 4/24/2011, Democratic Party Cmte Abroad; $500.00, 11/10/09, Perriello, Tom.

3. Children and Spouses: None.

4. Parents: Donald F. Daughton: $150.00, 10/26/12, Save Our Judges; $250.00, 09/29/12, Carmona, Richard; $200.00, 05/02/12, Walsh, James P.; $500.00, 12/31/11, Bivens, Don. Helen M. Daughton: None.

5. Grandparents: Fred J. Daughton—deceased; Ethel E. Daughton—deceased; Tom B. Rollow—deceased; Helen K. Rollow—deceased.

6. Brothers and Spouses: Andrew M. Daughton, none; Theresa S. Daughton, none; James P. Daughton, none; Karyn Panitch Daughton, none.

7. Sisters and Spouses: Erin E. Daughton: $68.00, Jul–Nov/12, Obama for America; $5.00, 09/21/12, Act Blue MA; $25.00, 10/26/12, Act Blue MA. Garth Katner, none.

* Philip S. Goldberg, of the District of Columbia, a Career Member of the senior Foreign Service, Class of Career-Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Philippines.

Nominee: Philip S. Goldberg.

Post: Republic of the Philippines.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: N/A.

3. Children and Spouses: N/A.

4. Parents: None—deceased.

5. Grandparents: None—deceased.

6. Brothers and Spouses: N/A.

7. Sisters and Spouses: Donna Goldberg Eskind: $2500, 6/20/2011, James Cooper for Congress; Jeffrey B. Eskind, MD: $1000, 7/9/2010, Tennessee Democratic Party.

*Michael Stephen Hoza, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cameroon.

Nominee: Michael S. Hoza.

Post: Embassy Yaounde, Cameroon.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: Paul M. Hoza (single): None; Christopher Hoza (single): None.

4. Parents: Helen B. Hoza: None; Paul P. Hoza (deceased): None.

5. Grandparents: Stephen Hoza (deceased): None; Mary R. Hoza (deceased): None.

6. Brothers and Spouses: None.

7. Sisters and Spouses: Paula K. Hoza: $27.50, 6/25/2012, Act Blue; $25.00, 8/30/2012, Obama for America; $25.00, 9/30/2012, Obama for America; $25.00, 10/29/2012, Act Blue; $35.00, 10/29/2012, People for the American Way. John Canary: None.

*Eunice S. Reddick, of the District of Columbia, a Career Member at the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Niger.

Nominee: Eunice S. Reddick.

Post: Niamey, Republic of Niger.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date and donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: Son, Gregory Wall: None; Spouse, Rona Cohen: None; Daughter, Sarah Wall: None.

4. Parents: Mother, Carrie Reddick: Deceased; Father Ellsworth Reddick: Deceased.

5. Grandparents (Maternal): Grandmother, Sarah Crawford: Deceased; Grandfather, Henry Crawford: Deceased. (Father's parents unknown and long deceased).

6. Brothers and Spouses: Names: N/A.

7. Sisters and Spouses: Helen Luchars: Deceased; Spouse, Robert Luchars: Deceased.

*Karen Clark Stanton, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of Timor-Leste.

Nominee: Karen Clark Stanton.

Post: Ambassador to the Democratic Republic of East Timor.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.

2. William Stanton (spouse): none.

3. Children and Spouses: Katherine Stanton: none however she was a volunteer Hub Director for the Falls Church VA office of the Obama campaign in 2008; Elizabeth Stanton: none.

4. Parents: Lillian (mother): $50, 2008, Obama; Nicholas Kopetzki: $50, 2012, Obama; Clifford Clark (father): none; Arlene Clark (father's spouse): $25, 5/2012, Obama; $25, 9/2012, Obama.

5. Grandparents: Boise and Margaret Clark: Charles and Ruth Gibbons: All grandparents are deceased.

6. Brothers and Spouses: Douglas (brother) and Karen Clark: $15, 2012, Obama. Doug also reports that he paid around $500 to a local printer to print and place Obama Biden signs in St. Clair County Michigan in 2008. David (brother) and Christine Clark: none.

7. Sisters and Spouses: none.

*Matthew T. Harrington, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Lesotho.

Nominee: Matthew T. Harrington.

Post: Lesotho.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: None.

4. Parents: Tracy/Judy Harrington: $75, 2012, Obama campaign; $20.35, 2012, Dem. Cong. Campaign Committee.
5. Grandparents: None.
6. Brothers and Spouses: Luke/Margaret Harrington: $235, 2012, Obama Campaign.
7. Sisters and spouses: None.

---

*Dwight L. Bush, Sr., of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Morocco.
Nominee: Dwight Lamar Bush, Sr.
Post: Ambassador to the Kingdom of Morocco
(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)
Contributions, amount, date, and donee:
1. Self: 2,500, 06/29/11, Joanne Dowdell For Congress; 2,400, 06/20/10, Andre Williams For Congress; 2,000, 03/19/13, The Markey Committee; 1,000, 03/12/09, Hillary Clinton For President; 35,800, 05/17/11, Obama Victory Fund; 35,800, 06/28/12, Obama Victory Fund; 1,000, 04/12/12, Friends of Doug Gansler; 1,000, 09/15/10, Vincent Gray For Mayor; 1,000, 06/20/10, Kwame Brown City Council; 2,000, 3/15/13, Mary Landrieu.
2. Spouse: 500, 12/31/12, ACTBLUE; 1,000, 09/26/11, Kaine for VA; 250, 03/12/10, Kendrick Meek For Florida INC; 500, 10/04/11, Dan Inouye For US Senate; 500, 5/18/12, Friends of Sherrod Brown; 1,000, 07/31/12, John Kerry For Senate; 1,500, 10/31/11, Klobuchar For MN; 500, 08/09/11, Leahy For U.S. Senate CMTE; 500, 07/31/12, Leahy For U.S. Senate CMTE; 1,000, 04/10/12, Elizabeth For MA INC; 500, 09/23/11, Friends of Maria Cantwell; 500, 08/21/12, Friends of Maria Cantwell; 250, 08/18/10, Citizens For Eleanor Holmes Norton; 2,400, 7/31/90, Jessie Jackson Jr For Congress; 500, 05/04/10, Jessie Jackson For Congress; 500, 02/23/12, Jessie Jackson For Congress; 35,800, 6/29/11, Obama Victory Fund.
3. Children and Spouses: Dwight Lamar Bush Jr.: None; Jacqueline Dibble Bush: None.
4. Parents: Charlie W. Bush: None. Jessie Mae Bush: 2,500, 06/30/11, Obama Victory Fund; Mercer Cook: 1,000, 09/19/12, Obama For America; Ann Jordan: 250, 10/09/09, Leahy For U.S. Senate; Vernon E. Jordan, Jr.: 500, 02/15/11, Klobuchar For MN; 1,000, 10/26/11, Maria Cantwell; 1,000, 03/22/10, Richard Blumenthal; 1,000, 03/02/09, Byron Drogan; 500, 05/03/10, Barbara Mikulski; 500, 10/24/10, Michael Bennett; 2,000, 09/15/11, Dianne Feinstein; 500, 07/29/10, Patty Murray; 1,000, 06/29/12, Tim Kaine; 1,000, 10/15/12, Heidi Heitkamp; 1,000, 06/16/09, Harry Reid; 500, 05/18/10, Blanche Lincoln; 1,000, 03/15/13, Mary Landrieu; 500, 06/16/11, Sheldon Whitehouse II; 500, 08/11/2010, Barbara Mikulski; 2,400, 10/12/10, Charles Schumer; 1,000, 04/30/10, DNC; 1,000, 08/29/11, Obama For America; 1,000, 05/03/10, Terri Sewell; 1,000, 12/31/11, Debbie Wasserman; Schultz; 250, 12/01/10, Eleanor Holmes Norton; 1,000, 02/28/12, Democratic Campaign Committee; 225, 07/24/12, Democratic Campaign Committee; 500, 10/11/10, Chet Edwards; 1,000, 07/24/09, James Clyburn; 300, 02/14/11, Charles Rangel; 500, 08/19/11, Charles Rangel; 1,000, 06/14/12, Charles Rangel; 213, 07/31/10, Democratic Congressional Campaign CMTE; 1,000, 10/20/10, Democratic Congressional Campaign CMTE; 1,000, 06/30/11, Democratic Congressional Campaign CMTE; 1,000, 09/24/10, AMERIPAC; 1,000, 07/26/12, AMERIPAC; 2,500, 09/10/12, Obama For America; 34,800 11/29/11, Obama Victory Fund; 32,500, 09/28/12, Obama Victory Fund.
5. Grandparents: None.
6. Brothers and Spouses: Itez Bush: None; Darryl Bush: None; Althea Bush: None; Mercer Cook III: 250, 07/30/12, Obama For America; Janice Cook Roberts: 2,500, 09/23/11, Jared Polis; 500, 11/05/12, Sean Patrick Maloney; 1,000, 08/13/11, Joanne Dowdell; Richard Roberts: 250, 12/19/11, Obama For America; 250, 07/09/09, Terri Sewell.
7. Sisters and Spouses: Janice Cook Roberts: 2,500 09/23/11, Jared Polis; 500, 11/05/11, Sean Maloney; 1,000, 08/13/11, Joanne Dowdell; Richard Roberts: 250, 12/19/11, Obama For America; 250, 07/09/09, Terri Sewell.

By Mr. LEAHY for the Committee on the Judiciary.
Robert Leon Wilkins, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit.
Brian J. Davis, of Florida, to be United States District Judge for the Middle District of Florida.
Timothy L. Brooks, of Arkansas, to be United States District Judge for the Western District of Arkansas.
James Donato, of California, to be United States District Judge for the Northern District of California.
Beth Labson Freeman, of California, to be United States District Judge for the Northern District of California.
Pedro A. Delgado Hernandez, of Puerto Rico, to be United States District Judge for the District of Puerto Rico.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MARKEY:
S. 1627. A bill to amend title VI of the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable electricity standard for retail electricity suppliers and a Federal energy efficiency resource standard for electricity and natural gas suppliers, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MERKLEY:
S. 1628. A bill to provide Federal death and disability benefits for contractors who serve as firefighters of the Forest Service, Department of the Interior agencies, or any State or local entity; to the Committee on the Judiciary.

By Mr. VITTER:
S. 1629. A bill to require the disclosure of determinations with respect to which Congressional staff will be required to obtain health insurance coverage through an Exchange; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BARRASSO (for himself, Mr. ENZI, Mr. LEE, Mr. HELLER, Mr. HATCH, Mr. CRAPO, and Mr. FLAKE):
S. 1630. A bill to prohibit the conditioning of any permit, lease, or other use agreement on the transfer, relinquishment, or other impairment of any water right to the United States by the Secretaries of the Interior and Agriculture; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN:
S. 1631. A bill to consolidate the congressional oversight provisions of the Foreign Intelligence Surveillance Act of 1978 and for other purposes; from the Select Committee on Intelligence; placed on the calendar.

By Mr. WICKER (for himself, Mr. COCHRAN, Mr. GRASSLEY, Mr. ISAKSON, Mr. SESSIONS, Mr. ROBERTS, Mr. THUNE, Mr. INHOFE, and Mr. CRAPO):
S. 1632. A bill to protect 10th Amendment rights by providing special standing for State government officials to challenge proposed regulations, and for other purposes; to the Committee on the Judiciary.

By Ms. CANTWELL (for herself, Mr. BLUNT, Mr. ROBERTS, Mr. MERKLEY, Mr. MORAN, Ms. KLOBUCHAR, Mr. JOHANNS, and Mrs. MCCASKILL):
S. 1633. A bill to suspend temporarily the duty on certain footwear, and for other purposes; to the Committee on Finance.

By Mr. PRYOR (for himself, Mr. BOOZMAN, Mr. COCHRAN, Mr. WICKER, and Ms. LANDRIEU):
S. 1634. A bill to amend the Migratory Bird Treaty Act to provide certain exemptions relating to the taking of migratory game birds; to the Committee on Environment and Public Works.

By Mr. CASEY:
S. 1635. A bill to amend the American Recovery and Reinvestment Act of 2009 to extend the period during which supplemental nutrition assistance program benefits are temporarily increased; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. FEINSTEIN:
S. 1636. A bill to redesignate certain facilities of the National Aeronautics and Space Administration; to the Committee on Commerce, Science, and Transportation.

By Mr. MANCHIN (for himself and Mr. KIRK):
S. 1637. A bill to better connect current and former members of the Armed Forces with employment opportunities by consolidating duplicative Federal Government Internet websites into a single portal, to conserve resources by merging redundant and competing programs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WHITEHOUSE (for himself, Mr. BLUNT, Mr. GRAHAM, and Mr. BLUMENTHAL):
S. 1638. A bill to promote public awareness of cybersecurity; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MCCONNELL (for himself and Mr. COATS):
S.J. Res. 27. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Internal Revenue Service of the Department of the Treasury relating to liability under section 5000A of the Internal Revenue Code of 1986 for the shared responsibility payment for not maintaining minimum essential coverage; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. MURKOWSKI (for herself and Mrs. FEINSTEIN):
S. Res. 279. A resolution supporting the goals and ideals of Red Ribbon Week during the period of October 23 through October 31, 2013; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THUNE (for himself, Mr. BAUCUS, and Mr. MCCAIN):
S. Res. 280. A resolution recognizing the 40th anniversary of the withdrawal of United States combat troops from the Vietnam War

and expressing renewed support for United States veterans of that conflict; to the Committee on Foreign Relations.

By Mr. PAUL:

S. Res. 281. A resolution expressing the sense of the United States Senate that President Obama should issue a statement regarding spying on His Holiness, Pope Francis; to the Select Committee on Intelligence.

By Mr. NELSON (for himself, Ms. MIKULSKI, Mr. COCHRAN, Mr. WICKER, Mrs. MURRAY, Mr. WARNER, Mr. COONS, Mr. BROWN, Mr. FRANKEN, Mr. BENNET, Mr. HARKIN, Ms. LANDRIEU, Mr. BEGICH, Ms. STABENOW, Mr. HEINRICH, Mr. TESTER, Mr. ROCKEFELLER, Mr. MARKEY, Mr. JOHNSON of South Dakota, Ms. WARREN, Mr. DURBIN, Mrs. SHAHEEN, Ms. BALDWIN, Mr. HATCH, Mr. BAUCUS, and Mr. JOHANNS):

S. Res. 282. A resolution commemorating the 20th anniversary of the establishment of the Corporation for National and Community Service; considered and agreed to.

By Mr. REID:

S. Res. 283. A resolution to constitute the majority party's membership on certain committees for the One Hundred Thirteenth Congress, or until their successors are chosen; considered and agreed to.

By Mr. RISCH (for himself, Mr. LEAHY, Mr. CRAPO, and Mr. PAUL):

S. Res. 284. A resolution calling on the Government of Iran to immediately release Saeed Abedini and all other individuals detained on account of their religious beliefs; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 138

At the request of Mr. VITTER, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 138, a bill to prohibit discrimination against the unborn on the basis of sex or gender, and for other purposes.

S. 209

At the request of Mr. PAUL, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 209, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes.

S. 314

At the request of Mrs. BOXER, her name was added as a cosponsor of S. 314, a bill to amend the Public Health Service Act to improve the health of children and help better understand and enhance awareness about unexpected sudden death in early life.

S. 381

At the request of Mr. MCCONNELL, his name was added as a cosponsor of S. 381, a bill to award a Congressional Gold Medal to the World War II members of the ''Doolittle Tokyo Raiders'', for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo.

S. 411

At the request of Mr. CRAPO, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 411, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 635

At the request of Mr. BROWN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 635, a bill to amend the Gramm-Leach-Bliley Act to provide an exception to the annual written privacy notice requirement.

S. 651

At the request of Mr. BENNET, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 651, a bill to provide for the withdrawal and protection of certain Federal land in the State of Colorado, and for other purposes.

S. 699

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 699, a bill to reallocate Federal judgeships for the courts of appeals, and for other purposes.

S. 931

At the request of Mr. BLUNT, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 931, a bill to amend the Public Health Service Act to raise awareness of, and to educate breast cancer patients anticipating surgery, especially patients who are members of racial and ethnic minority groups, regarding the availability and coverage of breast reconstruction, prostheses, and other options.

S. 942

At the request of Mr. CASEY, the names of the Senator from Massachusetts (Mr. MARKEY) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of S. 942, a bill to eliminate discrimination and promote women's health and economic security by ensuring reasonable workplace accommodations for workers whose ability to perform the functions of a job are limited by pregnancy, childbirth, or a related medical condition.

S. 1012

At the request of Mr. BLUNT, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1012, a bill to amend title XVIII of the Social Security Act to improve operations of recovery auditors under the Medicare integrity program, to increase transparency and accuracy in audits conducted by contractors, and for other purposes.

S. 1088

At the request of Mr. FRANKEN, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 1088, a bill to end discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

S. 1158

At the request of Mr. WARNER, the names of the Senator from Massachusetts (Ms. WARREN), the Senator from California (Mrs. FEINSTEIN) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 1158, a bill to require the Secretary of the Treasury to mint coins commemorating the 100th anniversary of the establishment of the National Park Service, and for other purposes.

S. 1187

At the request of Ms. STABENOW, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 1187, a bill to prevent homeowners from being forced to pay taxes on forgiven mortgage loan debt.

S. 1302

At the request of Mr. HARKIN, the names of the Senator from New York (Mrs. GILLIBRAND), the Senator from North Dakota (Mr. HOEVEN) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 1302, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide for cooperative and small employer charity pension plans.

S. 1351

At the request of Mr. THUNE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1351, a bill to provide for fiscal gap and generational accounting analysis in the legislative process, the President's budget, and annual long-term fiscal outlook reports.

S. 1369

At the request of Mr. JOHANNS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1369, a bill to provide additional flexibility to the Board of Governors of the Federal Reserve System to establish capital standards that are properly tailored to the unique characteristics of the business of insurance, and for other purposes.

S. 1590

At the request of Mr. ALEXANDER, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 1590, a bill to amend the Patient Protection and Affordable Care Act to require transparency in the operation of American Health Benefit Exchanges.

S. 1592

At the request of Mr. RUBIO, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 1592, a bill to provide for a delay of the individual mandate under the Patient Protection and Affordable Care Act until the American Health Benefit Exchanges are functioning properly.

S. 1595

At the request of Mr. UDALL of New Mexico, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1595, a bill to establish a renewable electricity standard, and for other purposes.

S. 1610

At the request of Mr. MENENDEZ, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 1610, a bill to delay the implementation of certain provisions of the

Biggert-Waters Flood Insurance Reform Act of 2012, and for other purposes.

S. 1614

At the request of Ms. KLOBUCHAR, the name of the Senator from Arizona (Mr. FLAKE) was added as a cosponsor of S. 1614, a bill to require Certificates of Citizenship and other Federal documents to reflect name and date of birth determinations made by a State court and for other purposes.

S. 1626

At the request of Mr. MCCONNELL, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1626, a bill to amend the Fair Labor Standards Act of 1938 to provide employees in the private sector with an opportunity for compensatory time off, similar to the opportunity offered to Federal employees, and a flexible credit hour program to help balance the demands of work and family, and for other purposes.

S. RES. 203

At the request of Mrs. FEINSTEIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. Res. 203, a resolution expressing the sense of the Senate regarding efforts by the United States to resolve the Israeli-Palestinian conflict through a negotiated two-state solution.

S. RES. 268

At the request of Mr. COONS, the names of the Senator from Florida (Mr. NELSON), the Senator from Georgia (Mr. ISAKSON), the Senator from California (Mrs. FEINSTEIN) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. Res. 268, a resolution condemning the September 2013 terrorist attack at the Westgate Mall in Nairobi, Kenya, and reaffirming United States support for the people and Government of Kenya, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MARKEY:

S. 1627. A bill to amend title VI of the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable electricity standard for retail electricity suppliers and a Federal energy efficiency resource standard for electricity and natural gas suppliers, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MARKEY. Mr. President, as for the other win for Massachusetts, today I am introducing my first major piece of legislation as a Senator. My bill, the American Renewable Energy and Efficiency Act, will allow every single American to have access to clean energy and money-saving efficiency.

In our slow economic recovery, there has been one very bright spot in Massachusetts and the national economy, the incredible growth of clean energy, energy efficiency, and the jobs that come with these industries.

According to the Massachusetts Clean Energy Center, our State alone has gained 20,000 jobs in these sectors since 2010, with another 10,000 new jobs expected in the next year alone. Massachusetts has become the Nation's most energy-efficient State. Boston is ranked as the Nation's most energy-efficient city. Our shores will host the first offshore wind farm, with a new construction terminal built in New Bedford, allowing our fishermen to work alongside our wind energy workers. Massachusetts is No. 7 in the Nation in deploying solar energy, even though we are more well known for the ''Perfect Storm'' than perfectly sunny days.

These advances, these jobs, these technologies have flourished in Massachusetts because we have set the right policies and encouraged our companies to lead.

Massachusetts Gov. Deval Patrick set high goals for clean energy deployment in our State, and we have already surpassed them. Boston Mayor Tom Menino wanted Boston to be known as green for just more than the Green Monster in Fenway Park, and he has delivered. Boston is now the greenest city in the United States. That is why I am introducing my first bill as a Senator to take our Massachusetts leadership and make it national.

My bill would require that electricity sold to American consumers increasingly be generated using renewable sources such as wind, solar, hydro, geothermal, and biomass. By 2025, the bill would require 25 percent of our electricity to come from the free fuel of the Sun, the wind, and the Earth.

Since the cheapest and the cleanest powerplant is the one we never have to build, my bill would also require utilities to put people to work on large-scale energy efficiency programs.

My bill would build on the efforts of Massachusetts and the 30 other States that already require utilities to provide customers with minimal amounts of renewable electricity and ensure that America joins the 118 other nations that have already established renewable energy goals.

My bill would quadruple renewable energy production in the United States. It would create more than 400,000 new jobs. We can put steelworkers and ironworkers and electricians back to work building the new energy backbone for America, from Massachusetts to Montana.

The energy efficiency measures in my bill would save the average household $39 per year on utility bills, and it would reduce carbon dioxide pollution by the equivalent output of 120 coal-fired powerplants, helping our efforts to battle the advancing tide of dangerous climate change.

A renewable electricity standard passed the House of Representatives twice while I was a Member of the body—as recently as 2009—and it has passed the Senate three times since 2002. Before it was held hostage over the Affordable Care Act, the Shaheen-Portman energy efficiency bill showed there is real bipartisan support for energy efficiency in the Senate. These are policies that should be embraced and not blocked.

If we do not take these steps, we will lose the international race to dominate the multitrillion-dollar clean energy sector. Right now, China has already overtaken the United States as the No. 1 most attractive place to invest in renewable energy. Sixty percent of all new companies going public in the clean energy sector are doing so in China. More than 100,000 clean energy jobs are being created there annually. China now has more wind capacity installed than any other country, and they produce two-thirds of the world's solar panels.

It is time for our country to scale up our clean energy deployment and innovation. It is also time to take a look at revolutionary approaches to driving that innovation. All too often we are unable to move clean energy-related discoveries and breakthroughs out of the labs and into the marketplace.

That is the problem my clean tech consortia legislation addresses. I have included this bill as part of the Manufacturing Jobs for America Initiative, launched this week by Senator COONS and some of my Democratic colleagues. My bill would fertilize America's innovation ecosystems so that scientific breakthroughs can more effectively navigate the so-called valley of death between the lab and the factory and reach their commercial potential.

America's universities and research institutions are truly national treasures, and our venture capitalists and entrepreneurs are the sharpest in the world. When we sprinkle the right mix of scientific brainpower and capitalist drive, we get something uniquely American and extremely potent in terms of its economic impact.

My clean tech consortia bill, which I will soon be introducing, will link inventors with investors, professors with producers and get clean energy out of the laboratories and into the factories. That is the type of partnership we need with the private sector right now in our country.

The other bill I have included in this package, the Manufacturing Jobs for America Initiative, and which I will also be introducing soon, is called the Build America Bonds Initiative. Here is how it works and here is what it does.

When a State or local government wants to build and renovate schools, bridges, roads, and hospitals, they need financing, and they issue a bond. Investors buy those bonds, giving the State capital to hire workers and update infrastructure, and investors get a return in the form of interest. Build America Bonds say to State and local governments: We will help with the interest payments and help put more Americans back to work.

From the inception of this program in April 2009 to when it expired at the end of 2010, there were 2,275 separate

bonds issued nationwide, which supported more than $181 billion of financing for new public capital infrastructure projects, such as bridges, schools, and hospitals.

Build America Bonds were a huge success in Massachusetts. My State issued close to $5 billion in bonds. Build America Bonds helped finance Massachusetts' Accelerated Bridge Program, which repaired and rebuilt hundreds of structurally deficient bridges.

Other examples of projects include a new laboratory at UMass Amherst, a new courthouse in Salem, and a new building at the Worcester State Hospital—improving energy efficiency and reducing costs.

I plan to work with my good friends Senator WYDEN and Congressman NEAL—both leaders on this issue—to ensure we continue to invest in both our infrastructure and our future.

These are the kinds of programs that will put America back to work. I want American workers to build and export wind turbines and solar panels that say ''Made in America,'' instead of the American economy importing millions of barrels of oil a day that say ''Made by OPEC.''

I want American inventors dreaming up the newest energy technologies that convert patent applications for a prototype into job applications on the factory floor. I want American workers repairing our crumbling bridges, roads, and schools.

We are in a terrestrial technology and manufacturing race as important as the celestial race President Kennedy began 50 years ago. These are three of the programs that will put America into a new economic orbit, looking down on our competitors. We should pass all three and put America back to work.

By Mrs. FEINSTEIN:

S. 1636. A bill to redesignate certain facilities of the National Aeronautics and Space Administration; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to commemorate one of our nation's greatest heroes, Neil Armstrong, by redesignating the Dryden Flight Research Center at Edwards Air Force Base as the Neil A. Armstrong Flight Research Center.

The legislation will also rename the Western Aeronautical Test Range at Edwards Air Force Base as the Hugh L. Dryden Aeronautical Test Range, as a tribute to Dr. Dryden's enduring legacy.

There are few men in history who have made such substantial contributions to our understanding of aeronautics and our solar system.

Neil Armstrong took the most important steps in the history of mankind when he stepped off Apollo 11.

Dr. Dryden shaped the principles and policies that led to the development of the nation's first high speed aircraft.

Their work in the Antelope Valley, outside Los Angeles, helped create one of our nation's most productive high-skilled manufacturing hubs. Their legacy remains today, and it is fitting that their names are attached to these outstanding facilities.

Dr. Hugh Dryden was one of our Nation's first and most prominent scholars in the fields of high speed aeronautics and aerodynamics.

Dr. Dryden began his distinguished career at the Bureau of Standards and quickly rose to become the Associate Director by 1934.

During World War II, Dr. Dryden dedicated his considerable talents to serving armed forces as a scientific advisor, working on aeronautical matters and guided missiles. For his work on these issues, Dr. Dryden received the Medal of Freedom from the Army in 1946 and Presidential Certificate of Merit in 1948—two of our nation's highest honors for civilian service.

Following the war, Hugh Dryden became the Director of the National Advisory Committee on Aeronautics, NACA. Eventually, when the advisory committee was formalized in 1958 and became the National Aeronautics and Space Administration, NASA, Dr. Dryden served as its first Deputy Director.

Neil Armstrong is another man that inspired Americans to look to the skies. He may have been born in Ohio, but his life's work was done in California.

In his early years he was stationed in San Diego as a Naval Aviator. Although he left the state to pursue an undergraduate degree, he returned shortly thereafter to become a test pilot at Edwards Air Force Base.

As a NASA test pilot, Armstrong flew more than 200 different models of aircraft. His experience included work with jets, helicopters, rockets and gliders, and he became one of the best known pilots of the X–15 test plane.

Even before he became an astronaut, Armstrong reached unbelievable heights and speeds. While working with the X–15 from November 1960 to July 1962, he reached a top altitude of 207,500 feet and a top speed of 3,989 mph.

Neil Armstrong logged an incredible 2,400 flight hours as a test pilot at Dryden Flight Research Center before setting his sights even higher.

In 1962, Neil Armstrong became an Astronaut.

His career as an Astronaut began with Gemini 8 in 1966. The mission began with a landmark success—Neil Armstrong and his partner David Scott successfully docked their Gemini capsule with the Agena satellite in orbit. It was the first time two spacecraft linked up in space.

However, shortly after the docking, the spacecraft began to spin out of control. After the spacecraft separated, Gemini and its astronauts were rolling at a revolution per second. The violent revolutions threatened the vision and consciousness of Armstrong and Scott, and so Armstrong made the controversial decision to abort the mission. Gemini 8 splashed down in the Atlantic Ocean safely, but only part of its mission had been accomplished.

As a veteran astronaut, Armstrong was an obvious choice for the Apollo missions.

His first assignment was Apollo 11; it was the fifth manned Apollo mission and the first manned landing on the lunar surface. Accompanying Armstrong on the mission were Buzz Aldrin and Michael Collins—both accomplished astronauts in their own right.

The Apollo 11 crew launched atop a Saturn V rocket from Cape Canaveral on July 16, 1969. It took more than four days for the crew to reach the lunar surface. Armstrong and Aldrin approached the lunar surface while Collins manned the command vehicle in orbit.

The goal was to find a safe landing zone, which proved more difficult than expected. With only 25 seconds of fuel remaining, the ''Eagle'' landed on July 20, 1969, at the Sea of Tranquility.

As he stepped off Apollo 11, Armstrong uttered his famous words, ''That's one small step for [a] man, one giant leap for mankind.''

Armstrong and Aldrin spent two and a half hours on the lunar surface. They took photographs, inspected the condition of the lander, and planted the American Flag to commemorate their incredible achievement.

It was the first and last time Armstrong would visit the moon. Shortly after Apollo 11's safe return to Earth, Armstrong announced that he did not intend to fly in space again.

But his time in public life was not quite finished. Armstrong toured the world as a celebrity on the ''Giant Leap'' tour. He visited the Soviet Union to meet with the Premier and joined Bob Hope on a USO tour in Vietnam.

Upon his return, Armstrong completed his Master of Science in Aerospace Engineering at the University of Southern California.

He worked briefly for the Advanced Research Projects Agency, or ARPA, and served as Deputy Associate Administrator for Aeronautics at NASA.

In 1971, he returned to Ohio to teach the next generation of engineers at the University of Cincinnati. By the end of his career, Armstrong had been decorated by 17 countries and received many notable honors, including: the Presidential Medal of Freedom; the Congressional Gold Medal; the Congressional Space Medal of Honor; the Explorers Club Medal; the Robert H. Goddard Memorial Trophy; the NASA Distinguished Service Medal; the Harmon International Aviation Trophy; the Royal Geographic Society's Gold Medal; the Federation Aeronautique Internationale's Gold Space Medal; the American Astronautical Society Flight Achievement Award; the Robert J. Collier Trophy; the AIAA Astronautics Award; the Octave Chanute Award; and the John J. Montgomery Award.

His long list of accolades demonstrates just how incredible and inspirational Armstrong was, not only for California and our nation, but around the world as well.

Tragically, we lost Neil A. Armstrong on August 25 last year. But his legacy will live on and continue to inspire the next generation of engineers, scientists, and astronauts.

In a fitting tribute, NASA Administrator Charlie Bolden said that: ''As long as there are history books, Neil Armstrong will be included in them, remembered for taking humankind's first small step on a world beyond our own.''

Neil Armstrong's work, career, and legacy have inspired many accomplishments and discoveries beyond his own personal achievements. It is only fitting that the Dryden Flight Research Center, which is located at the base where his career quite literally took off, be renamed in his honor.

This is a simple bill that will help to appropriately pay tribute to two individuals who have helped shape and define the space and aeronautical industries. I urge my colleagues to support this bill to re-designate the Dryden Flight Research Center as the Neil A. Armstrong Flight Research Center and the Western Aeronautical Test Range as the Hugh L. Dryden Aeronautical Test Range.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION OF DRYDEN FLIGHT RESEARCH CENTER.

(a) REDESIGNATION.—The National Aeronautics and Space Administration (NASA) Hugh L. Dryden Flight Research Center in Edwards, California, is redesignated as the ''NASA Neil A. Armstrong Flight Research Center''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the flight research center referred to in subsection (a) shall be deemed to be a reference to the ''NASA Neil A. Armstrong Flight Research Center''.

SEC. 2. REDESIGNATION OF WESTERN AERONAUTICAL TEST RANGE.

(a) REDESIGNATION.—The National Aeronautics and Space Administration (NASA) Western Aeronautical Test Range in California is redesignated as the ''NASA Hugh L. Dryden Aeronautical Test Range''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the test range referred to in subsection (a) shall be deemed to be a reference to the ''NASA Hugh L. Dryden Aeronautical Test Range''.

By Mr. MCCONNELL (for himself and Mr. COATS):

S.J. Res. 27. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Internal Revenue Service of the Department of the Treasury relating to liability under section 5000A of the Internal Revenue Code of 1986 for the shared responsibility payment for not maintaining minimum essential coverage; to the Committee on Finance.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S.J. RES 27

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Internal Revenue Service of the Department of the Treasury relating to liability under section 5000A of the Internal Revenue Code of 1986 for the shared responsibility payment for not maintaining minimum essential coverage (published at 78 Fed. Reg. 53646 (August 30, 2013)), and such rule shall have no force or effect.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 279—SUPPORTING THE GOALS AND IDEALS OF RED RIBBON WEEK DURING THE PERIOD OF OCTOBER 23 THROUGH OCTOBER 31, 2013

Ms. MURKOWSKI (for herself and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 279

Whereas the Red Ribbon Campaign was started to commemorate the service of Enrique ''Kiki'' Camarena, an 11-year special agent of the Drug Enforcement Administration who was murdered in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas the Red Ribbon Campaign has been nationally recognized since 1988 to preserve the memory of Special Agent Camarena and further the cause for which he gave his life;

Whereas the Red Ribbon Campaign is the oldest and largest drug prevention awareness program in the United States, reaching millions of young people each year during Red Ribbon Week;

Whereas the Drug Enforcement Administration has been committed throughout its 40-year history to aggressively targeting organizations involved in the growing, manufacturing, and distribution of controlled substances and has been a steadfast partner in commemorating Red Ribbon Week;

Whereas State Governors and attorney generals, the National Family Partnership, parent teacher associations, Boys and Girls Clubs of America, Young Marines, the Drug Enforcement Administration, and hundreds of other organizations throughout the United States annually celebrate Red Ribbon Week during the period of October 23 through October 31;

Whereas the objective of Red Ribbon Week is to promote the creation of drug-free communities through drug prevention efforts, education programs, parental involvement, and community-wide support;

Whereas, according to the National Survey on Drug Use and Health, in 2012 an estimated 23,900,000 Americans, or 9.2 percent of the population aged 12 and older, used illicit drugs;

Whereas drug abuse is 1 of the major challenges to securing a safe and healthy future for people and families in the United States;

Whereas drug abuse and alcohol abuse contribute to domestic violence and sexual assault and place children at risk;

Whereas, although public awareness of illicit drug use is increasing, emerging drug threats and growing epidemics demand attention, with particular focus on synthetic drugs and the nonmedical use of prescription drugs, the second most abused drug by young people in the United States;

Whereas, the majority of teenagers abusing prescription drugs get the drugs from family, friends, and the home medicine cabinet;

Whereas the Drug Enforcement Administration will host a National Take Back Day on October 26, 2013, for the public to safely dispose of unused or expired prescription drugs that can lead to accidental poisoning, overdose, and abuse;

Whereas synthetic drugs, including those popularly known as ''K2'' or ''Spice'', have acknowledged dangerous health effects and have become especially popular among teens and young adults;

Whereas in 2012, poison centers across the United States responded to approximately 5205 calls related to synthetic drugs;

Whereas 2012 National Survey on Drug Use and Health data revealed that heroin use doubled between 2007 and 2011 and in 2012 there were 669,000 heroin users compared to 373,000 in 2007;

Whereas 2012 National Survey on Drug Use and Health data revealed a 50 percent increase in daily marijuana use among individuals aged 12 and over and a 25 percent increase in marijuana use by the general population; and

Whereas parents, young people, schools, businesses, law enforcement agencies, religious institutions and faith-based organizations, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States will demonstrate their commitment to healthy, productive, and drug-free lifestyles by wearing and displaying red ribbons during this week-long celebration: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of Red Ribbon Week during the period of October 23 through October 31, 2013;

(2) encourages children, teens, and other individuals to choose to live drug-free lives; and

(3) encourages the people of the United States to promote the creation of drug-free communities and to participate in drug prevention activities to show support for healthy, productive, and drug-free lifestyles.

SENATE RESOLUTION 280—RECOGNIZING THE 40THE ANNIVERSARY OF THE WITHDRAWAL OF UNITED STATES COMBAT TROOPS FROM THE VIETNAM WAR AND EXPRESSING RENEWED SUPPORT FOR UNITED STATES VETERANS OF THAT CONFLICT

Mr. THUNE (for himself, Mr. BAUCUS, and Mr. MCCAIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 280

Whereas the United States Armed Forces supported the cause of freedom in South

Vietnam between October 1955 and May 7, 1975, beginning with the commencement of the Military Assistance Advisory Group, Vietnam, with many servicemembers making the ultimate sacrifice;

Whereas the United States carried out its first combat mission in Vietnam on January 12, 1962;

Whereas a total of 8,744,000 personnel served worldwide during the Vietnam War era, including 4,368,000 in the United States Army, 1,842,000 in the United States Navy, 794,000 in the United States Marine Corps, and 1,740,000 in the United States Air Force;

Whereas the number of United States servicemembers deployed in theater rose to a peak of 543,482 in April 1969;

Whereas 1,857,304 men entered military service through the Selective Service System between August 1964 and February 1973;

Whereas, of the 58,220 casualties of United States personnel, 47,434 were battle deaths;

Whereas 153,303 wounded United States servicemembers required hospital care;

Whereas an additional 150,341 wounded United States servicemembers did not require hospital care;

Whereas 2,646 United States servicemembers went missing in action during the Vietnam War, of whom 1,645 are still unaccounted for;

Whereas 725 United States servicemembers were taken as prisoners of war, with 64 dying while in internment;

Whereas the Paris Peace Accords, signed on January 27, 1973, put an end to the direct intervention of the United States in the Vietnam War; and

Whereas the last United States combat troops left South Vietnam 2 months later in the spring of 1973: Now, therefore, be it

Resolved, That—

(1) the Senate honors the 40th anniversary of the withdrawal of United States combat troops from the Vietnam War;

(2) the Senate renews its support for United States veterans of that conflict; and

(3) when the Senate adjourns today, the Senate will stand adjourned as a further mark of respect to the memory of United States servicemembers who have given their lives in the name of service to the United States.

SENATE RESOLUTION 281—EXPRESSING THE SENSE OF THE UNITED STATES SENATE THAT PRESIDENT OBAMA SHOULD ISSUE A STATEMENT REGARDING SPYING ON HIS HOLINESS, POPE FRANCIS

Mr. PAUL submitted the following resolution; which was referred to the Select Committee on Intelligence:

S. RES. 281

Whereas public news reports this week indicate that the United States National Security Agency monitored millions of phone calls in Italy in late 2012 and early 2013;

Whereas these reports indicate that the National Security Agency monitored telephone calls made to and from a residence in Rome where then Archbishop Jorge Mario Bergoglio stayed during the conclave selecting Bergoglio, now known as His Holiness Pope Francis, to succeed Pope Benedict XVI;

Whereas this story has been widely reported in the American and international media;

Whereas the National Security Agency has reportedly denied the allegations; and

Whereas these allegations are serious and President Obama should personally address these reports;

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

President Obama should directly address the serious allegation whether his administration monitored the calls of Pope Francis or the conclave selecting the Pope.

SENATE RESOLUTION 282—COMMEMORATING THE 20TH ANNIVERSARY OF THE ESTABLISHMENT OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Mr. NELSON (for himself, Ms. MIKULSKI, Mr. COCHRAN, Mr. WICKER, Mrs. MURRAY, Mr. WARNER, Mr. COONS, Mr. BROWN, Mr. FRANKEN, Mr. BENNET, Mr. HARKIN, Ms. LANDRIEU, Mr. BEGICH, Ms. STABENOW, Mr. HEINRICH, Mr. TESTER, Mr. ROCKEFELLER, Mr. MARKEY, Mr. JOHNSON of South Dakota, Ms. WARREN, Mr. DURBIN, Mrs. SHAHEEN, Ms. BALDWIN, Mr. HATCH, Mr. BAUCUS, and Mr. JOHANNS) submitted the following resolution; which was considered and agreed to.:

S. RES. 282

Whereas the Corporation for National and Community Service (in this preamble referred to as the ''CNCS'') was established under section 191 of the National and Community Service Act of 1990 (42 U.S.C. 12651), as added by section 202 of the National and Community Service Trust Act of 1993 (Public Law 103–82; 107 Stat. 873);

Whereas, since 1993, the CNCS has operated as an independent Federal agency, overseeing all national and community service programs authorized by the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) and the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.);

Whereas the CNCS connects people of all ages and backgrounds with opportunities to give back to their communities and the United States;

Whereas programs conducted by the CNCS strive to address national and local needs, while renewing an ethic of civic responsibility and community spirit in the United States by encouraging citizens to participate in service;

Whereas, since 1993, millions of people in the United States have served in AmeriCorps, Senior Corps, Learn and Serve America, and other CNCS programs, addressing the most pressing challenges facing the United States, from helping students graduate and supporting veterans and military families to preserving the environment and helping communities recover from natural disasters;

Whereas participants serve in tens of thousands of locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to the economic and social well-being of the people of the United States;

Whereas national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve;

Whereas national service represents a partnership between public and private organizations, invests in community solutions, and leverages State and local resources to strengthen community impact;

Whereas, in 2009, Congress passed the Serve America Act (Public Law 111–13; 123 Stat. 1460), authorizing the expansion of national service, expanding opportunities to serve, increasing efficiency and accountability, and strengthening the capacity of organizations and communities to solve problems through the Social Innovation Fund, the Volunteer Generation Fund, and other initiatives;

Whereas AmeriCorps and Senior Corps support the military community by engaging veterans in service, helping veterans readjust to civilian life, and providing support to military families;

Whereas more than 17,000 veterans have served as AmeriCorps members and have helped veterans and military families access benefits and services, conduct job searches, and provide safe and affordable housing;

Whereas the CNCS is working to increase the number of veterans and military families served by and engaged in programs supported by the CNCS;

Whereas, since 1994, CNCS programs and members have provided critical services to millions of people in the United States who have been affected by floods, fires, hurricanes, tornadoes, and other disasters and emergencies, helping families and communities rebuild their lives;

Whereas the CNCS has partnered with the Federal Emergency Management Agency to launch FEMA Corps, which strives to strengthen the disaster response capacity of the United States, increase the reliability and diversity of the disaster response workforce, promote an ethic of service, and prepare young people for careers in emergency management; and

Whereas the Task Force on Expanding National Service established in July 2013 is working to expand national service opportunities: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 20th anniversary of the establishment of the Corporation for National and Community Service;

(2) recognizes that, for 20 years, the Corporation for National and Community Service has worked to improve lives, strengthen communities, expand economic opportunity, foster innovation and civic engagement, and engage millions of people in the United States in solving critical problems through national service;

(3) recognizes that, since the inception of AmeriCorps in 1994, more than 820,000 people have served as AmeriCorps members, serving approximately 1,000,000,000 hours, mobilizing millions of volunteers, and improving the lives of countless people in the United States;

(4) welcomes the efforts of the Corporation for National and Community Service to increase the involvement of veterans and military families in national service and to expand services to the military community;

(5) recognizes the goal of the Serve America Act (Public Law 111–13; 123 Stat. 1460) to increase the number of approved national service positions to 250,000 by 2017; and

(6) recognizes and thanks all those who have served in AmeriCorps, Senior Corps, and other programs conducted by the Corporation for National and Community Service for demonstrating commitment, dedication, and patriotism through their service to the people of the United States.

SENATE RESOLUTION 283—TO CONSTITUTE THE MAJORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED THIRTEENTH CONGRESS, OR UNTIL THEIR SUCCESSORS ARE CHOSEN

Mr. REID on Nevada submitted the following resolution; which was considered and agreed to:

S. RES. 283

Resolved, That the following shall constitute the majority party's membership on the following committees for the One Hundred Thirteenth Congress, or until their successors are chosen:

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Rockefeller (Chairman), Mrs. Boxer, Mr. Nelson, Ms. Cantwell, Mr. Pryor, Mrs. McCaskill, Ms. Klobuchar, Mr. Warner, Mr. Begich, Mr. Blumenthal, Mr. Schatz, Mr. Markey, Mr. Booker.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS: Mrs. Boxer (Chairman), Mr. Baucus, Mr. Carper, Mr. Cardin, Mr. Sanders, Mr. Whitehouse, Mr. Udall of New Mexico, Mr. Merkley, Mrs. Gillibrand, Mr. Booker.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Ms. Landrieu (Chairman), Mr. Levin, Ms. Cantwell, Mr. Pryor, Mr. Cardin, Mrs. Shaheen, Mrs. Hagan, Ms. Heitkamp, Mr. Markey, Mr. Booker.

SENATE RESOLUTION 284—CALLING ON THE GOVERNMENT OF IRAN TO IMMEDIATELY RELEASE SAEED ABEDINI AND ALL OTHER INDIVIDUALS DETAINED ON ACCOUNT OF THEIR RELIGIOUS BELIEFS

Mr. RISCH (for himself, Mr. LEAHY, Mr. CRAPO, and Mr. PAUL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 284

Whereas, in September 2012, Saeed Abedini, a resident of the State of Idaho and a minority Christian with dual Iranian–United States citizenship, was arbitrarily detained in the Islamic Republic of Iran, held in solitary confinement, physically beaten, denied access to necessary medical treatment as a result of that abuse, and denied access to his lawyer until just before his trial;

Whereas, in January 2013, an Iranian court accused Saeed Abedini of attempting to undermine the national security of Iran by gathering with fellow Christians in private homes;

Whereas Saeed Abedini was tried in a nonpublic trial before a judge who had been sanctioned by the European Union for repeated violations of human rights, including issuing long prison sentences to peaceful protestors following the 2009 election;

Whereas, during the trial, Saeed Abedini and his Iranian attorney were barred from attending portions of the trial in which the prosecution provided and the judge received evidence through witness testimony;

Whereas the Iranian court sentenced Saeed Abedini to 8 years in prison;

Whereas, in August 2013, the 36th branch of the Tehran appeals court denied Saeed Abedini's appeal and affirmed his 8-year sentence;

Whereas the Government of Iran continues to indefinitely imprison Saeed Abedini for peacefully exercising his faith;

Whereas the United Nations Universal Declaration of Human Rights declares that every individual has ''the right to freedom of thought, conscience and religion'', which includes the ''freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance'', and the International Covenant on Civil and Political Rights echoes that declaration;

Whereas the International Covenant on Civil and Political Rights holds that every individual shall be free from arbitrary arrest and detention, and that every individual bears the right to have adequate time and facilities for the preparation of his defense and to be present during the duration of his trial;

Whereas the International Covenant on Civil and Political Rights further guarantees every individual the right to a fair and public hearing by a competent, independent, and impartial tribunal;

Whereas Iran is a member of the United Nations and a signatory to both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights without reservation;

Whereas articles 13 and 23 through 27 of the Constitution of the Islamic Republic of Iran provide for freedom of expression, assembly, and association, as well as the freedom to practice one's religion;

Whereas Iran is a religiously diverse society and the United Nations Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran reports that religious minorities, including Nematullahi Sufi Muslims, Sunnis, Baha'is, and Christians, face human rights violations in Iran;

Whereas, in recent years, there has been an increase in the number of incidents of Iranian authorities raiding religious services, detaining worshipers and religious leaders, and harassing and threatening minority religious members;

Whereas the United Nations Special Rapporteur reports that Iranian intelligence officials are known to threaten Christian converts with arrest and apostasy charges if they do not return to Islam; and

Whereas President Barack Obama has called on President Hassan Rouhani to demonstrate the commitment of Iran to individual human rights through the release of all prisoners of conscience: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that freedom of religious belief and practice is a universal human right and a fundamental freedom of every individual, regardless of race, sex, country, creed, or nationality, and should never be arbitrarily abridged by any government;

(2) recognizes that governments have a responsibility to protect the fundamental rights of their citizens; and

(3) calls on the Government of Iran to immediately release Saeed Abedini and all other individuals detained on account of their religious beliefs.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2009. Mr. REID (for Mrs. BOXER) proposed an amendment to the bill H.R. 3080, to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes.

TEXT OF AMENDMENTS

SA 2009. Mr. REID (for Mrs. BOXER) proposed an amendment to the bill H.R. 3080, to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Water Resources Development Act of 2013''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of the Army.

TITLE I—WATER RESOURCE PROJECTS

SEC. 1001. PURPOSES.

The purposes of this title are—

(1) to authorize projects that—

(A) are the subject of a completed report of the Chief of Engineers containing a determination that the relevant project—

(i) is in the Federal interest;

(ii) results in benefits that exceed the costs of the project;

(iii) is environmentally acceptable; and

(iv) is technically feasible; and

(B) have been recommended to Congress for authorization by the Assistant Secretary of the Army for Civil Works; and

(2) to authorize the Secretary—

(A) to review projects that require increased authorization; and

(B) to request an increase of those authorizations after—

(i) certifying that the increases are necessary; and

(ii) submitting to Congress reports on the proposed increases.

SEC. 1002. PROJECT AUTHORIZATIONS.

The Secretary is authorized to carry out projects for water resources development,

conservation, and other purposes, subject to the conditions that—

(1) each project is carried out—

(A) substantially in accordance with the plan for the project; and

(B) subject to any conditions described in the report for the project; and

(2)(A) a Report of the Chief of Engineers has been completed; and

(B) after November 8, 2007, but prior to the date of enactment of this Act, the Assistant Secretary of the Army for Civil Works has submitted to Congress a recommendation to authorize construction of the project.

SEC. 1003. PROJECT REVIEW.

(a) IN GENERAL.—For a project that is authorized by Federal law as of the date of enactment of this Act, the Secretary may modify the authorized project cost set under section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280)—

(1) by submitting the required certification and additional information to Congress in accordance with subsection (b); and

(2) after receiving an appropriation of funds in accordance with subsection (b)(3)(B).

(b) REQUIREMENTS FOR SUBMISSION.—

(1) CERTIFICATION.—The certification to Congress under subsection (a) shall include a certification by the Secretary that—

(A) expenditures above the authorized cost of the project are necessary to protect life and safety or property, maintain critical navigation routes, or restore ecosystems;

(B) the project continues to provide benefits identified in the report of the Chief of Engineers for the project; and

(C) for projects under construction—

(i) a temporary stop or delay resulting from a failure to increase the authorized cost of the project will increase costs to the Federal Government; and

(ii) the amount requested for the project in the budget of the President or included in a work plan for the expenditure of funds for the fiscal year during which the certification is submitted will exceed the authorized cost of the project.

(2) ADDITIONAL INFORMATION.—The information provided to Congress about the project under subsection (a) shall include, at a minimum—

(A) a comprehensive review of the project costs and reasons for exceeding the authorized limits set under section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280);

(B) an expedited analysis of the updated benefits and costs of the project; and

(C) the revised cost estimate level for completing the project.

(3) APPROVAL OF CONGRESS.—The Secretary may not change the authorized project costs under subsection (a) unless—

(A) a certification and required information is submitted to Congress under subsection (b); and

(B) after such submission, amounts are appropriated to initiate or continue construction of the project in an appropriations or other Act.

(c) DE MINIMIS AMOUNTS.—If the cost to complete construction of an authorized water resources project would exceed the limitations on the maximum cost of the project under section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), the Secretary may complete construction of the project, notwithstanding the limitations imposed by that section if—

(1) construction of the project is at least 70 percent complete at the time the cost of the project is projected to exceed the limitations; and

(2) the Federal cost to complete construction is less than $5,000,000.

(d) TERMINATION OF EFFECTIVENESS.—The authority of the Secretary under this section terminates on the date that is 3 years after the date of enactment of this Act.

SEC. 1004. FUTURE PROJECT AUTHORIZATIONS.

(a) POLICY.—The benefits of water resource projects designed and carried out in an economically justifiable, environmentally acceptable, and technically sound manner are important to the economy and environment of the United States and recommendations to Congress regarding those projects should be expedited for approval in a timely manner.

(b) APPLICABILITY.—The procedures under this section apply to projects for water resources development, conservation, and other purposes, subject to the conditions that—

(1) each project is carried out—

(A) substantially in accordance with the plan identified in the report of the Chief of Engineers for the project; and

(B) subject to any conditions described in the report for the project; and

(2)(A) a report of the Chief of Engineers has been completed; and

(B) after the date of enactment of this Act, the Assistant Secretary of the Army for Civil Works has submitted to Congress a recommendation to authorize construction of the project.

(c) EXPEDITED CONSIDERATION.—

(1) IN GENERAL.—A bill shall be eligible for expedited consideration in accordance with this subsection if the bill—

(A) authorizes a project that meets the requirements described in subsection (b); and

(B) is referred to the Committee on Environment and Public Works of the Senate.

(2) COMMITTEE CONSIDERATION.—

(A) IN GENERAL.—Not later than January 31st of the second session of each Congress, the Committee on Environment and Public Works of the Senate shall—

(i) report all bills that meet the requirements of paragraph (1); or

(ii) introduce and report a measure to authorize any project that meets the requirements described in subsection (b).

(B) FAILURE TO ACT.—Subject to subparagraph (C), if the Committee fails to act on a bill that meets the requirements of paragraph (1) by the date specified in subparagraph (A), the bill shall be discharged from the Committee and placed on the calendar of the Senate.

(C) EXCEPTIONS.—Subparagraph (B) shall not apply if—

(i) in the 180-day period immediately preceding the date specified in subparagraph (A), the full Committee holds a legislative hearing on a bill to authorize all projects that meet the requirements described in subsection (b);

(ii)(I) the Committee favorably reports a bill to authorize all projects that meet the requirements described in subsection (b); and

(II) the bill described in subclause (I) is placed on the calendar of the Senate; or

(iii) a bill that meets the requirements of paragraph (1) is referred to the Committee not earlier than 30 days before the date specified in subparagraph (A).

(d) TERMINATION.—The procedures for expedited consideration under this section terminate on December 31, 2018.

TITLE II—WATER RESOURCES POLICY REFORMS

SEC. 2001. PURPOSES.

The purposes of this title are—

(1) to reform the implementation of water resources projects by the Corps of Engineers;

(2) to make other technical changes to the water resources policy of the Corps of Engineers; and

(3) to implement reforms, including—

(A) enhancing the ability of local sponsors to partner with the Corps of Engineers by ensuring the eligibility of the local sponsors to receive and apply credit for work carried out by the sponsors and increasing the role of sponsors in carrying out Corps of Engineers projects;

(B) ensuring continuing authority programs can continue to meet important needs;

(C) encouraging the continuation of efforts to modernize feasibility studies and establish targets for expedited completion of feasibility studies;

(D) seeking efficiencies in the management of dams and related infrastructure to reduce environmental impacts while maximizing other benefits and project purposes, such as flood control, navigation, water supply, and hydropower;

(E) clarifying mitigation requirements for Corps of Engineers projects and ensuring transparency in the independent external review of those projects; and

(F) establishing an efficient and transparent process for deauthorizing projects that have failed to receive a minimum level of investment to ensure active projects can move forward while reducing the backlog of authorized projects.

SEC. 2002. SAFETY ASSURANCE REVIEW.

Section 2035 of the Water Resources Development Act of 2007 (33 U.S.C. 2344) is amended by adding at the end the following:

''(g) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a safety assurance review conducted under this section.''.

SEC. 2003. CONTINUING AUTHORITY PROGRAMS.

(a) SMALL RIVER AND HARBOR IMPROVEMENT PROJECTS.—Section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is amended—

(1) in subsection (a), by striking ''$35,000,000'' and inserting ''$50,000,000''; and

(2) in subsection (b), by striking ''$7,000,000'' and inserting ''$10,000,000''.

(b) SHORE DAMAGE PREVENTION OR MITIGATION.—Section 111(c) of the River and Harbor Act of 1968 (33 U.S.C. 426i(c)) is amended by striking ''$5,000,000'' and inserting ''$10,000,000''.

(c) REGIONAL SEDIMENT MANAGEMENT.—

(1) IN GENERAL.—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended—

(A) in subsection (c)(1)(C), by striking ''$5,000,000'' and inserting ''$10,000,000''; and

(B) in subsection (g), by striking ''$30,000,000'' and inserting ''$50,000,000''.

(2) APPLICABILITY.—Section 2037 of the Water Resources Development Act of 2007 (121 Stat. 1094) is amended by added at the end the following:

''(c) APPLICABILITY.—The amendment made by subsection (a) shall not apply to any project authorized under this Act if a report of the Chief of Engineers for the project was completed prior to the date of enactment of this Act.''.

(d) SMALL FLOOD CONTROL PROJECTS.—Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended in the third sentence by striking ''$7,000,000'' and inserting ''$10,000,000''.

(e) PROJECT MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT.—Section 1135(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(d)) is amended—

(1) in the second sentence, by striking ''Not more than 80 percent of the non-Federal may be'' and inserting ''The non-Federal share may be provided''; and

(2) in the third sentence, by striking ''$5,000,000'' and inserting ''$10,000,000''.

(f) AQUATIC ECOSYSTEM RESTORATION.—Section 206(d) of the Water Resources Development Act of 1996 (33 U.S.C. 2330(d)) is amended by striking ''$5,000,000'' and inserting ''$10,000,000''.

(g) FLOODPLAIN MANAGEMENT SERVICES.—Section 206(d) of the Flood Control Act of 1960 (33 U.S.C. 709a) is amended by striking ''$15,000,000'' and inserting ''$50,000,000''.

SEC. 2004. CONTINUING AUTHORITY PROGRAM PRIORITIZATION.

(a) DEFINITION OF CONTINUING AUTHORITY PROGRAM PROJECT.—In this section, the term ''continuing authority program'' means 1 of the following authorities:

(1) Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(2) Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).

(3) Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(4) Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).

(5) Section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).

(6) Section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).

(b) PRIORITIZATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish in the Federal Register and on a publicly available website, the criteria the Secretary uses for prioritizing annual funding for continuing authority program projects.

(c) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act and each year thereafter, the Secretary shall publish in the Federal Register and on a publicly available website, a report on the status of each continuing authority program, which, at a minimum, shall include—

(1) the name and a short description of each active continuing authority program project;

(2) the cost estimate to complete each active project; and

(3) the funding available in that fiscal year for each continuing authority program.

(d) CONGRESSIONAL NOTIFICATION.—On publication in the Federal Register under subsections (b) and (c), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a copy of all information published under those subsections.

SEC. 2005. FISH AND WILDLIFE MITIGATION.

(a) IN GENERAL.—Section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) in the first sentence—

(I) by inserting ''for damages to ecological resources, including terrestrial and aquatic resources, and'' after ''mitigate'';

(II) by inserting ''ecological resources and'' after ''impact on''; and

(III) by inserting ''without the implementation of mitigation measures'' before the period; and

(ii) by inserting before the last sentence the following: ''If the Secretary determines that mitigation to in-kind conditions is not possible, the Secretary shall identify in the report the basis for that determination and the mitigation measures that will be implemented to meet the requirements of this section and the goals of section 307(a)(1) of the Water Resources Development Act of 1990 (33 U.S.C. 2317(a)(1)).'';

(B) in paragraph (2)—

(i) in the heading, by striking ''DESIGN'' and inserting ''SELECTION AND DESIGN'';

(ii) by inserting ''select and'' after ''shall''; and

(iii) by inserting ''using a watershed approach'' after ''projects''; and

(C) in paragraph (3)—

(i) in subparagraph (A), by inserting '', at a minimum,'' after ''complies with''; and

(ii) in subparagraph (B)—

(I) by striking clause (iii);

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

(III) by inserting after clause (ii) the following:

''(iii) for projects where mitigation will be carried out by the Secretary—

''(I) a description of the land and interest in land to be acquired for the mitigation plan;

''(II) the basis for a determination that the land and interests are available for acquisition; and

''(III) a determination that the proposed interest sought does not exceed the minimum interest in land necessary to meet the mitigation requirements for the project;

''(iv) for projects where mitigation will be carried out through a third party mitigation arrangement in accordance with subsection (i)—

''(I) a description of the third party mitigation instrument to be used; and

''(II) the basis for a determination that the mitigation instrument can meet the mitigation requirements for the project;''; and

(2) by adding at the end the following:

''(h) PROGRAMMATIC MITIGATION PLANS.—

''(1) IN GENERAL.—The Secretary may develop 1 or more programmatic mitigation plans to address the potential impacts to ecological resources, fish, and wildlife associated with existing or future water resources development projects.

''(2) USE OF MITIGATION PLANS.—The Secretary shall, to the maximum extent practicable, use programmatic mitigation plans developed in accordance with this subsection to guide the development of a mitigation plan under subsection (d).

''(3) NON-FEDERAL PLANS.—The Secretary shall, to the maximum extent practicable and subject to all conditions of this subsection, use programmatic environmental plans developed by a State, a body politic of the State, which derives its powers from a State constitution, a government entity created by State legislation, or a local government, that meet the requirements of this subsection to address the potential environmental impacts of existing or future water resources development projects.

''(4) SCOPE.—A programmatic mitigation plan developed by the Secretary or an entity described in paragraph (3) to address potential impacts of existing or future water resources development projects shall, to the maximum extent practicable—

''(A) be developed on a regional, ecosystem, watershed, or statewide scale;

''(B) include specific goals for aquatic resource and fish and wildlife habitat restoration, establishment, enhancement, or preservation;

''(C) identify priority areas for aquatic resource and fish and wildlife habitat protection or restoration;

''(D) encompass multiple environmental resources within a defined geographical area or focus on a specific resource, such as aquatic resources or wildlife habitat; and

''(E) address impacts from all projects in a defined geographical area or focus on a specific type of project.

''(5) CONSULTATION.—The scope of the plan shall be determined by the Secretary or an entity described in paragraph (3), as appropriate, in consultation with the agency with jurisdiction over the resources being addressed in the environmental mitigation plan.

''(6) CONTENTS.—A programmatic environmental mitigation plan may include—

''(A) an assessment of the condition of environmental resources in the geographical area covered by the plan, including an assessment of recent trends and any potential threats to those resources;

''(B) an assessment of potential opportunities to improve the overall quality of environmental resources in the geographical area covered by the plan through strategic mitigation for impacts of water resources development projects;

''(C) standard measures for mitigating certain types of impacts;

''(D) parameters for determining appropriate mitigation for certain types of impacts, such as mitigation ratios or criteria for determining appropriate mitigation sites;

''(E) adaptive management procedures, such as protocols that involve monitoring predicted impacts over time and adjusting mitigation measures in response to information gathered through the monitoring;

''(F) acknowledgment of specific statutory or regulatory requirements that must be satisfied when determining appropriate mitigation for certain types of resources; and

''(G) any offsetting benefits of self-mitigating projects, such as ecosystem or resource restoration and protection.

''(7) PROCESS.—Before adopting a programmatic environmental mitigation plan for use under this subsection, the Secretary shall—

''(A) for a plan developed by the Secretary—

''(i) make a draft of the plan available for review and comment by applicable environmental resource agencies and the public; and

''(ii) consider any comments received from those agencies and the public on the draft plan; and

''(B) for a plan developed under paragraph (3), determine, not later than 180 days after receiving the plan, whether the plan meets the requirements of paragraphs (4) through (6) and was made available for public comment.

''(8) INTEGRATION WITH OTHER PLANS.—A programmatic environmental mitigation plan may be integrated with other plans, including watershed plans, ecosystem plans, species recovery plans, growth management plans, and land use plans.

''(9) CONSIDERATION IN PROJECT DEVELOPMENT AND PERMITTING.—If a programmatic environmental mitigation plan has been developed under this subsection, any Federal agency responsible for environmental reviews, permits, or approvals for a water resources development project may use the recommendations in that programmatic environmental mitigation plan when carrying out the responsibilities of the agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(10) PRESERVATION OF EXISTING AUTHORITIES.—Nothing in this subsection limits the use of programmatic approaches to reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(i) THIRD-PARTY MITIGATION ARRANGEMENTS.—

''(1) ELIGIBLE ACTIVITIES.—In accordance with all applicable Federal laws (including regulations), mitigation efforts carried out under this section may include—

''(A) participation in mitigation banking or other third-party mitigation arrangements, such as—

''(i) the purchase of credits from commercial or State, regional, or local agency-sponsored mitigation banks; and

''(ii) the purchase of credits from in-lieu fee mitigation programs; and

''(B) contributions to statewide and regional efforts to conserve, restore, enhance, and create natural habitats and wetlands if the Secretary determines that the contributions will ensure that the mitigation requirements of this section and the goals of

section 307(a)(1) of the Water Resources Development Act of 1990 (33 U.S.C. 2317(a)(1)) will be met.

''(2) INCLUSION OF OTHER ACTIVITIES.—The banks, programs, and efforts described in paragraph (1) include any banks, programs, and efforts developed in accordance with applicable law (including regulations).

''(3) TERMS AND CONDITIONS.—In carrying out natural habitat and wetlands mitigation efforts under this section, contributions to the mitigation effort may—

''(A) take place concurrent with, or in advance of, the commitment of funding to a project; and

''(B) occur in advance of project construction only if the efforts are consistent with all applicable requirements of Federal law (including regulations) and water resources development planning processes.

''(4) PREFERENCE.—At the request of the non-Federal project sponsor, preference may be given, to the maximum extent practicable, to mitigating an environmental impact through the use of a mitigation bank, in-lieu fee, or other third-party mitigation arrangement, if the use of credits from the mitigation bank or in-lieu fee, or the other third-party mitigation arrangement for the project has been approved by the applicable Federal agency.

''(j) USE OF FUNDS.—The Secretary may use funds made available for preconstruction engineering and design prior to authorization of project construction to satisfy mitigation requirements through third party mechanisms or to acquire interests in land necessary for meeting the mitigation requirements of this section.''.

(b) APPLICATION.—The amendments made by subsection (a) shall not apply to a project for which a mitigation plan has been completed as of the date of enactment of this Act.

(c) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide technical assistance to States and local governments to establish third-party mitigation instruments, including mitigation banks and in-lieu fee programs, that will help to target mitigation payments to high-priority ecosystem restoration actions.

(2) REQUIREMENTS.—In providing technical assistance under this subsection, the Secretary shall give priority to States and local governments that have developed State, regional, or watershed-based plans identifying priority restoration actions.

(3) MITIGATION INSTRUMENTS.—The Secretary shall seek to ensure any technical assistance provided under this subsection will support the establishment of mitigation instruments that will result in restoration of high-priority areas identified in the plans under paragraph (2).

SEC. 2006. MITIGATION STATUS REPORT.

Section 2036(b) of the Water Resources Development Act of 2007 (33 U.S.C. 2283a) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

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

''(3) INFORMATION INCLUDED.—In reporting the status of all projects included in the report, the Secretary shall—

''(A) use a uniform methodology for determining the status of all projects included in the report;

''(B) use a methodology that describes both a qualitative and quantitative status for all projects in the report; and

''(C) provide specific dates for and participants in the consultations required under section 906(d)(4)(B) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)(4)(B)).''.

SEC. 2007. INDEPENDENT PEER REVIEW.

(a) TIMING OF PEER REVIEW.—Section 2034(b) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(b)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

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

''(3) REASONS FOR TIMING.—If the Chief of Engineers does not initiate a peer review for a project study at a time described in paragraph (2), the Chief shall—

''(A) not later than 7 days after the date on which the Chief of Engineers determines not to initiate a peer review—

''(i) notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of that decision; and

''(ii) make publicly available, including on the Internet the reasons for not conducting the review; and

''(B) include the reasons for not conducting the review in the decision document for the project study.''.

(b) ESTABLISHMENT OF PANELS.—Section 2034(c) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(c)) is amended by striking paragraph (4) and inserting the following:

''(4) CONGRESSIONAL AND PUBLIC NOTIFICATION.—Following the identification of a project study for peer review under this section, but prior to initiation of the review by the panel of experts, the Chief of Engineers shall, not later than 7 days after the date on which the Chief of Engineers determines to conduct a review—

''(A) notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the review; and

''(B) make publicly available, including on the Internet, information on—

''(i) the dates scheduled for beginning and ending the review;

''(ii) the entity that has the contract for the review; and

''(iii) the names and qualifications of the panel of experts.''.

(c) RECOMMENDATIONS OF PANEL.—Section 2034(f) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(f)) is amended by striking paragraph (2) and inserting the following:

''(2) PUBLIC AVAILABILITY AND SUBMISSION TO CONGRESS.—After receiving a report on a project study from a panel of experts under this section, the Chief of Engineers shall make available to the public, including on the Internet, and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

''(A) a copy of the report not later than 7 days after the date on which the report is delivered to the Chief of Engineers; and

''(B) a copy of any written response of the Chief of Engineers on recommendations contained in the report not later than 3 days after the date on which the response is delivered to the Chief of Engineers.

''(3) INCLUSION IN PROJECT STUDY.—A report on a project study from a panel of experts under this section and the written response of the Chief of Engineers shall be included in the final decision document for the project study.''.

(d) APPLICABILITY.—Section 2034(h)(2) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(h)(2)) is amended by striking ''7 years'' and inserting ''12 years''.

SEC. 2008. OPERATION AND MAINTENANCE OF NAVIGATION AND HYDROELECTRIC FACILITIES.

(a) IN GENERAL.—Section 314 of the Water Resources Development Act of 1990 (33 U.S.C. 2321) is amended—

(1) by striking the heading and inserting the following:

''SEC. 314. OPERATION AND MAINTENANCE OF NAVIGATION AND HYDROELECTRIC FACILITIES.'';

(2) in the first sentence, by striking ''Activities currently performed'' and inserting the following:

''(a) IN GENERAL.—Activities currently performed'';

(3) in the second sentence, by striking ''This section'' and inserting the following:

''(b) MAJOR MAINTENANCE CONTRACTS ALLOWED.—This section'';

(4) in subsection (a) (as designated by paragraph (2)), by inserting ''navigation or'' before ''hydroelectric''; and

(5) by adding at the end the following:

''(c) EXCLUSION.—This section shall not—

''(1) apply to those navigation facilities that have been or are currently under contract with a non-Federal interest to perform operations and maintenance as of the date of enactment of the Water Resources Development Act of 2013; and

''(2) prohibit the Secretary from contracting out future commercial activities at those navigation facilities.''.

(b) CLERICAL AMENDMENT.—The table of contents contained in section 1(b) of the Water Resources Development Act of 1990 (104 Stat. 4604) is amended by striking the item relating to section 314 and inserting the following:

''Sec. 314. Operation and maintenance of navigation and hydroelectric facilities.''.

SEC. 2009. HYDROPOWER AT CORPS OF ENGINEERS FACILITIES.

(a) FINDINGS.—Congress finds that—

(1) in April 2012, the Oak Ridge National Laboratory of the Department of Energy (referred to in this section as the ''Oak Ridge Lab'') released a report finding that adding hydroelectric power to the non-powered dams of the United States has the potential to add more than 12 gigawatts of new generating capacity;

(2) the top 10 non-powered dams identified by the Oak Ridge Lab as having the highest hydroelectric power potential could alone supply 3 gigawatts of generating capacity;

(3) of the 50 non-powered dams identified by the Oak Ridge Lab as having the highest hydroelectric power potential, 48 are Corps of Engineers civil works projects;

(4) promoting non-Federal hydroelectric power at Corps of Engineers civil works projects increases the taxpayer benefit of those projects;

(5) the development of non-Federal hydroelectric power at Corps of Engineers civil works projects—

(A) can be accomplished in a manner that is consistent with authorized project purposes and the responsibilities of the Corps of Engineers to protect the environment; and

(B) in many instances, may have additional environmental benefits; and

(6) the development of non-Federal hydroelectric power at Corps of Engineers civil works projects could be promoted through—

(A) clear and consistent lines of responsibility and authority within and across Corps of Engineers districts and divisions on hydroelectric power development activities;

(B) consistent and corresponding processes for reviewing and approving hydroelectric power development; and

(C) developing a means by which non-Federal hydroelectric power developers and stakeholders can resolve disputes with the

Corps of Engineers concerning hydroelectric power development activities at Corps of Engineers civil works projects.

(b) POLICY.—Congress declares that it is the policy of the United States that—

(1) the development of non-Federal hydroelectric power at Corps of Engineers civil works projects, including locks and dams, shall be given priority;

(2) Corps of Engineers approval of non-Federal hydroelectric power at Corps of Engineers civil works projects, including permitting required under section 14 of the Act of March 3, 1899 (33 U.S.C. 408), shall be completed by the Corps of Engineers in a timely and consistent manner; and

(3) approval of hydropower at Corps of Engineers civil works projects shall in no way diminish the other priorities and missions of the Corps of Engineers, including authorized project purposes and habitat and environmental protection.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act and each year thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that, at a minimum, shall include—

(1) a description of initiatives carried out by the Secretary to encourage the development of hydroelectric power by non-Federal entities at Corps of Engineers civil works projects;

(2) a list of all new hydroelectric power activities by non-Federal entities approved at Corps of Engineers civil works projects in that fiscal year, including the length of time the Secretary needed to approve those activities;

(3) a description of the status of each pending application from non-Federal entities for approval to develop hydroelectric power at Corps of Engineers civil works projects;

(4) a description of any benefits or impacts to the environment, recreation, or other uses associated with Corps of Engineers civil works projects at which non-Federal entities have developed hydroelectric power in the previous fiscal year; and

(5) the total annual amount of payments or other services provided to the Corps of Engineers, the Treasury, and any other Federal agency as a result of approved non-Federal hydropower projects at Corps of Engineers civil works projects.

SEC. 2010. CLARIFICATION OF WORK-IN-KIND CREDIT AUTHORITY.

(a) NON-FEDERAL COST SHARE.—Section 7007 of the Water Resources Development Act of 2007 (121 Stat. 1277) is amended—

(1) in subsection (a)—

(A) by inserting '', on, or after'' after ''before''; and

(B) by inserting '', program,'' after ''study'' each place it appears;

(2) in subsections (b) and (e)(1), by inserting '', program,'' after ''study'' each place it appears; and

(3) by striking subsection (d) and inserting the following:

''(d) TREATMENT OF CREDIT BETWEEN PROJECTS.—The value of any land, easements, rights-of-way, relocations, and dredged material disposal areas and the costs of planning, design, and construction work provided by the non-Federal interest that exceed the non-Federal cost share for a study, program, or project under this title may be applied toward the non-Federal cost share for any other study, program, or project carried out under this title.''.

(b) IMPLEMENTATION.—Not later than 90 days after the date of enactment of this Act, the Secretary, in coordination with any relevant agencies of the State of Louisiana, shall establish a process by which to carry out the amendments made by subsection (a)(3).

(c) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on November 8, 2007.

SEC. 2011. TRANSFER OF EXCESS WORK-IN-KIND CREDIT.

(a) IN GENERAL.—Subject to subsection (b), the Secretary may apply credit for in-kind contributions provided by a non-Federal interest that is in excess of the required non-Federal cost-share for a water resources study or project toward the required non-Federal cost-share for a different water resources study or project.

(b) RESTRICTIONS.—

(1) IN GENERAL.—Except for subsection (a)(4)(D)(i) of that section, the requirements of section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) (as amended by section 2012 of this Act) shall apply to any credit under this section.

(2) CONDITIONS.—Credit in excess of the non-Federal cost-share for a study or project may be approved under this section only if—

(A) the non-Federal interest submits a comprehensive plan to the Secretary that identifies—

(i) the studies and projects for which the non-Federal interest intends to provide in-kind contributions for credit that is in excess of the non-Federal cost share for the study or project; and

(ii) the studies and projects to which that excess credit would be applied;

(B) the Secretary approves the comprehensive plan; and

(C) the total amount of credit does not exceed the total non-Federal cost-share for the studies and projects in the approved comprehensive plan.

(c) ADDITIONAL CRITERIA.—In evaluating a request to apply credit in excess of the non-Federal cost-share for a study or project toward a different study or project, the Secretary shall consider whether applying that credit will—

(1) help to expedite the completion of a project or group of projects;

(2) reduce costs to the Federal Government; and

(3) aid the completion of a project that provides significant flood risk reduction or environmental benefits.

(d) TERMINATION OF AUTHORITY.—The authority provided in this section shall terminate 10 years after the date of enactment of this Act.

(e) REPORT.—

(1) DEADLINES.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and once every 2 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an interim report on the use of the authority under this section.

(B) FINAL REPORT.—Not later than 10 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a final report on the use of the authority under this section.

(2) INCLUSIONS.—The reports described in paragraph (1) shall include—

(A) a description of the use of the authority under this section during the reporting period;

(B) an assessment of the impact of the authority under this section on the time required to complete projects; and

(C) an assessment of the impact of the authority under this section on other water resources projects.

SEC. 2012. CREDIT FOR IN-KIND CONTRIBUTIONS.

(a) IN GENERAL.—Section 221(a)(4) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i) by inserting ''or a project under an environmental infrastructure assistance program'' after ''law'';

(2) in subparagraph (C), by striking ''In any case'' and all that follows through the period at the end and inserting the following:

''(i) CONSTRUCTION.—

''(I) IN GENERAL.—In any case in which the non-Federal interest is to receive credit under subparagraph (A) for the cost of construction carried out by the non-Federal interest before execution of a partnership agreement and that construction has not been carried out as of the date of enactment of this subparagraph, the Secretary and the non-Federal interest shall enter into an agreement under which the non-Federal interest shall carry out such work prior to the non-Federal interest initiating construction or issuing a written notice to proceed for the construction.

''(II) ELIGIBILITY.—Construction that is carried out after the execution of an agreement to carry out work described in subclause (I) and any design activities that are required for that construction, even if the design activity is carried out prior to the execution of the agreement to carry out work, shall be eligible for credit.

''(ii) PLANNING.—

''(I) IN GENERAL.—In any case in which the non-Federal interest is to receive credit under subparagraph (A) for the cost of planning carried out by the non-Federal interest before execution of a feasibility cost sharing agreement, the Secretary and the non-Federal interest shall enter into an agreement under which the non-Federal interest shall carry out such work prior to the non-Federal interest initiating that planning.

''(II) ELIGIBILITY.—Planning that is carried out by the non-Federal interest after the execution of an agreement to carry out work described in subclause (I) shall be eligible for credit.'';

(3) in subparagraph (D)(iii), by striking ''sections 101 and 103'' and inserting ''sections 101(a)(2) and 103(a)(1)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(2); 33 U.S.C. 2213(a)(1)(A))'';

(4) by redesignating subparagraph (E) as subparagraph (H);

(5) by inserting after subparagraph (D) the following:

''(E) ANALYSIS OF COSTS AND BENEFITS.—In the evaluation of the costs and benefits of a project, the Secretary shall not consider construction carried out by a non-Federal interest under this subsection as part of the future without project condition.

''(F) TRANSFER OF CREDIT BETWEEN SEPARABLE ELEMENTS OF A PROJECT.—Credit for in-kind contributions provided by a non-Federal interest that are in excess of the non-Federal cost share for an authorized separable element of a project may be applied toward the non-Federal cost share for a different authorized separable element of the same project.

''(G) APPLICATION OF CREDIT.—To the extent that credit for in-kind contributions, as limited by subparagraph (D), and credit for required land, easements, rights-of-way, dredged material disposal areas, and relocations provided by the non-Federal interest exceed the non-Federal share of the cost of construction of a project other than a navigation project, the Secretary shall reimburse the difference to the non-Federal interest, subject to the availability of funds.''; and

(6) in subparagraph (H) (as redesignated by paragraph (4))—

(A) in clause (i), by inserting '', and to water resources projects authorized prior to the date of enactment of the Water Resources Development Act of 1986 (Public Law 99–662), if correction of design deficiencies is necessary'' before the period at the end; and

(B) by striking clause (ii) and inserting the following:

''(ii) AUTHORIZATION IN ADDITION TO SPECIFIC CREDIT PROVISION.—In any case in which a specific provision of law authorizes credit for in-kind contributions provided by a non-Federal interest before the date of execution of a partnership agreement, the Secretary may apply the authority provided in this paragraph to allow credit for in-kind contributions provided by the non-Federal interest on or after the date of execution of the partnership agreement.''.

(b) APPLICABILITY.—Section 2003(e) of the Water Resources Development Act of 2007 (42 U.S.C. 1962d–5b) is amended—

(1) by inserting '', or construction of design deficiency corrections on the project,'' after ''construction on the project''; and

(2) by inserting '', or under which construction of the project has not been completed and the work to be performed by the non-Federal interests has not been carried out and is creditable only toward any remaining non-Federal cost share,'' after ''has not been initiated''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) take effect on November 8, 2007.

(d) GUIDELINES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall update any guidance or regulations for carrying out section 221(a)(4) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)) (as amended by subsection (a)) that are in existence on the date of enactment of this Act or issue new guidelines, as determined to be appropriate by the Secretary.

(2) INCLUSIONS.—Any guidance, regulations, or guidelines updated or issued under paragraph (1) shall include, at a minimum—

(A) the milestone for executing an in-kind memorandum of understanding for construction by a non-Federal interest;

(B) criteria and procedures for evaluating a request to execute an in-kind memorandum of understanding for construction by a non-Federal interest that is earlier than the milestone under subparagraph (A) for that execution; and

(C) criteria and procedures for determining whether work carried out by a non-Federal interest is integral to a project.

(3) PUBLIC AND STAKEHOLDER PARTICIPATION.—Before issuing any new or revised guidance, regulations, or guidelines or any subsequent updates to those documents, the Secretary shall—

(A) consult with affected non-Federal interests;

(B) publish the proposed guidelines developed under this subsection in the Federal Register; and

(C) provide the public with an opportunity to comment on the proposed guidelines.

(e) OTHER CREDIT.—Nothing in section 221(a)(4) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)) (as amended by subsection (a)) affects any eligibility for credit under section 104 of the Water Resources Development of 1986 (33 U.S.C. 2214) that was approved by the Secretary prior to the date of enactment of this Act.

SEC. 2013. CREDIT IN LIEU OF REIMBURSEMENT.

Section 211(e)(2) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13(e)(2)) is amended by adding at the end the following:

''(C) STUDIES OR OTHER PROJECTS.—On the request of a non-Federal interest, in lieu of reimbursing a non-Federal interest the amount equal to the estimated Federal share of the cost of an authorized flood damage reduction project or a separable element of an authorized flood damage reduction project under this subsection that has been constructed by the non-Federal interest under this section as of the date of enactment of this Act, the Secretary may provide the non-Federal interest with a credit in that amount, which the non-Federal interest may apply to the share of the cost of the non-Federal interest of carrying out other flood damage reduction projects or studies.''.

SEC. 2014. DAM OPTIMIZATION.

(a) DEFINITION OF OTHER RELATED PROJECT BENEFITS.—In this section, the term ''other related project benefits'' includes—

(1) environmental protection and restoration, including restoration of water quality and water flows, improving movement of fish and other aquatic species, and restoration of floodplains, wetlands, and estuaries;

(2) increased water supply storage (except for any project in the Apalachicola-Chattahoochee-Flint River system and the Alabama-Coosa-Tallapoosa River system);

(3) increased hydropower generation;

(4) reduced flood risk;

(5) additional navigation; and

(6) improved recreation.

(b) PROGRAM.—

(1) IN GENERAL.—The Secretary may carry out activities—

(A) to improve the efficiency of the operations and maintenance of dams and related infrastructure operated by the Corps of Engineers; and

(B) to maximize, to the extent practicable—

(i) authorized project purposes; and

(ii) other related project benefits.

(2) ELIGIBLE ACTIVITIES.—An eligible activity under this section is any activity that the Secretary would otherwise be authorized to carry out that is designed to provide other related project benefits in a manner that does not adversely impact the authorized purposes of the project.

(3) IMPACT ON AUTHORIZED PURPOSES.—An activity carried out under this section shall not adversely impact any of the authorized purposes of the project.

(4) EFFECT.—

(A) EXISTING AGREEMENTS.—Nothing in this section—

(i) supersedes or modifies any written agreement between the Federal Government and a non-Federal interest that is in effect on the date of enactment of this Act; or

(ii) supersedes or authorizes any amendment to a multistate water-control plan, including the Missouri River Master Water Control Manual (as in effect on the date of enactment of this Act).

(B) WATER RIGHTS.—Nothing in this section—

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

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

(iii) affects any authority of a State, as in effect on the date of enactment of this Act, to manage water resources within that State.

(5) OTHER LAWS.—

(A) IN GENERAL.—An activity carried out under this section shall comply with all other applicable laws (including regulations).

(B) WATER SUPPLY.—Any activity carried out under this section that results in any modification to water supply storage allocations at a reservoir operated by the Secretary shall comply with section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b).

(c) POLICIES, REGULATIONS, AND GUIDANCE.—The Secretary shall carry out a review of, and as necessary modify, the policies, regulations, and guidance of the Secretary to carry out the activities described in subsection (b).

(d) COORDINATION.—

(1) IN GENERAL.—The Secretary shall—

(A) coordinate all planning and activities carried out under this section with appropriate Federal, State, and local agencies and those public and private entities that the Secretary determines may be affected by those plans or activities; and

(B) give priority to planning and activities under this section if the Secretary determines that—

(i) the greatest opportunities exist for achieving the objectives of the program, as specified in subsection (b)(1), and

(ii) the coordination activities under this subsection indicate that there is support for carrying out those planning and activities.

(2) NON-FEDERAL INTERESTS.—Prior to carrying out an activity under this section, the Secretary shall consult with any applicable non-Federal interest of the affected dam or related infrastructure.

(e) REPORTS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act and every 2 years thereafter, the Secretary shall submit to Congress a report describing the actions carried out under this section.

(2) INCLUSIONS.—Each report under paragraph (1) shall include—

(A) a schedule for reviewing the operations of individual projects; and

(B) any recommendations of the Secretary on changes that the Secretary determines to be necessary—

(i) to carry out existing project authorizations, including the deauthorization of any water resource project that the Secretary determines could more effectively be achieved through other means;

(ii) to improve the efficiency of water resource project operations; and

(iii) to maximize authorized project purposes and other related project benefits.

(3) UPDATED REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall update the report entitled ''Authorized and Operating Purposes of Corps of Engineers Reservoirs'' and dated July 1992, which was produced pursuant to section 311 of the Water Resources Development Act of 1990 (104 Stat. 4639).

(B) INCLUSIONS.—The updated report described in subparagraph (A) shall include—

(i) the date on which the most recent review of project operations was conducted and any recommendations of the Secretary relating to that review the Secretary determines to be significant; and

(ii) the dates on which the recommendations described in clause (i) were carried out.

(f) FUNDING.—

(1) IN GENERAL.—The Secretary may use to carry out this section amounts made available to the Secretary from—

(A) the general purposes and expenses account;

(B) the operations and maintenance account; and

(C) any other amounts that are appropriated to carry out this section.

(2) FUNDING FROM OTHER SOURCES.—The Secretary may accept and expend amounts from non-Federal entities and other Federal agencies to carry out this section.

(g) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with other Federal agencies and non-Federal entities to carry out this section.

SEC. 2015. WATER SUPPLY.

Section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b) is amended by adding at the end the following:

''(e) The Committees of jurisdiction are very concerned about the operation of projects in the Apalachicola-Chattahoochee-Flint River System and the Alabama-Coosa-Tallapoosa River System, and further, the Committees of jurisdiction recognize that this ongoing water resources dispute raises serious concerns related to the authority of the Secretary of the Army to allocate substantial storage at projects to provide local water supply pursuant to the Water Supply Act of 1958 absent congressional approval. Interstate water disputes of this nature are more properly addressed through interstate water agreements that take into consideration the concerns of all affected States including impacts to other authorized uses of the projects, water supply for communities and major cities in the region, water quality, freshwater flows to communities, rivers, lakes, estuaries, and bays located downstream of projects, agricultural uses, economic development, and other appropriate concerns. To that end, the Committees of jurisdiction strongly urge the Governors of the affected States to reach agreement on an interstate water compact as soon as possible, and we pledge our commitment to work with the affected States to ensure prompt consideration and approval of any such agreement. Absent such action, the Committees of jurisdiction should consider appropriate legislation to address these matters including any necessary clarifications to the Water Supply Act of 1958 or other law. This subsection does not alter existing rights or obligations under law.''.

SEC. 2016. REPORT ON WATER STORAGE PRICING FORMULAS.

(a) FINDINGS.—Congress finds that—

(1) due to the ongoing drought in many parts of the United States, communities are looking for ways to enhance their water storage on Corps of Engineer reservoirs so as to maintain a reliable supply of water into the foreseeable future;

(2) water storage pricing formulas should be equitable and not create disparities between users; and

(3) water pricing formulas should not be cost-prohibitive for communities.

(b) ASSESSMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall initiate an assessment of the water storage pricing formulas of the Corps of Engineers, which shall include an assessment of—

(A) existing water storage pricing formulas of the Corps of Engineers, in particular whether those formulas produce water storage costs for some beneficiaries that are greatly disparate from the costs of other beneficiaries; and

(B) whether equitable water storage pricing formulas could lessen the disparate impact and produce more affordable water storage for potential beneficiaries.

(2) REPORT.—The Comptroller General of the United States shall submit to Congress a report on the assessment carried out under paragraph (1).

SEC. 2017. CLARIFICATION OF PREVIOUSLY AUTHORIZED WORK.

(a) IN GENERAL.—The Secretary may carry out measures to improve fish species habitat within the footprint and downstream of a water resources project constructed by the Secretary that includes a fish hatchery if the Secretary—

(1) has been explicitly authorized to compensate for fish losses associated with the project; and

(2) determines that the measures are—

(A) feasible;

(B) consistent with authorized project purposes and the fish hatchery; and

(C) in the public interest.

(b) COST SHARING.—

(1) IN GENERAL.—Subject to paragraph (2), the non-Federal interest shall contribute 35 percent of the total cost of carrying out activities under this section, including the costs relating to the provision or acquisition of required land, easements, rights-of-way, dredged material disposal areas, and relocations.

(2) OPERATION AND MAINTENANCE.—The non-Federal interest shall contribute 100 percent of the costs of operation, maintenance, replacement, repair, and rehabilitation of a project constructed under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—For each fiscal year, there is authorized to be appropriated to carry out this section $30,000,000.

SEC. 2018. CONSIDERATION OF FEDERAL LAND IN FEASIBILITY STUDIES.

At the request of the non-Federal interest, the Secretary shall include as part of a regional or watershed study any Federal land that is located within the geographic scope of that study.

SEC. 2019. PLANNING ASSISTANCE TO STATES.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting ''or other stakeholder working with a State'' after ''cooperate with any State''; and

(ii) by inserting '', including plans to comprehensively address water resources challenges,'' after ''of such State''; and

(B) in paragraph (2)(A), by striking '', at Federal expense,'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''subsection (a)(1)'' each place it appears and inserting ''subsection (a)'';

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

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

''(2) CONTRIBUTED FUNDS.—The Secretary may accept and expend funds in excess of the fees established under paragraph (1) that are provided by a State or other non-Federal public body for assistance under this section.'' ; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''$10,000,000'' and inserting ''$30,000,000''; and

(ii) by striking ''$2,000,000'' and inserting ''$5,000,000 in Federal funds''; and

(B) in paragraph (2), by striking ''$5,000,000'' and inserting ''$15,000,000''.

SEC. 2020. VEGETATION MANAGEMENT POLICY.

(a) DEFINITION OF NATIONAL GUIDELINES.—In this section, the term ''national guidelines'' means the Corps of Engineers policy guidelines for management of vegetation on levees, including—

(1) Engineering Technical Letter 1110–2–571 entitled ''Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures'' and adopted April 10, 2009; and

(2) the draft policy guidance letter entitled ''Process for Requesting a Variance from Vegetation Standards for Levees and Floodwalls'' (77 Fed. Reg. 9637 (Feb. 17, 2012)).

(b) REVIEW.—Not later than 180 days after the date of enactment of this Act, the Secretary shall carry out a comprehensive review of the national guidelines in order to determine whether current Federal policy relating to levee vegetation is appropriate for all regions of the United States.

(c) FACTORS.—

(1) IN GENERAL.—In carrying out the review, the Secretary shall consider—

(A) the varied interests and responsibilities in managing flood risks, including the need—

(i) to provide for levee safety with limited resources; and

(ii) to ensure that levee safety investments minimize environmental impacts and provide corresponding public safety benefits;

(B) the levee safety benefits that can be provided by woody vegetation;

(C) the preservation, protection, and enhancement of natural resources, including—

(i) the benefit of vegetation on levees in providing habitat for endangered, threatened, and candidate species; and

(ii) the impact of removing levee vegetation on compliance with other regulatory requirements;

(D) protecting the rights of Indian tribes pursuant to treaties and statutes;

(E) the available science and the historical record regarding the link between vegetation on levees and flood risk;

(F) the avoidance of actions requiring significant economic costs and environmental impacts; and

(G) other factors relating to the factors described in subparagraphs (A) through (F) identified in public comments that the Secretary determines to be appropriate.

(2) VARIANCE CONSIDERATIONS.—

(A) IN GENERAL.—In carrying out the review, the Secretary shall specifically consider whether the national guidelines can be amended to promote and allow for consideration of variances from national guidelines on a Statewide, tribal, regional, or watershed basis, including variances based on—

(i) soil conditions;

(ii) hydrologic factors;

(iii) vegetation patterns and characteristics;

(iv) environmental resources, including endangered, threatened, or candidate species and related regulatory requirements;

(v) levee performance history, including historical information on original construction and subsequent operation and maintenance activities;

(vi) any effects on water supply;

(vii) any scientific evidence on the link between levee vegetation and levee safety;

(viii) institutional considerations, including implementation challenges;

(ix) the availability of limited funds for levee construction and rehabilitation;

(x) the economic and environmental costs of removing woody vegetation on levees; and

(xi) other relevant factors identified in public comments that the Secretary determines to be appropriate.

(B) SCOPE.—The scope of a variance approved by the Secretary may include a complete exemption to national guidelines, as the Secretary determines to be necessary.

(d) COOPERATION AND CONSULTATION; RECOMMENDATIONS.—

(1) IN GENERAL.—The Secretary shall carry out the review under this section in consultation with other applicable Federal agencies, representatives of State, regional, local, and tribal governments, appropriate nongovernmental organizations, and the public.

(2) RECOMMENDATIONS.—The Chief of Engineers and any State, tribal, regional, or local entity may submit to the Secretary any recommendations for vegetation management policies for levees that conform with Federal and State laws, including recommendations relating to the review of national guidelines under subsection (b) and the consideration of variances under subsection (c)(2).

(e) PEER REVIEW.—

(1) IN GENERAL.—As part of the review, the Secretary shall solicit and consider the views of the National Academy of Engineering and the National Academy of Sciences on the engineering, environmental, and institutional considerations underlying the national guidelines, including the factors described in subsection (c) and any information obtained by the Secretary under subsection (d).

(2) AVAILABILITY OF VIEWS.—The views of the National Academy of Engineering and the National Academy of Sciences obtained under paragraph (1) shall be—

(A) made available to the public; and

(B) included in supporting materials issued in connection with the revised national guidelines required under subsection (f).

(f) REVISION OF NATIONAL GUIDELINES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

(A) revise the national guidelines based on the results of the review, including—

(i) recommendations received as part of the consultation described in subsection (d)(1); and

(ii) the results of the peer review conducted under subsection (e); and

(B) submit to Congress a report that contains a summary of the activities of the Secretary and a description of the findings of the Secretary under this section.

(2) CONTENT; INCORPORATION INTO MANUAL.—The revised national guidelines shall—

(A) provide a practical, flexible process for approving Statewide, tribal, regional, or watershed variances from the national guidelines that—

(i) reflect due consideration of the factors described in subsection (c); and

(ii) incorporate State, tribal, and regional vegetation management guidelines for specific areas that have been adopted through a formal public process; and

(B) be incorporated into the manual proposed under section 5(c) of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved August 18, 1941 (33 U.S.C. 701n(c)).

(3) FAILURE TO MEET DEADLINES.—If the Secretary fails to submit a report by the required deadline under this subsection, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a detailed explanation of—

(A) why the deadline was missed;

(B) solutions needed to meet the deadline; and

(C) a projected date for submission of the report.

(g) CONTINUATION OF WORK.—Concurrent with the completion of the requirements of this section, the Secretary shall proceed without interruption or delay with those ongoing or programmed projects and studies, or elements of projects or studies, that are not directly related to vegetation variance policy.

(h) INTERIM ACTIONS.—

(1) IN GENERAL.—Until the date on which revisions to the national guidelines are adopted in accordance with subsection (f), the Secretary shall not require the removal of existing vegetation as a condition or requirement for any approval or funding of a project, or any other action, unless the specific vegetation has been demonstrated to present an unacceptable safety risk.

(2) REVISIONS.—Beginning on the date on which the revisions to the national guidelines are adopted in accordance with subsection (f), the Secretary shall consider, on request of an affected entity, any previous action of the Corps of Engineers in which the outcome was affected by the former national guidelines.

SEC. 2021. LEVEE CERTIFICATIONS.

(a) IMPLEMENTATION OF FLOOD PROTECTION STRUCTURE ACCREDITATION TASK FORCE.—In carrying out section 100226 of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4101 note; 126 Stat. 942), the Secretary shall—

(1) ensure that at least 1 program activity carried out under the inspection of completed works program of the Corps of Engineers provides adequate information to the Secretary to reach a levee accreditation decision for each requirement under section 65.10 of title 44, Code of Federal Regulations (or successor regulation); and

(2) to the maximum extent practicable, carry out activities under the inspection of completed works program of the Corps of Engineers in alignment with the schedule established for the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

(b) ACCELERATED LEVEE SYSTEM EVALUATIONS AND CERTIFICATIONS.—

(1) IN GENERAL.—On receipt of a request from a non-Federal interest, the Secretary may carry out a levee system evaluation and certification of a federally authorized levee for purposes of the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) if the evaluation and certification will be carried out earlier than such an evaluation and certification would be carried out under subsection (a).

(2) REQUIREMENTS.—A levee system evaluation and certification under paragraph (1) shall—

(A) at a minimum, comply with section 65.10 of title 44, Code of Federal Regulations (as in effect on the date of enactment of this Act); and

(B) be carried out in accordance with such procedures as the Secretary, in consultation with the Director of the Federal Emergency Management Agency, may establish.

(3) COST SHARING.—

(A) NON-FEDERAL SHARE.—Subject to subparagraph (B), the non-Federal share of the cost of carrying out a levee system evaluation and certification under this subsection shall be 35 percent.

(B) ADJUSTMENT.—The Secretary shall adjust the non-Federal share of the cost of carrying out a levee system evaluation and certification under this subsection in accordance with section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)).

(4) APPLICATION.—Nothing in this subsection affects the requirement under section 100226(b)(2) of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4101 note; 126 Stat. 942).

SEC. 2022. RESTORATION OF FLOOD AND HURRICANE STORM DAMAGE REDUCTION PROJECTS.

(a) IN GENERAL.—The Secretary shall carry out any measures necessary to repair or restore federally authorized flood and hurricane and storm damage reduction projects constructed by the Corps of Engineers to authorized levels (as of the date of enactment of this Act) of protection for reasons including settlement, subsidence, sea level rise, and new datum, if the Secretary determines the necessary work is technically feasible, environmentally acceptable, and economically justified.

(b) COST SHARE.—The non-Federal share of the cost of construction of a project carried out under this section shall be determined as provided in subsections (a) through (d) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

(c) OPERATIONS AND MAINTENANCE.—The non-Federal share of the cost of operations, maintenance, repair, replacement, and rehabilitation for a project carried out under this section shall be 100 percent.

(d) ELIGIBILITY OF PROJECTS TRANSFERRED TO NON-FEDERAL INTEREST.—The Secretary may carry out measures described in subsection (a) on a water resources project, separable element of a project, or functional component of a project that has been transferred to the non-Federal interest.

(e) REPORT TO CONGRESS.—Not later than 8 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the implementation of this section, including—

(1) any recommendations relating to the continued need for the authority provided in this section;

(2) a description of the measures carried out under this section;

(3) any lessons learned relating to the measures implemented under this section; and

(4) best practices for carrying out measures to restore flood and hurricane and storm damage reduction projects.

(f) TERMINATION OF AUTHORITY.—The authority to carry out a measure under this section terminates on the date that is 10 years after the date of enactment of this Act.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $250,000,000.

SEC. 2023. OPERATION AND MAINTENANCE OF CERTAIN PROJECTS.

The Secretary may assume operation and maintenance activities for a navigation channel that is deepened by a non-Federal interest prior to December 31, 2012, if—

(1) the Secretary determines that the requirements under paragraphs (2) and (3) of section 204(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2232(f)) are met;

(2) the Secretary determines that the activities carried out by the non-Federal interest in deepening the navigation channel are economically justified and environmentally acceptable; and

(3) the deepening activities have been carried out on a Federal navigation channel that—

(A) exists as of the date of enactment of this Act; and

(B) has been authorized by Congress.

SEC. 2024. DREDGING STUDY.

(a) IN GENERAL.—The Secretary, in conjunction with other relevant Federal agencies and applicable non-Federal interests, shall carry out a study—

(1) to compare domestic and international dredging markets, including costs, technologies, and management approaches used in each respective market, and determine the impacts of those markets on dredging needs and practices in the United States;

(2) to analyze past and existing practices, technologies, and management approaches used in dredging in the United States; and

(3) to develop recommendations relating to the best techniques, practices, and management approaches for dredging in the United States.

(b) PURPOSES.—The purposes of the study under this section are—

(1) the identification of the best techniques, methods, and technologies for dredging, including the evaluation of the feasibility, cost, and benefits of—

(A) new dredging technologies; and

(B) improved dredging practices and techniques;

(2) the appraisal of the needs of the United States for dredging, including the need to increase the size of private and Corps of Engineers dredging fleets to meet demands for additional construction or maintenance dredging needed as of the date of enactment of this Act and in the subsequent 20 years;

(3) the identification of any impediments to dredging, including any recommendations of appropriate alternatives for responding to those impediments;

(4) the assessment, including any recommendations of appropriate alternatives, of the adequacy and effectiveness of—

(A) the economic, engineering, and environmental methods, models, and analyses used by the Chief of Engineers and private dredging operations for dredging; and

(B) the current cost structure of construction contracts entered into by the Chief of Engineers;

(5) the evaluation of the efficiency and effectiveness of past, current, and alternative dredging practices and alternatives to dredging, including agitation dredging; and

(6) the identification of innovative techniques and cost-effective methods to expand regional sediment management efforts, including the placement of dredged sediment within river diversions to accelerate the creation of wetlands.

(c) STUDY TEAM.—

(1) IN GENERAL.—The Secretary shall establish a study team to assist the Secretary in planning, carrying out, and reporting on the results of the study under this section.

(2) STUDY TEAM.—The study team established pursuant to paragraph (1) shall—

(A) be appointed by the Secretary; and

(B) represent a broad spectrum of experts in the field of dredging and representatives of relevant State agencies and relevant non-Federal interests.

(d) PUBLIC COMMENT PERIOD.—The Secretary shall—

(1) make available to the public, including on the Internet, all draft and final study findings under this section; and

(2) allow for a public comment period of not less than 30 days on any draft study findings prior to issuing final study findings.

(e) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, and subject to available appropriations, the Secretary, in consultation with the study team established under subsection (c), shall submit a detailed report on the results of the study to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(f) FAILURE TO MEET DEADLINES.—If the Secretary does not complete the study under this section and submit a report to Congress under subsection (e) on or before the deadline described in that subsection, the Secretary shall notify Congress and describe why the study was not completed.

SEC. 2025. NON-FEDERAL PROJECT IMPLEMENTATION PILOT PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish and implement a pilot program to evaluate the cost-effectiveness and project delivery efficiency of allowing non-Federal interests to carry out flood risk management, hurricane and storm damage reduction, coastal harbor and channel inland navigation, and aquatic ecosystem restoration projects.

(b) PURPOSES.—The purposes of the pilot program are—

(1) to identify project delivery and cost-saving alternatives that reduce the backlog of authorized Corps of Engineers projects;

(2) to evaluate the technical, financial, and organizational efficiencies of a non-Federal interest carrying out the design, execution, management, and construction of 1 or more projects; and

(3) to evaluate alternatives for the decentralization of the project management, design, and construction for authorized Corps of Engineers water resources projects.

(c) ADMINISTRATION.—

(1) IN GENERAL.—In carrying out the pilot program, the Secretary shall—

(A) identify a total of not more than 15 projects for flood risk management, hurricane and storm damage reduction (including levees, floodwalls, flood control channels, and water control structures), coastal harbor and channels, inland navigation, and aquatic ecosystem restoration that have been authorized for construction prior to the date of enactment of this Act, including—

(i) not more than 12 projects that—

(I)(aa) have received Federal funds prior to the date of enactment of this Act; or

(bb) for more than 2 consecutive fiscal years, have an unobligated funding balance for that project in the Corps of Engineers construction account; and

(II) to the maximum extent practicable, are located in each of the divisions of the Corps of Engineers; and

(ii) not more than 3 projects that have not received Federal funds in the period beginning on the date on which the project was authorized and ending on the date of enactment of this Act;

(B) notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the identification of each project under the pilot program;

(C) in collaboration with the non-Federal interest, develop a detailed project management plan for each identified project that outlines the scope, budget, design, and construction resource requirements necessary for the non-Federal interest to execute the project, or a separable element of the project;

(D) on the request of the non-Federal interest, enter into a project partnership agreement with the non-Federal interest for the non-Federal interest to provide full project management control for construction of the project, or a separable element of the project, in accordance with plans approved by the Secretary;

(E) following execution of the project partnership agreement, transfer to the non-Federal interest to carry out construction of the project, or a separable element of the project—

(i) if applicable, the balance of the unobligated amounts appropriated for the project, except that the Secretary shall retain sufficient amounts for the Corps of Engineers to carry out any responsibilities of the Corps of Engineers relating to the project and pilot program; and

(ii) additional amounts, as determined by the Secretary, from amounts made available under subsection (h), except that the total amount transferred to the non-Federal interest shall not exceed the updated estimate of the Federal share of the cost of construction, including any required design; and

(F) regularly monitor and audit each project being constructed by a non-Federal interest under this section to ensure that the construction activities are carried out in compliance with the plans approved by the Secretary and that the construction costs are reasonable.

(2) DETAILED PROJECT SCHEDULE.—Not later than 180 days after entering into an agreement under paragraph (1)(D), each non-Federal interest, to the maximum extent practicable, shall submit to the Secretary a detailed project schedule, based on estimated funding levels, that lists all deadlines for each milestone in the construction of the project.

(3) TECHNICAL ASSISTANCE.—On the request of a non-Federal interest, the Secretary may provide technical assistance to the non-Federal interest, if the non-Federal interest contracts with and compensates the Secretary for the technical assistance relating to—

(A) any study, engineering activity, and design activity for construction carried out by the non-Federal interest under this section; and

(B) expeditiously obtaining any permits necessary for the project.

(d) COST-SHARE.—Nothing in this section affects the cost-sharing requirement applicable on the day before the date of enactment of this Act to a project carried out under this section.

(e) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report detailing the results of the pilot program carried out under this section, including—

(A) a description of the progress of non-Federal interests in meeting milestones in detailed project schedules developed pursuant to subsection (c)(2); and

(B) any recommendations of the Secretary concerning whether the program or any component of the program should be implemented on a national basis.

(2) UPDATE.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an update of the report described in paragraph (1).

(3) FAILURE TO MEET DEADLINE.—If the Secretary fails to submit a report by the required deadline under this subsection, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation Infrastructure of the House of Representatives a detailed explanation of why the deadline was missed and a projected date for submission of the report.

(f) ADMINISTRATION.—All laws and regulations that would apply to the Secretary if the Secretary were carrying out the project shall apply to a non-Federal interest carrying out a project under this section.

(g) TERMINATION OF AUTHORITY.—The authority to commence a project under this section terminates on the date that is 5 years after the date of enactment of this Act.

(h) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts appropriated for a specific project, there is authorized to be appropriated to the Secretary to carry out the pilot program under this section, including the costs of administration of the Secretary, $25,000,000 for each of fiscal years 2014 through 2018.

SEC. 2026. NON-FEDERAL IMPLEMENTATION OF FEASIBILITY STUDIES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish and implement a pilot program to evaluate the cost-effectiveness and project delivery efficiency of allowing non-Federal interests to carry out feasibility studies for flood risk management, hurricane and storm damage reduction, aquatic ecosystem restoration, and coastal harbor and channel and inland navigation.

(b) PURPOSES.—The purposes of the pilot program are—

(1) to identify project delivery and cost-saving alternatives to the existing feasibility study process;

(2) to evaluate the technical, financial, and organizational efficiencies of a non-Federal interest carrying out a feasibility study of 1 or more projects; and

(3) to evaluate alternatives for the decentralization of the project planning, management, and operational decisionmaking process of the Corps of Engineers.

(c) ADMINISTRATION.—

(1) IN GENERAL.—On the request of a non-Federal interest, the Secretary may enter into an agreement with the non-Federal interest for the non-Federal interest to provide full project management control of a feasibility study for a project for—

(A) flood risk management;

(B) hurricane and storm damage reduction, including levees, floodwalls, flood control channels, and water control structures;

(C) coastal harbor and channel and inland navigation; and

(D) aquatic ecosystem restoration.

(2) USE OF NON-FEDERAL-FUNDS.—

(A) IN GENERAL.—A non-Federal interest that has entered into an agreement with the Secretary pursuant to paragraph (1) may use non-Federal funds to carry out the feasibility study.

(B) CREDIT.—The Secretary shall credit towards the non-Federal share of the cost of construction of a project for which a feasibility study is carried out under this section an amount equal to the portion of the cost of developing the study that would have been the responsibility of the Secretary, if the study were carried out by the Secretary, subject to the conditions that—

(i) non-Federal funds were used to carry out the activities that would have been the responsibility of the Secretary;

(ii) the Secretary determines that the feasibility study complies with all applicable Federal laws and regulations; and

(iii) the project is authorized by any provision of Federal law enacted after the date on which an agreement is entered into under paragraph (1).

(3) TRANSFER OF FUNDS.—

(A) IN GENERAL.—After the date on which an agreement is executed pursuant to paragraph (1), the Secretary may transfer to the non-Federal interest to carry out the feasibility study—

(i) if applicable, the balance of any unobligated amounts appropriated for the study, except that the Secretary shall retain sufficient amounts for the Corps of Engineers to carry out any responsibilities of the Corps of Engineers relating to the project and pilot program; and

(ii) additional amounts, as determined by the Secretary, from amounts made available under subsection (h), except that the total amount transferred to the non-Federal interest shall not exceed the updated estimate of the Federal share of the cost of the feasibility study.

(B) ADMINISTRATION.—The Secretary shall include such provisions as the Secretary determines to be necessary in an agreement under paragraph (1) to ensure that a non-Federal interest receiving Federal funds under this paragraph—

(i) has the necessary qualifications to administer those funds; and

(ii) will comply with all applicable Federal laws (including regulations) relating to the use of those funds.

(4) NOTIFICATION.—The Secretary shall notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the initiation of each feasibility study under the pilot program.

(5) AUDITING.—The Secretary shall regularly monitor and audit each feasibility study carried out by a non-Federal interest under this section to ensure that the use of any funds transferred under paragraph (3) are used in compliance with the agreement signed under paragraph (1).

(6) TECHNICAL ASSISTANCE.—On the request of a non-Federal interest, the Secretary may provide technical assistance to the non-Federal interest relating to any aspect of the feasibility study, if the non-Federal interest contracts with the Secretary for the technical assistance and compensates the Secretary for the technical assistance.

(7) DETAILED PROJECT SCHEDULE.—Not later than 180 days after entering into an agreement under paragraph (1), each non-Federal interest, to the maximum extent practicable, shall submit to the Secretary a detailed project schedule, based on full funding capability, that lists all deadlines for milestones relating to the feasibility study.

(d) COST-SHARE.—Nothing in this section affects the cost-sharing requirement applicable on the day before the date of enactment of this Act to a feasibility study carried out under this section.

(e) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report detailing the results of the pilot program carried out under this section, including—

(A) a description of the progress of the non-Federal interests in meeting milestones in detailed project schedules developed pursuant to subsection (c)(7); and

(B) any recommendations of the Secretary concerning whether the program or any component of the program should be implemented on a national basis.

(2) UPDATE.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an update of the report described in paragraph (1).

(3) FAILURE TO MEET DEADLINE.—If the Secretary fails to submit a report by the required deadline under this subsection, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation Infrastructure of the House of Representatives a detailed explanation of why the deadline was missed and a projected date for submission of the report.

(f) ADMINISTRATION.—All laws and regulations that would apply to the Secretary if the Secretary were carrying out the feasibility study shall apply to a non-Federal interest carrying out a feasibility study under this section.

(g) TERMINATION OF AUTHORITY.—The authority to commence a feasibility study under this section terminates on the date that is 5 years after the date of enactment of this Act.

(h) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts appropriated for a specific project, there is authorized to be appropriated to the Secretary to carry out the pilot program under this section, including the costs of administration of the Secretary, $25,000,000 for each of fiscal years 2014 through 2018.

SEC. 2027. TRIBAL PARTNERSHIP PROGRAM.

Section 203 of the Water Resources Development Act of 2000 (33 U.S.C. 2269) is amended—

(1) in subsection (d)(1)(B)—

(A) by striking ''The ability'' and inserting the following:

''(i) IN GENERAL.—The ability''; and

(B) by adding at the end the following:

''(ii) DETERMINATION.—Not later than 180 days after the date of enactment of the Water Resources Development Act of 2013, the Secretary shall issue guidance on the procedures described in clause (i).''; and

(2) in subsection (e), by striking ''2012'' and inserting ''2023''.

SEC. 2028. COOPERATIVE AGREEMENTS WITH COLUMBIA RIVER BASIN INDIAN TRIBES.

The Secretary may enter into a cooperative agreement with 1 or more federally recognized Indian tribes (or a designated representative of the Indian tribes) that are located, in whole or in part, within the boundaries of the Columbia River Basin to carry out authorized activities within the Columbia River Basin to protect fish, wildlife, water quality, and cultural resources.

SEC. 2029. MILITARY MUNITIONS RESPONSE ACTIONS AT CIVIL WORKS SHORELINE PROTECTION PROJECTS.

(a) IN GENERAL.—The Secretary may implement any response action the Secretary determines to be necessary at a site where—

(1) the Secretary has carried out a project under civil works authority of the Secretary that includes placing sand on a beach;

(2) as a result of the project described in paragraph (1), military munitions that were originally released as a result of Department of Defense activities are deposited on the beach, posing a threat to human health or the environment.

(b) RESPONSE ACTION FUNDING.—A response action described in subsection (a) shall be funded from amounts made available to the agency within the Department of Defense responsible for the original release of the munitions.

SEC. 2030. BEACH NOURISHMENT.

Section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f) is amended to read as follows:

''SEC. 156. BEACH NOURISHMENT.

''(a) IN GENERAL.—Subject to subsection (b)(2)(A), the Secretary of the Army, acting through the Chief of Engineers, may provide periodic beach nourishment for each water resources development project for which that nourishment has been authorized for an additional period of time, as determined by the Secretary, subject to the condition that the additional period shall not exceed the later of—

''(1) 50 years after the date on which the construction of the project is initiated; or

''(2) the date on which the last estimated periodic nourishment for the project is to be carried out, as recommended in the applicable report of the Chief of Engineers.

''(b) EXTENSION.—

''(1) IN GENERAL.—Except as provided in paragraph (3), before the date on which the 50-year period referred to in subsection (a)(1) expires, the Secretary of the Army, acting through the Chief of Engineers—

''(A) may, at the request of the non-Federal interest and subject to the availability of appropriations, carry out a review of a nourishment project carried out under subsection (a) to evaluate the feasibility of continuing Federal participation in the project for a period not to exceed 15 years; and

''(B) shall submit to Congress any recommendations of the Secretary relating to the review.

''(2) PLAN FOR REDUCING RISK TO PEOPLE AND PROPERTY.—

''(A) IN GENERAL.—The non-Federal interest shall submit to the Secretary a plan for reducing the risk to people and property during the life of the project.

''(B) INCLUSION IN REPORT TO CONGRESS.—The Secretary shall submit to Congress the plan described in subparagraph (A) with the recommendations submitted in paragraph (1)(B).

''(3) REVIEW COMMENCED WITHIN 2 YEARS OF EXPIRATION OF 50-YEAR PERIOD.—

''(A) IN GENERAL.—If the Secretary of the Army commences a review under paragraph (1) not earlier than the period beginning on the date that is 2 years before the date on which the 50-year period referred to in subsection (a)(1) expires and ending on the date on which the 50-year period expires, the project shall remain authorized after the expiration of the 50-year period until the earlier of—

''(i) 3 years after the expiration of the 50-year period; or

''(ii) the date on which a determination is made as to whether to extend Federal participation in the project in accordance with paragraph (1).

''(B) CALCULATION OF TIME PERIOD FOR EXTENSION.—Notwithstanding clauses (i) and (ii) of subparagraph (A) and after a review under subparagraph (A) is completed, if a determination is made to extend Federal participation in the project in accordance with paragraph (1) for a period not to exceed 15 years, that period shall begin on the date on which the determination is made.''.

SEC. 2031. REGIONAL SEDIMENT MANAGEMENT.

Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) (as amended by section 2003(c)) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''or used in'' after ''obtained through''; and

(B) in paragraph (3)(C), by inserting ''for the purposes of improving environmental conditions in marsh and littoral systems, stabilizing stream channels, enhancing shorelines, and supporting State and local risk management adaptation strategies'' before the period at the end;

(2) in subsection (c)(1)(B)—

(A) in clause (i), by striking ''clause (ii)'' and inserting ''clauses (ii) and (iii)'';

(B) by redesignating clause (ii) as clause (iii); and

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

''(ii) REDUCTION IN NON-FEDERAL SHARE.—The Secretary may reduce the non-Federal share of the costs of construction of a project if the Secretary determines that, through the beneficial use of sediment at another Federal project, there will be an associated reduction or avoidance of Federal costs.'';

(3) in subsection (d)—

(A) by striking the subsection designation and heading and inserting the following:

''(d) SELECTION OF DREDGED MATERIAL DISPOSAL METHOD FOR PURPOSES RELATED TO ENVIRONMENTAL RESTORATION OR STORM DAMAGE AND FLOOD REDUCTION.—''; and

(B) in paragraph (1), by striking ''in relation to'' and all that follows through the period at the end and inserting ''in relation to—

''(A) the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion; or

''(B) the flood and storm damage and flood reduction benefits, including shoreline protection, protection against loss of life, and damage to improved property.''; and

(4) in subsection (e), by striking paragraph (1) and inserting the following:

''(1) cooperate with any State or group of States in the preparation of a comprehensive State or regional sediment management plan within the boundaries of the State or among States;''.

SEC. 2032. STUDY ACCELERATION.

(a) FINDINGS.—Congress finds that—

(1) delays in the completion of feasibility studies—

(A) increase costs for the Federal Government as well as State and local governments; and

(B) delay the implementation of water resources projects that provide critical benefits, including reducing flood risk, maintaining commercially important flood risk, and restoring vital ecosystems; and

(2) the efforts undertaken by the Corps of Engineers through the establishment of the ''3–3–3'' planning process should be continued.

(b) ACCELERATION OF STUDIES.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), a feasibility study initiated after the date of enactment of this Act shall—

(A) be completed not later than 3 years after the date of initiation of the study; and

(B) have a maximum Federal cost share of $3,000,000.

(2) ABILITY TO COMPLY.—On initiating a feasibility study under paragraph (1), the Secretary shall—

(A) certify that the study will comply with the requirements of paragraph (1);

(B) for projects the Secretary determines to be too complex to comply with the requirements of paragraph (1)—

(i) not less than 30 days after making a determination, notify the non-Federal interest regarding the inability to comply; and

(ii) provide a new projected timeline and cost; and

(C) if the study conditions have changed such that scheduled timelines or study costs will not be met—

(i) not later than 30 days after the study conditions change, notify the non-Federal interest of those changed conditions; and

(ii) present the non-Federal interest with a new timeline for completion and new projected study costs.

(3) APPROPRIATIONS.—

(A) IN GENERAL.—All timeline and cost conditions under this section shall be subject to the Secretary receiving adequate appropriations for meeting study timeline and cost requirements.

(B) NOTIFICATION.—Not later than 60 days after receiving appropriations, the Secretary shall notify the non-Federal interest of any changes to timelines or costs due to inadequate appropriations.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act and each year thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

(1) the status of the implementation of the ''3–3–3'' planning process, including the number of participating projects;

(2) the amount of time taken to complete all studies participating in the ''3–3–3'' planning process; and

(3) any recommendations for additional authority necessary to support efforts to expedite the feasibility study process for water resource projects.

SEC. 2033. PROJECT ACCELERATION.

Section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348) is amended to read as follows:

''SEC. 2045. PROJECT ACCELERATION.

''(a) DEFINITIONS.—In this section:

''(1) ENVIRONMENTAL IMPACT STATEMENT.—The term 'environmental impact statement' means the detailed statement of environmental impacts of water resource projects required to be prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(2) ENVIRONMENTAL REVIEW PROCESS.—

''(A) IN GENERAL.—The term 'environmental review process' means the process of preparing an environmental impact statement, environmental assessment, categorical exclusion, or other document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a water resource project.

''(B) INCLUSIONS.—The term 'environmental review process' includes the process for and completion of any environmental permit, approval, review, or study required for a water resource project under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(3) FEDERAL JURISDICTIONAL AGENCY.—The term 'Federal jurisdictional agency' means a Federal agency with jurisdiction delegated by law, regulation, order, or otherwise over an approval or decision required for a water resource project under applicable Federal laws (including regulations).

''(4) LEAD AGENCY.—The term 'lead agency' means the Corps of Engineers and, if applicable, any State, local, or tribal governmental entity serving as a joint lead agency pursuant to section 1506.3 of title 40, Code of Federal Regulations (or a successor regulation).

''(5) WATER RESOURCE PROJECT.—The term 'water resource project' means a Corps of Engineers water resource project.

''(b) POLICY.—The benefits of water resource projects designed and carried out in an economically and environmentally sound manner are important to the economy and environment of the United States, and recommendations to Congress regarding those projects should be developed using coordinated and efficient review and cooperative efforts to prevent or quickly resolve disputes during the planning of those water resource projects.

''(c) APPLICABILITY.—

''(1) IN GENERAL.—The project planning procedures under this section apply to proposed projects initiated after the date of enactment of the Water Resources Development Act of 2013 and for which the Secretary determines that—

''(A) an environmental impact statement is required; or

''(B) at the discretion of the Secretary, other water resource projects for which an environmental review process document is required to be prepared.

''(2) FLEXIBILITY.—Any authorities granted in this section may be exercised, and any requirements established under this section may be satisfied, for the planning of a water resource project, a class of those projects, or a program of those projects.

''(3) LIST OF WATER RESOURCES DEVELOPMENT PROJECTS.—

''(A) IN GENERAL.—The Secretary shall annually prepare, and make publicly available, a separate list of each study that the Secretary has determined—

''(i) meets the standards described in paragraph (1); and

''(ii) does not have adequate funding to make substantial progress toward the completion of the planning activities for the water resource project.

''(B) INCLUSIONS.—The Secretary shall include for each study on the list under subparagraph (A) a description of the estimated amounts necessary to make substantial progress on the study.

''(4) IMPLEMENTATION GUIDANCE.—The Secretary shall prepare, in consultation with the Council on Environmental Quality and other Federal agencies with jurisdiction over actions or resources that may be impacted by a water resource project, guidance documents that describe the coordinated review

processes that the Secretary will use to implement this section for the planning of water resource projects, in accordance with the civil works program of the Corps of Engineers and all applicable law.

''(d) WATER RESOURCE PROJECT REVIEW PROCESS.—

''(1) IN GENERAL.—The Secretary shall develop and implement a coordinated review process for the development of water resource projects.

''(2) COORDINATED REVIEW.—The coordinated review process described in paragraph (1) shall require that any analysis, opinion, permit, license, statement, and approval issued or made by a Federal, State, or local governmental agency or an Indian tribe for the planning of a water resource project described in subsection (b) be conducted, to the maximum extent practicable, concurrently with any other applicable governmental agency or Indian tribe.

''(3) TIMING.—The coordinated review process under this subsection shall be completed not later than the date on which the Secretary, in consultation and concurrence with the agencies identified under subsection (e), establishes with respect to the water resource project.

''(e) IDENTIFICATION OF JURISDICTIONAL AGENCIES.—With respect to the development of each water resource project, the Secretary shall identify, as soon as practicable, all Federal, State, and local government agencies and Indian tribes that may—

''(1) have jurisdiction over the water resource project;

''(2) be required by law to conduct or issue a review, analysis, or opinion for the water resource project; or

''(3) be required to make a determination on issuing a permit, license, or approval for the water resource project.

''(f) STATE AUTHORITY.—If the coordinated review process is being implemented under this section by the Secretary with respect to the planning of a water resource project described in subsection (c) within the boundaries of a State, the State, consistent with State law, may choose to participate in the process and to make subject to the process all State agencies that—

''(1) have jurisdiction over the water resource project;

''(2) are required to conduct or issue a review, analysis, or opinion for the water resource project; or

''(3) are required to make a determination on issuing a permit, license, or approval for the water resource project.

''(g) LEAD AGENCIES.—

''(1) FEDERAL LEAD AGENCY.—Subject to paragraph (2), the Corps of Engineers shall be the lead Federal agency in the environmental review process for a water resource project.

''(2) JOINT LEAD AGENCIES.—

''(A) IN GENERAL.—At the discretion of the Secretary and subject to any applicable regulations under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including the concurrence of the proposed joint lead agency, an agency other than the Corps of Engineers may serve as the joint lead agency.

''(B) NON-FEDERAL INTEREST AS JOINT LEAD AGENCY.—A non-Federal interest that is a State or local governmental entity—

''(i) may, with the concurrence of the Secretary, serve as a joint lead agency with the Corps of Engineers for purposes of preparing any environmental document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

''(ii) may prepare any environmental review process document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) required in support of any action or approval by the Secretary if—

''(I) the Secretary provides guidance in the preparation process and independently evaluates that document

''(II) the non-Federal interest complies with all requirements applicable to the Secretary under—

''(aa) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(bb) any regulation implementing that Act; and

''(cc) any other applicable Federal law; and

''(III) the Secretary approves and adopts the document before the Secretary takes any subsequent action or makes any approval based on that document, regardless of whether the action or approval of the Secretary results in Federal funding.

''(3) DUTIES.—The Secretary shall ensure that—

''(A) the non-Federal interest complies with all design and mitigation commitments made jointly by the Secretary and the non-Federal interest in any environmental document prepared by the non-Federal interest in accordance with this subsection; and

''(B) any environmental document prepared by the non-Federal interest is appropriately supplemented under paragraph (2)(B) to address any changes to the water resource project the Secretary determines are necessary.

''(4) ADOPTION AND USE OF DOCUMENTS.—Any environmental document prepared in accordance with this subsection may be adopted or used by any Federal agency making any approval to the same extent that the Federal agency could adopt or use a document prepared by another Federal agency under—

''(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

''(B) parts 1500 through 1508 of title 40, Code of Federal Regulations (or successor regulations).

''(5) ROLES AND RESPONSIBILITY OF LEAD AGENCY.—With respect to the environmental review process for any water resource project, the lead agency shall have authority and responsibility—

''(A) to take such actions as are necessary and proper and within the authority and responsibility of the lead agency to facilitate the expeditious resolution of the environmental review process for the water resource project; and

''(B) to prepare or ensure that any required environmental impact statement or other environmental review document for a water resource project required to be completed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is completed in accordance with this section and applicable Federal law.

''(h) PARTICIPATING AND COOPERATING AGENCIES.—

''(1) INVITATION.—

''(A) IN GENERAL.—The lead agency shall identify, as early as practicable in the environmental review process for a water resource project, any other Federal or non-Federal agencies that may have an interest in that project and invite those agencies to become participating or cooperating agencies, as applicable, in the environmental review process for the water resource project.

''(B) PROCEDURES.—Section 1501.6 of title 40, Code of Federal Regulations (as in effect on the date of enactment of the Water Resources Development Act of 2013) shall govern the identification and the participation of a cooperating agency under subparagraph (A).

''(C) DEADLINE.—An invitation to participate issued under subparagraph (A) shall set a deadline by which a response to the invitation shall be submitted, which may be extended by the lead agency for good cause.

''(2) FEDERAL COOPERATING AGENCIES.—Any Federal agency that is invited by the lead agency to participate in the environmental review process for a water resource project shall be designated as a cooperating agency by the lead agency unless the invited agency informs the lead agency, in writing, by the deadline specified in the invitation that the invited agency—

''(A)(i) has no jurisdiction or authority with respect to the water resource project;

''(ii) has no expertise or information relevant to the water resource project; or

''(iii) does not have adequate funds to participate in the water resource project; and

''(B) does not intend to submit comments on the water resource project.

''(3) EFFECT OF DESIGNATION.—Designation as a participating or cooperating agency under this subsection shall not imply that the participating or cooperating agency—

''(A) supports a proposed water resource project; or

''(B) has any jurisdiction over, or special expertise with respect to evaluation of, the water resource project.

''(4) CONCURRENT REVIEWS.—Each cooperating agency shall—

''(A) carry out the obligations of that agency under other applicable law concurrently and in conjunction with the required environmental review process, unless doing so would impair the ability of the Federal agency to conduct needed analysis or otherwise carry out those obligations; and

''(B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.

''(i) PROGRAMMATIC COMPLIANCE.—

''(1) IN GENERAL.—The Secretary shall issue guidance regarding the use of programmatic approaches to carry out the environmental review process that—

''(A) eliminates repetitive discussions of the same issues;

''(B) focuses on the actual issues ripe for analyses at each level of review;

''(C) establishes a formal process for coordinating with cooperating agencies, including the creation of a list of all data that is needed to carry out an environmental review process; and

''(D) complies with—

''(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

''(ii) all other applicable laws.

''(2) REQUIREMENTS.—In carrying out paragraph (1), the Secretary shall—

''(A) as the first step in drafting guidance under that paragraph, consult with relevant Federal and State agencies, Indian tribes, and the public on the appropriate use and scope of the programmatic approaches;

''(B) emphasize the importance of collaboration among relevant Federal agencies, State agencies, and Indian tribes in undertaking programmatic reviews, especially with respect to including reviews with a broad geographical scope;

''(C) ensure that the programmatic reviews—

''(i) promote transparency, including of the analyses and data used in the environmental review process, the treatment of any deferred issues raised by Federal, State, or tribal agencies, or the public, and the temporal and special scales to be used to analyze those issues;

''(ii) use accurate and timely information in the environmental review process, including—

''(I) criteria for determining the general duration of the usefulness of the review; and

''(II) the timeline for updating any out-of-date review;

''(iii) describe—

''(I) the relationship between programmatic analysis and future tiered analysis; and

''(II) the role of the public in the creation of future tiered analysis; and

''(iv) are available to other relevant Federal and State agencies, Indian tribes, and the public;

''(D) allow not fewer than 60 days of public notice and comment on any proposed guidance; and

''(E) address any comments received under subparagraph (D).

''(j) COORDINATED REVIEWS.—

''(1) COORDINATION PLAN.—

''(A) ESTABLISHMENT.—

''(i) IN GENERAL.—The lead agency shall, after consultation with and with the concurrence of each cooperating agency for the water resource project and the non-Federal interest or joint lead agency, as applicable, establish a plan for coordinating public and agency participation in, and comment on, the environmental review process for a water resource project or a category of water resource projects.

''(ii) INCORPORATION.—The plan established under clause (i) shall be incorporated into the project schedule milestones set under section 905(g)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(g)(2)).

''(2) COMMENT DEADLINES.—The lead agency shall establish the following deadlines for comment during the environmental review process for a water resource project:

''(A) DRAFT ENVIRONMENTAL IMPACT STATEMENTS.—For comments by Federal and States agencies and the public on a draft environmental impact statement, a period of not more than 60 days after publication in the Federal Register of notice of the date of public availability of the draft environmental impact statement, unless—

''(i) a different deadline is established by agreement of the lead agency, the non-Federal interest, as applicable, and all participating and cooperating agencies; or

''(ii) the deadline is extended by the lead agency for good cause.

''(B) OTHER ENVIRONMENTAL REVIEW PROCESSES.—For all comment periods established by the lead agency for agency or public comments in the environmental review process of an action within a program under the authority of the lead agency other than for a draft environmental impact statement, a period of not more than 30 days after the date on which the materials on which comment is requested are made available, unless—

''(i) a different deadline is established by agreement of the lead agency, the non-Federal interest, and all cooperating agencies; or

''(ii) the deadline is extended by the lead agency for good cause.

''(3) DEADLINES FOR DECISIONS UNDER OTHER LAWS.—In any case in which a decision under any Federal law relating to a project, including the issuance or denial of a permit or license, is required to be made by the date described in subsection (k)(6)(B)(ii), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

''(A) as soon as practicable after the 180-day period described in subsection (k)(6)(B)(ii), an initial notice of the failure of the Federal agency to make the decision; and

''(B) every 60 days thereafter until such date as all decisions of the Federal agency relating to the project have been made by the Federal agency, an additional notice that describes the number of decisions of the Federal agency that remain outstanding as of the date of the additional notice.

''(4) INVOLVEMENT OF THE PUBLIC.—Nothing in this subsection reduces any time period provided for public comment in the environmental review process under applicable Federal law (including regulations).

''(k) ISSUE IDENTIFICATION AND RESOLUTION.—

''(1) COOPERATION.—The lead agency, the cooperating agencies, and any participating agencies shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion of the environmental review process or result in the denial of any approval required for the water resource project under applicable laws.

''(2) LEAD AGENCY RESPONSIBILITIES.—

''(A) IN GENERAL.—The lead agency shall make information available to the cooperating agencies and participating agencies as early as practicable in the environmental review process regarding the environmental and socioeconomic resources located within the water resource project area and the general locations of the alternatives under consideration.

''(B) DATA SOURCES.—The information under subparagraph (A) may be based on existing data sources, including geographic information systems mapping.

''(3) COOPERATING AND PARTICIPATING AGENCY RESPONSIBILITIES.—Based on information received from the lead agency, cooperating and participating agencies shall identify, as early as practicable, any issues of concern regarding the potential environmental or socioeconomic impacts of the water resource project, including any issues that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the water resource project.

''(4) INTERIM DECISION ON ACHIEVING ACCELERATED DECISIONMAKING.—

''(A) IN GENERAL.—Not later than 45 days after the close of the public comment period on a draft environmental impact statement, the Secretary may convene a meeting with the non-Federal interest or joint lead agency, as applicable, relevant resource agencies, and relevant Federal and State agencies to establish a schedule of deadlines to complete decisions regarding the water resource project.

''(B) DEADLINES.—

''(i) IN GENERAL.—The deadlines referred to in subparagraph (A) shall be those established by the Secretary, in consultation with and with the concurrence of the non-Federal interest or joint lead agency, as applicable, and other relevant Federal and State agencies.

''(ii) FACTORS FOR CONSIDERATION.—In establishing a schedule, the Secretary shall consider factors such as—

''(I) the responsibilities of cooperating agencies under applicable laws;

''(II) the resources available to the non-Federal interest, joint lead agency, and other relevant Federal and State agencies, as applicable;

''(III) the overall size and complexity of the water resource project;

''(IV) the overall schedule for and cost of the water resource project; and

''(V) the sensitivity of the natural and historical resources that could be affected by the water resource project.

''(iii) MODIFICATIONS.—The Secretary may—

''(I) lengthen a schedule under clause (i) for good cause; and

''(II) shorten a schedule only with concurrence of the affected non-Federal interest, joint lead agency, or relevant Federal and State agencies, as applicable.

''(C) FAILURE TO MEET DEADLINE.—If the agencies described in subparagraph (A) cannot provide reasonable assurances that the deadlines described in subparagraph (B) will be met, the Secretary may initiate the issue resolution and referral process described under paragraph (5) before the completion of the record of decision.

''(5) ACCELERATED ISSUE RESOLUTION AND ELEVATION.—

''(A) AGENCY ISSUE RESOLUTION MEETING.—

''(i) IN GENERAL.—A cooperating agency or non-Federal interest may request an issue resolution meeting to be conducted by the Secretary.

''(ii) ACTION BY SECRETARY.—The Secretary shall convene an issue resolution meeting under clause (i) with the relevant cooperating agencies and the non-Federal interest, as applicable, to resolve issues that could—

''(I) delay completion of the environmental review process; or

''(II) conflict with the ability of a cooperating agency to carry out applicable Federal laws (including regulations).

''(iii) DATE.—A meeting requested under this subparagraph shall be held not later than 21 days after the date on which the Secretary receives the request for the meeting, unless the Secretary determines that there is good cause to extend that deadline.

''(iv) NOTIFICATION.—On receipt of a request for a meeting under this subparagraph, the Secretary shall notify all relevant cooperating agencies of the request, including the issue to be resolved and the date for the meeting.

''(v) DISPUTES.—If a relevant cooperating agency with jurisdiction over an action, including a permit approval, review, or other statement or opinion required for a water resource project under applicable law determines that the relevant information necessary to resolve the issue has not been obtained and could not have been obtained within a reasonable time, but the Secretary disagrees, the resolution of the dispute shall be forwarded to the heads of the relevant agencies for resolution.

''(vi) CONVENTION BY LEAD AGENCY.—The Secretary may convene an issue resolution meeting under this subsection at any time, at the discretion of the Secretary, regardless of whether a meeting is requested under clause (i).

''(vii) EXCEPTION.—

''(I) IN GENERAL.—The issue resolution and referral process under this subparagraph shall not be initiated if the applicable agency—

''(aa) notifies, with a supporting explanation, the lead agency, cooperating agencies, and non-Federal interest, as applicable, that—

''(AA) the agency has not received necessary information or approvals from another entity in a manner that affects the ability of the agency to meet any requirements under Federal, tribal, State, or local law;

''(BB) significant new information, including from public comments, or circumstances, including a major modification to an aspect of the water resource project, requires additional analysis for the agency to make a decision on the water resource project application; or

''(CC) the agency lacks the financial resources to complete the review under the scheduled time frame, including a description of the number of full-time employees required to complete the review, the amount of funding required to complete the review, and a justification as to why there is not enough funding available to complete the review by the deadline; and

''(bb) establishes a new deadline for completion of the review.

''(II) INSPECTOR GENERAL.—If the applicable agency makes a certification under subclause (I)(aa)(CC), the Inspector General of the applicable agency shall conduct a financial audit to review that certification and submit a report on that certification within 90 days to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

''(B) ELEVATION OF ISSUE RESOLUTION.—

''(i) IN GENERAL.—If issue resolution is not achieved by not later than 30 days after the date on which a relevant meeting is held under subparagraph (A), the Secretary shall notify the heads of the relevant cooperating agencies and the non-Federal interest that an issue resolution meeting will be convened.

''(ii) REQUIREMENTS.—The Secretary shall identify the issues to be addressed at the meeting and convene the meeting not later than 30 days after the date on which the notice is issued.

''(C) SUBMISSION OF ISSUE RESOLUTION.—

''(i) SUBMISSION TO COUNCIL ON ENVIRONMENTAL QUALITY.—

''(I) IN GENERAL.—If a resolution is not achieved by not later than 30 days after the date on which an issue resolution meeting is held under subparagraph (B), the Secretary shall submit the matter to the Council on Environmental Quality.

''(II) MEETING.—Not later than 30 days after the date on which the Council on Environmental Quality receives a submission from the Secretary under subclause (I), the Council on Environmental Quality shall hold an issue resolution meeting with the lead agency, the heads of relevant cooperating agencies and the non-Federal interest.

''(III) ADDITIONAL HEARINGS.—The Council on Environmental Quality may hold public meetings or hearings to obtain additional views and information that the Council on Environmental Quality determines are necessary, consistent with the time frames described in this paragraph.

''(ii) REMEDIES.—Not later than 30 days after the date on which an issue resolution meeting is convened by the Council on Environmental Quality under clause (i)(II), the Secretary shall—

''(I) publish findings that explain how the issue was resolved and recommendations (including, where appropriate, a finding that the submission does not support the position of the submitting agency); or

''(II) if the resolution of the issue was not achieved, submit to the President for action—

''(aa) the submission;

''(bb) any views or additional information developed during any additional hearings under clause (i)(III); and

''(cc) the recommendation of the Council on Environmental Quality.

''(6) FINANCIAL PENALTY PROVISIONS.—

''(A) IN GENERAL.—A Federal jurisdictional agency shall complete any required approval or decision on an expeditious basis using the shortest existing applicable process.

''(B) FAILURE TO DECIDE.—

''(i) IN GENERAL.—If a Federal jurisdictional agency fails to render a decision under any Federal law relating to a water resource project that requires the preparation of an environmental impact statement or environmental assessment, including the issuance or denial of a permit, license, statement, opinion, or other approval by the date described in clause (ii), the amount of funds made available to support the office of the head of the Federal jurisdictional agency shall be reduced by an amount of funding equal to the amounts specified in subclause (I) or (II) and those funds shall be made available to the division of the Federal jurisdictional agency charged with rendering the decision by not later than 1 day after the applicable date under clause (ii), and once each week thereafter until a final decision is rendered, subject to subparagraph (C)—

''(I) $20,000 for any water resource project requiring the preparation of an environmental assessment or environmental impact statement; or

''(II) $10,000 for any water resource project requiring any type of review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) other than an environmental assessment or environmental impact statement.

''(ii) DESCRIPTION OF DATE.—The date referred to in clause (i) is the later of—

''(I) the date that is 180 days after the date on which an application for the permit, license, or approval is complete; and

''(II) the date that is 180 days after the date on which the Federal lead agency issues a decision on the water resource project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(C) LIMITATIONS.—

''(i) IN GENERAL.—No transfer of funds under subparagraph (B) relating to an individual water resource project shall exceed, in any fiscal year, an amount equal to 1 percent of the funds made available for the applicable agency office.

''(ii) FAILURE TO DECIDE.—The total amount transferred in a fiscal year as a result of a failure by an agency to make a decision by an applicable deadline shall not exceed an amount equal to 5 percent of the funds made available for the applicable agency office for that fiscal year.

''(iii) AGGREGATE.—Notwithstanding any other provision of law, for each fiscal year, the aggregate amount of financial penalties assessed against each applicable agency office under title II of the Water Resources Development Act of 2013 and any other Federal law as a result of a failure of the agency to make a decision by an applicable deadline for environmental review, including the total amount transferred under this paragraph, shall not exceed an amount equal to 9.5 percent of the funds made available for the agency office for that fiscal year.

''(D) NO FAULT OF AGENCY.—

''(i) IN GENERAL.—A transfer of funds under this paragraph shall not be made if the applicable agency described in subparagraph (A) notifies, with a supporting explanation, the lead agency, cooperating agencies, and non-Federal interest, as applicable, that—

''(I) the agency has not received necessary information or approvals from another entity in a manner that affects the ability of the agency to meet any requirements under Federal, State, or local law;

''(II) significant new information, including from public comments, or circumstances, including a major modification to an aspect of the water resource project, requires additional analysis for the agency to make a decision on the water resource project application; or

''(III) the agency lacks the financial resources to complete the review under the scheduled time frame, including a description of the number of full-time employees required to complete the review, the amount of funding required to complete the review, and a justification as to why there is not enough funding available to complete the review by the deadline.

''(ii) LACK OF FINANCIAL RESOURCES.—If the agency provides notice under clause (i)(III), the Inspector General of the agency shall—

''(I) conduct a financial audit to review the notice; and

''(II) not later than 90 days after the date on which the review described in subclause (I) is completed, submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the notice.

''(E) LIMITATION.—The Federal agency from which funds are transferred pursuant to this paragraph shall not reprogram funds to the office of the head of the agency, or equivalent office, to reimburse that office for the loss of the funds.

''(F) EFFECT OF PARAGRAPH.—Nothing in this paragraph affects or limits the application of, or obligation to comply with, any Federal, State, local, or tribal law.

''(l) PERFORMANCE MEASUREMENT.—The Secretary shall establish a program to measure and report on progress made toward improving and expediting the planning and environmental review process.

''(m) MEMORANDUM OF AGREEMENTS FOR EARLY COORDINATION.—

''(1) SENSE OF CONGRESS.—It is the sense of Congress that—

''(A) the Secretary and other Federal agencies with relevant jurisdiction in the environmental review process should cooperate with each other, State agencies, and Indian tribes on environmental review and water resource project delivery activities at the earliest practicable time to avoid delays and duplication of effort later in the process, prevent potential conflicts, and ensure that planning and water resource project development decisions reflect environmental values; and

''(B) the cooperation referred to in subparagraph (A) should include the development of policies and the designation of staff that advise planning agencies and non-Federal interests of studies or other information foreseeably required for later Federal action and early consultation with appropriate State and local agencies and Indian tribes.

''(2) TECHNICAL ASSISTANCE.—If requested at any time by a State or non-Federal interest, the Secretary and other Federal agencies with relevant jurisdiction in the environmental review process, shall, to the maximum extent practicable and appropriate, as determined by the agencies, provide technical assistance to the State or non-Federal interest in carrying out early coordination activities.

''(3) MEMORANDUM OF AGENCY AGREEMENT.—If requested at any time by a State or non-Federal interest, the lead agency, in consultation with other Federal agencies with relevant jurisdiction in the environmental review process, may establish memoranda of agreement with the non-Federal interest, Indian tribe, State and local governments, and other appropriate entities to carry out the early coordination activities, including providing technical assistance in identifying potential impacts and mitigation issues in an integrated fashion.

''(n) LIMITATIONS.—Nothing in this section preempts, supersedes, amends, modifies, repeals, or interferes with—

''(1) any statutory or regulatory requirement, including for seeking, considering, or responding to public comment;

''(2) any obligation to comply with the provisions any Federal law, including—

''(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(B) the regulations issued by the Council on Environmental Quality or any other Federal agency to carry out that Act; and

''(C) any other Federal environmental law;

''(3) the reviewability of any final Federal agency action in a court of the United States or in the court of any State;

''(4) any practice of seeking, considering, or responding to public comment; or

''(5) any power, jurisdiction, responsibility, duty, or authority that a Federal, State, or local governmental agency, Indian tribe, or

non-Federal interest has with respect to carrying out a water resource project or any other provision of law applicable to water resource projects.

''(o) CATEGORICAL EXCLUSIONS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall—

''(A) survey the use by the Corps of Engineers of categorical exclusions in water resource projects since 2005;

''(B) publish a review of the survey that includes a description of—

''(i) the types of actions that were categorically excluded or could be the basis for developing a new categorical exclusion; and

''(ii) any requests previously received by the Secretary for new categorical exclusions; and

''(C) solicit requests from other Federal agencies and non-Federal interests for new categorical exclusions.

''(2) NEW CATEGORICAL EXCLUSIONS.—Not later than 1 year after the date of enactment of this subsection, if the Secretary has identified a category of activities that merit establishing a categorical exclusion that did not exist on the day before the date of enactment of this subsection based on the review under paragraph (1), the Secretary shall publish a notice of proposed rulemaking to propose that new categorical exclusion, to the extent that the categorical exclusion meets the criteria for a categorical exclusion under section 1508.4 of title 40, Code of Federal Regulations (or successor regulation).

''(p) REVIEW OF WATER RESOURCE PROJECT ACCELERATION REFORMS.—

''(1) IN GENERAL.—The Comptroller General of the United States shall—

''(A) assess the reforms carried out under this section; and

''(B) not later than 5 years after the date of enactment of this subsection, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes the results of the assessment.

''(2) INSPECTOR GENERAL REPORT.—The Inspector General of the Corps of Engineers shall—

''(A) assess the reforms carried out under this section; and

''(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate—

''(i) not later than 2 years after the date of enactment of this subsection, an initial report of the findings of the Inspector General; and

''(ii) not later than 4 years after the date of enactment of this subsection, a final report of the findings.

''(q) AUTHORIZATION.—The authority provided by this section expires on the date that is 10 years after the date of enactment of this Act.''.

SEC. 2034. FEASIBILITY STUDIES.

Section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) is amended by adding at the end the following:

''(g) DETAILED PROJECT SCHEDULE.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall determine a set of milestones needed for the completion of a feasibility study under this subsection, including all major actions, report submissions and responses, reviews, and comment periods.

''(2) DETAILED PROJECT SCHEDULE MILESTONES.—Each District Engineer shall, to the maximum extent practicable, establish a detailed project schedule, based on full funding capability, that lists all deadlines for milestones relating to feasibility studies in the District developed by the Secretary under paragraph (1).

''(3) NON-FEDERAL INTEREST NOTIFICATION.—Each District Engineer shall submit by certified mail the detailed project schedule under paragraph (2) to each relevant non-Federal interest—

''(A) for projects that have received funding from the General Investigations Account of the Corps of Engineers in the period beginning on October 1, 2009, and ending on the date of enactment of this section, not later than 180 days after the establishment of milestones under paragraph (1); and

''(B) for projects for which a feasibility cost-sharing agreement is executed after the establishment of milestones under paragraph (1), not later than 90 days after the date on which the agreement is executed.

''(4) CONGRESSIONAL AND PUBLIC NOTIFICATION.—Beginning in the first full fiscal year after the date of enactment of this Act, the Secretary shall—

''(A) submit an annual report that lists all detailed project schedules under paragraph (2) and an explanation of any missed deadlines to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

''(B) make publicly available, including on the Internet, a copy of the annual report described in subparagraph (A) not later than 14 days after date on which a report is submitted to Congress.

''(5) FAILURE TO ACT.—If a District Engineer fails to meet any of the deadlines in the project schedule under paragraph (2), the District Engineer shall—

''(A) not later than 30 days after each missed deadline, submit to the non-Federal interest a report detailing—

''(i) why the District Engineer failed to meet the deadline; and

''(ii) a revised project schedule reflecting amended deadlines for the feasibility study; and

''(B) not later than 30 days after each missed deadline, make publicly available, including on the Internet, a copy of the amended project schedule described in subparagraph (A)(ii).''.

SEC. 2035. ACCOUNTING AND ADMINISTRATIVE EXPENSES.

(a) IN GENERAL.—On the request of a non-Federal interest, the Secretary shall provide to the non-Federal interest a detailed accounting of the Federal expenses associated with a water resources project.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall contract with the National Academy of Public Administration to carry out a study on the efficiency of the Corps Engineers current staff salaries and administrative expense procedures as compared to using a separate administrative expense account.

(2) CONTENTS.—The study under paragraph (1) shall include any recommendations of the National Academy of Public Administration for improvements to the budgeting and administrative processes that will increase the efficiency of the Corps of Engineers project delivery.

SEC. 2036. DETERMINATION OF PROJECT COMPLETION.

(a) IN GENERAL.—The Secretary shall notify the non-Federal interest when construction of a water resources project or a functional portion of the project is completed so the non-Federal interest may commence responsibilities, as applicable, for operating and maintaining the project.

(b) NON-FEDERAL INTEREST APPEAL OF DETERMINATION.—

(1) IN GENERAL.—Not later than 7 days after receiving a notification under subparagraph (a), the non-Federal interest may appeal the completion determination of the Secretary in writing with a detailed explanation of the basis for questioning the completeness of the project or functional portion of the project.

(2) INDEPENDENT REVIEW.—

(A) IN GENERAL.—On notification that a non-Federal interest has submitted an appeal under paragraph (1), the Secretary shall contract with 1 or more independent, non-Federal experts to evaluate whether the applicable water resources project or functional portion of the project is complete.

(B) TIMELINE.—An independent review carried out under subparagraph (A) shall be completed not later than 180 days after the date on which the Secretary receives an appeal from a non-Federal interest under paragraph (1).

SEC. 2037. PROJECT PARTNERSHIP AGREEMENTS.

(a) IN GENERAL.—The Secretary shall contract with the National Academy of Public Administration to carry out a comprehensive review of the process for preparing, negotiating, and approving Project Partnership Agreements and the Project Partnership Agreement template, which shall include—

(1) a review of the process for preparing, negotiating, and approving Project Partnership Agreements, as in effect on the day before the date of enactment of this Act;

(2) an evaluation of how the concerns of a non-Federal interest relating to the Project Partnership Agreement and suggestions for modifications to the Project Partnership Agreement made by a non-Federal interest are accommodated;

(3) recommendations for how the concerns and modifications described in paragraph (2) can be better accommodated;

(4) recommendations for how the Project Partnership Agreement template can be made more efficient; and

(5) recommendations for how to make the process for preparing, negotiating, and approving Project Partnership Agreements more efficient.

(b) REPORT.—The Secretary shall submit a report describing the findings of the National Academy of Public Administration to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 2038. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

Section 234 of the Water Resources Development Act of 1996 (33 U.S.C. 2323a) is amended—

(1) in subsection (a), by striking ''other Federal agencies,'' and inserting ''Federal departments or agencies, nongovernmental organizations,'';

(2) in subsection (b), by inserting ''or foreign governments'' after ''organizations'';

(3) in subsection (c), by inserting ''and restoration'' after ''protection''; and

(4) in subsection (d)—

(A) in the first sentence—

(i) by striking ''There is'' and inserting ''(1) IN GENERAL.—There is''; and

(ii) by striking ''2008'' and inserting ''2014''; and

(B) in the second sentence—

(i) by striking ''The Secretary'' and inserting ''(2) ACCEPTANCE OF FUNDS.—The Secretary''; and

(ii) by striking ''other Federal agencies'' and inserting ''Federal departments or agencies, nongovernmental organizations''.

SEC. 2039. ACCEPTANCE OF CONTRIBUTED FUNDS TO INCREASE LOCK OPERATIONS.

(a) IN GENERAL.—The Secretary, after providing public notice, shall establish a pilot

program for the acceptance and expenditure of funds contributed by non-Federal interests to increase the hours of operation of locks at water resources development projects.

(b) APPLICABILITY.—The establishment of the pilot program under this section shall not affect the periodic review and adjustment of hours of operation of locks based on increases in commercial traffic carried out by the Secretary.

(c) PUBLIC COMMENT.—Not later than 180 days before a proposed modification to the operation of a lock at a water resources development project will be carried out, the Secretary shall—

(1) publish the proposed modification in the Federal Register; and

(2) accept public comment on the proposed modification.

(d) REPORTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that evaluates the cost-savings resulting from reduced lock hours and any economic impacts of modifying lock operations.

(2) REVIEW OF PILOT PROGRAM.—Not later than September 30, 2017 and each year thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes the effectiveness of the pilot program under this section.

(e) ANNUAL REVIEW.—The Secretary shall carry out an annual review of the commercial use of locks and make any necessary adjustments to lock operations based on that review.

(f) TERMINATION.—The authority to accept funds under this section shall terminate 5 years after the date of enactment of this Act.

SEC. 2040. EMERGENCY RESPONSE TO NATURAL DISASTERS.

(a) IN GENERAL.—Section 5(a)(1) of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved August 18, 1941 (33 U.S.C. 701n(a)(1)), is amended in the first sentence—

(1) by inserting ''and subject to the condition that the Chief of Engineers may include modifications to the structure or project'' after ''work for flood control''; and

(2) by striking ''structure damaged or destroyed by wind, wave, or water action of other than an ordinary nature when in the discretion of the Chief of Engineers such repair and restoration is warranted for the adequate functioning of the structure for hurricane or shore protection'' and inserting ''structure or project damaged or destroyed by wind, wave, or water action of other than an ordinary nature to the design level of protection when, in the discretion of the Chief of Engineers, such repair and restoration is warranted for the adequate functioning of the structure or project for hurricane or shore protection, subject to the condition that the Chief of Engineers may include modifications to the structure or project to address major deficiencies or implement nonstructural alternatives to the repair or restoration of the structure if requested by the non-Federal sponsor''.

(b) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act and every 2 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report detailing the amounts expended in the previous 5 fiscal years to carry out Corps of Engineers projects under section 5 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved August 18, 1941 (33 U.S.C. 701n).

(2) INCLUSIONS.—A report under paragraph (1) shall, at a minimum, include a description of—

(A) each structure, feature, or project for which amounts are expended, including the type of structure, feature, or project and cost of the work; and

(B) how the Secretary has repaired, restored, replaced, or modified each structure, feature, or project or intends to restore the structure, feature, or project to the design level of protection for the structure, feature, or project.

SEC. 2041. SYSTEMWIDE IMPROVEMENT FRAMEWORKS.

A levee system shall remain eligible for rehabilitation assistance under the authority provided by section 5 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'' (33 U.S.C. 701n) as long as the levee system sponsor continues to make satisfactory progress, as determined by the Secretary, on an approved systemwide improvement framework or letter of intent.

SEC. 2042. FUNDING TO PROCESS PERMITS.

Section 214 of the Water Resources Development Act of 2000 (Public Law 106–541; 33 U.S.C. 2201 note) is amended by striking subsections (d) and (e) and inserting the following:

''(d) PUBLIC AVAILABILITY.—

''(1) IN GENERAL.—The Secretary shall ensure that all final permit decisions carried out using funds authorized under this section are made available to the public in a common format, including on the Internet, and in a manner that distinguishes final permit decisions under this section from other final actions of the Secretary.

''(2) DECISION DOCUMENT.—The Secretary shall—

''(A) use a standard decision document for evaluating all permits using funds accepted under this section; and

''(B) make the standard decision document, along with all final permit decisions, available to the public, including on the Internet.

''(3) AGREEMENTS.—The Secretary shall make all active agreements to accept funds under this section available on a single public Internet site.

''(e) REPORTING.—

''(1) IN GENERAL.—The Secretary shall prepare an annual report on the implementation of this section, which, at a minimum, shall include for each district of the Corps of Engineers that accepts funds under this section—

''(A) a comprehensive list of any funds accepted under this section during the previous fiscal year;

''(B) a comprehensive list of the permits reviewed and approved using funds accepted under this section during the previous fiscal year, including a description of the size and type of resources impacted and the mitigation required for each permit; and

''(C) a description of the training offered in the previous fiscal year for employees that is funded in whole or in part with funds accepted under this section.

''(2) SUBMISSION.—Not later than 90 days after the end of each fiscal year, the Secretary shall—

''(A) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the annual report described in paragraph (1); and

''(B) make each report received under subparagraph (A) available on a single publicly accessible Internet site.''.

SEC. 2043. NATIONAL RIVERBANK STABILIZATION AND EROSION PREVENTION STUDY AND PILOT PROGRAM.

(a) DEFINITION OF INLAND AND INTRACOASTAL WATERWAY.—In this section, the term ''inland and intracoastal waterway'' means the inland and intracoastal waterways of the United States described in section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804).

(b) PILOT PROGRAM.—The Secretary—

(1) is authorized to study issues relating to riverbank stabilization and erosion prevention along inland and intracoastal waterways; and

(2) shall establish and carry out for a period of 5 fiscal years a national riverbank stabilization and erosion prevention pilot program to address riverbank erosion along inland and intracoastal waterways.

(c) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with appropriate Federal, State, local, and nongovernmental entities, shall carry out a study of the options and technologies available to prevent the erosion and degradation of riverbanks along inland and intracoastal waterways.

(2) CONTENTS.—The study shall—

(A) evaluate the nature and extent of the damages resulting from riverbank erosion along inland and intracoastal waterways throughout the United States;

(B) identify specific inland and intracoastal waterways and affected wetland areas with the most urgent need for restoration;

(C) analyze any legal requirements with regard to maintenance of bank lines of inland and intracoastal waterways, including a comparison of Federal, State, and private obligations and practices;

(D) assess and compare policies and management practices to protect surface areas adjacent to inland and intracoastal waterways applied by various Districts of the Corps of Engineers; and

(E) make any recommendations the Secretary determines to be appropriate.

(d) RIVERBANK STABILIZATION AND EROSION PREVENTION PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary shall develop a pilot program for the construction of riverbank stabilization and erosion prevention projects on public land along inland and intracoastal waterways if the Secretary determines that the projects are technically feasible, environmentally acceptable, economically justified, and lower maintenance costs of those inland and intracoastal waterways.

(2) PILOT PROGRAM GOALS.—A project under the pilot program shall, to the maximum extent practicable—

(A) develop or demonstrate innovative technologies;

(B) implement efficient designs to prevent erosion at a riverbank site, taking into account the lifecycle cost of the design, including cleanup, maintenance, and amortization;

(C) prioritize natural designs, including the use of native and naturalized vegetation or temporary structures that minimize permanent structural alterations to the riverbank;

(D) avoid negative impacts to adjacent communities;

(E) identify the potential for long-term protection afforded by the innovative technology; and

(F) provide additional benefits, including reduction of flood risk.

(3) PROJECT SELECTIONS.—The Secretary shall develop criteria for the selection of projects under the pilot program, including criteria based on—

(A) the extent of damage and land loss resulting from riverbank erosion;

(B) the rate of erosion;

(C) the significant threat of future flood risk to public or private property, public infrastructure, or public safety;

(D) the destruction of natural resources or habitats; and

(E) the potential cost-savings for maintenance of the channel.

(4) CONSULTATION.—The Secretary shall carry out the pilot program in consultation with—

(A) Federal, State, and local governments;

(B) nongovernmental organizations; and

(C) applicable university research facilities.

(5) REPORT.—Not later than 1 year after the first fiscal year for which amounts to carry out this section are appropriated, and every year thereafter, the Secretary shall prepare and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

(A) the activities carried out and accomplishments made under the pilot program since the previous report under this paragraph; and

(B) any recommendations of the Secretary relating to the program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2014 through 2019.

SEC. 2044. HURRICANE AND STORM DAMAGE RISK REDUCTION PRIORITIZATION.

(a) PURPOSES.—The purposes of this section are—

(1) to provide adequate levels of protection to communities impacted by natural disasters, including hurricanes, tropical storms, and other related extreme weather events; and

(2) to expedite critical water resources projects in communities that have historically been and continue to remain susceptible to extreme weather events.

(b) PRIORITY.—For authorized projects and ongoing feasibility studies with a primary purpose of hurricane and storm damage risk reduction, the Secretary shall give funding priority to projects and ongoing studies that—

(1) address an imminent threat to life and property;

(2) prevent storm surge from inundating populated areas;

(3) prevent the loss of coastal wetlands that help reduce the impact of storm surge;

(4) protect emergency hurricane evacuation routes or shelters;

(5) prevent adverse impacts to publicly owned or funded infrastructure and assets;

(6) minimize disaster relief costs to the Federal Government; and

(7) address hurricane and storm damage risk reduction in an area for which the President declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(c) EXPEDITED CONSIDERATION OF CURRENTLY AUTHORIZED PROJECTS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(1) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a list of all—

(A) ongoing hurricane and storm damage reduction feasibility studies that have signed feasibility cost share agreements and have received Federal funds since 2009; and

(B) authorized hurricane and storm damage reduction projects that—

(i) have been authorized for more than 20 years but are less than 75 percent complete; or

(ii) are undergoing a post-authorization change report, general reevaluation report, or limited reevaluation report;

(2) identify those projects on the list required under paragraph (1) that meet the criteria described in subsection (b); and

(3) provide a plan for expeditiously completing the projects identified under paragraph (2), subject to available funding.

(d) PRIORITIZATION OF NEW STUDIES FOR HURRICANE AND STORM DAMAGE RISK REDUCTION.—In selecting new studies for hurricane and storm damage reduction to propose to Congress under section 4002, the Secretary shall give priority to studies—

(1) that—

(A) have been recommended in a comprehensive hurricane protection study carried out by the Corps of Engineers; or

(B) are included in a State plan or program for hurricane, storm damage reduction, flood control, coastal protection, conservation, or restoration, that is created in consultation with the Corps of Engineers or other relevant Federal agencies; and

(2) for areas for which the President declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

SEC. 2045. PRIORITIZATION OF ECOSYSTEM RESTORATION EFFORTS.

For authorized projects with a primary purpose of ecosystem restoration, the Secretary shall give funding priority to projects—

(1) that—

(A) address an identified threat to public health, safety, or welfare;

(B) preserve or restore ecosystems of national significance; or

(C) preserve or restore habitats of importance for federally protected species, including migratory birds; and

(2) for which the restoration activities will contribute to other ongoing or planned Federal, State, or local restoration initiatives.

SEC. 2046. SPECIAL USE PERMITS.

(a) SPECIAL USE PERMITS.—

(1) IN GENERAL.—The Secretary may issue special permits for uses such as group activities, recreation events, motorized recreation vehicles, and such other specialized recreation uses as the Secretary determines to be appropriate, subject to such terms and conditions as the Secretary determines to be in the best interest of the Federal Government.

(2) FEES.—

(A) IN GENERAL.—In carrying out this subsection, the Secretary may—

(i) establish and collect fees associated with the issuance of the permits described in paragraph (1); or

(ii) accept in-kind services in lieu of those fees.

(B) OUTDOOR RECREATION EQUIPMENT.—The Secretary may establish and collect fees for the provision of outdoor recreation equipment and services at public recreation areas located at lakes and reservoirs operated by the Corps of Engineers.

(C) USE OF FEES.—Any fees generated pursuant to this subsection shall be—

(i) retained at the site collected; and

(ii) available for use, without further appropriation, solely for administering the special permits under this subsection and carrying out related operation and maintenance activities at the site at which the fees are collected.

(b) COOPERATIVE MANAGEMENT.—

(1) PROGRAM.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may enter into an agreement with a State or local government to provide for the cooperative management of a public recreation area if—

(i) the public recreation area is located—

(I) at a lake or reservoir operated by the Corps of Engineers; and

(II) adjacent to or near a State or local park or recreation area; and

(ii) the Secretary determines that cooperative management between the Corps of Engineers and a State or local government agency of a portion of the Corps of Engineers recreation area or State or local park or recreation area will allow for more effective and efficient management of those areas.

(B) RESTRICTION.—The Secretary may not transfer administration responsibilities for any public recreation area operated by the Corps of Engineers.

(2) ACQUISITION OF GOODS AND SERVICES.—The Secretary may acquire from or provide to a State or local government with which the Secretary has entered into a cooperative agreement under paragraph (1) goods and services to be used by the Secretary and the State or local government in the cooperative management of the areas covered by the agreement.

(3) ADMINISTRATION.—The Secretary may enter into 1 or more cooperative management agreements or such other arrangements as the Secretary determines to be appropriate, including leases or licenses, with non-Federal interests to share the costs of operation, maintenance, and management of recreation facilities and natural resources at recreation areas that are jointly managed and funded under this subsection.

(c) FUNDING TRANSFER AUTHORITY.—

(1) IN GENERAL.—If the Secretary determines that it is in the public interest for purposes of enhancing recreation opportunities at Corps of Engineers water resources development projects, the Secretary may transfer funds appropriated for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available at those Corps of Engineers water resource development projects to State, local, and tribal governments and such other public or private nonprofit entities as the Secretary determines to be appropriate.

(2) COOPERATIVE AGREEMENTS.—Any transfer of funds pursuant to this subsection shall be carried out through the execution of a cooperative agreement, which shall contain such terms and conditions as the Secretary determines to be necessary in the public interest.

(d) SERVICES OF VOLUNTEERS.—Chapter IV of title I of Public Law 98–63 (33 U.S.C. 569c) is amended—

(1) in the first sentence, by inserting '', including expenses relating to uniforms, transportation, lodging, and the subsistence of those volunteers, without regard to the place of residence of the volunteers,'' after ''incidental expenses''; and

(2) by inserting after the first sentence the following: ''The Chief of Engineers may also provide awards of up to $100 in value to volunteers in recognition of the services of the volunteers.''

(e) TRAINING AND EDUCATIONAL ACTIVITIES.—Section 213(a) of the Water Resources Development Act of 2000 (33 U.S.C. 2339) is amended by striking ''at'' and inserting ''about''.

SEC. 2047. OPERATIONS AND MAINTENANCE ON FUEL TAXED INLAND WATERWAYS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall

have responsibility for 65 percent of the costs of the operation, maintenance, repair, rehabilitation, and replacement of any flood gate, as well as any pumping station constructed within the channel as a single unit with that flood gate, that—

(1) was constructed as of the date of enactment of this Act as a feature of an authorized hurricane and storm damage reduction project; and

(2) crosses an inland or intracoastal waterway described in section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804).

(b) PAYMENT OPTIONS.—For rehabilitation or replacement of any structure under this section, the Secretary may apply to the full non-Federal contribution the payment option provisions under section 103(k) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(k)).

SEC. 2048. CORROSION PREVENTION.

(a) GUIDANCE AND PROCEDURES.—The Secretary shall develop guidance and procedures for the certification of qualified contractors for—

(1) the application of protective coatings; and

(2) the removal of hazardous protective coatings.

(b) REQUIREMENTS.—Except as provided in subsection (c), the Secretary shall use certified contractors for—

(1) the application of protective coatings for complex work involving steel and cementitious structures, including structures that will be exposed in immersion;

(2) the removal of hazardous coatings or other hazardous materials that are present in sufficient concentrations to create an occupational or environmental hazard; and

(3) any other activities the Secretary determines to be appropriate.

(c) EXCEPTION.—The Secretary may approve exceptions to the use of certified contractors under subsection (b) only after public notice, with the opportunity for comment, of any such proposal.

SEC. 2049. PROJECT DEAUTHORIZATIONS.

(a) IN GENERAL.—Section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)) is amended—

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

''(2) LIST OF PROJECTS.—

''(A) IN GENERAL.—Notwithstanding section 3003 of Public Law 104–66 (31 U.S.C. 1113 note; 109 Stat. 734), each year, after the submission of the list under paragraph (1), the Secretary shall submit to Congress a list of projects or separable elements of projects that have been authorized but that have received no obligations during the 5 full fiscal years preceding the submission of that list.

''(B) ADDITIONAL NOTIFICATION.—On submission of the list under subparagraph (A) to Congress, the Secretary shall notify—

''(i) each Senator in whose State and each Member of the House of Representatives in whose district a project (including any part of a project) on that list would be located; and

''(ii) each applicable non-Federal interest associated with a project (including any part of a project) on that list.

''(C) DEAUTHORIZATION.—A project or separable element included in the list under subparagraph (A) is not authorized after the last date of the fiscal year following the fiscal year in which the list is submitted to Congress, if funding has not been obligated for the planning, design, or construction of the project or element of the project during that period.''; and

(2) by adding at the end the following:

''(3) MINIMUM FUNDING LIST.—At the end of each fiscal year, the Secretary shall submit to Congress a list of—

''(A) projects or separable elements of projects authorized for construction for which funding has been obligated in the 5 previous fiscal years;

''(B) the amount of funding obligated per fiscal year;

''(C) the current phase of each project or separable element of a project; and

''(D) the amount required to complete those phases.

''(4) REPORT.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Water Resources Development Act of 2013, the Secretary shall compile and publish a complete list of all uncompleted, authorized projects of the Corps of Engineers, including for each project on that list—

''(i) the original budget authority for the project;

''(ii) the status of the project;

''(iii) the estimated date of completion of the project;

''(iv) the estimated cost of completion of the project; and

''(v) any amounts for the project that remain unobligated.

''(B) PUBLICATION.—

''(i) IN GENERAL.—The Secretary shall submit a copy of the list under subparagraph (A) to—

''(I) the appropriate committees of Congress; and

''(II) the Director of the Office of Management and Budget.

''(ii) PUBLIC AVAILABILITY.—Not later than 30 days after providing the report to Congress under clause (i), the Secretary shall make a copy of the list available on a publicly accessible Internet site, in a manner that is downloadable, searchable, and sortable.''.

(b) INFRASTRUCTURE DEAUTHORIZATION COMMISSION.—

(1) PURPOSES.—The purposes of this subsection are—

(A) to establish a process for identifying authorized Corps of Engineers water resources projects that are no longer in the Federal interest and no longer feasible;

(B) to create a commission—

(i) to review suggested deauthorizations, including consideration of recommendations of the States and the Secretary for the deauthorization of water resources projects; and

(ii) to make recommendations to Congress;

(C) to ensure public participation and comment; and

(D) to provide oversight on any recommendations made to Congress by the Commission.

(2) INFRASTRUCTURE DEAUTHORIZATION COMMISSION.—

(A) ESTABLISHMENT.—There is established an independent commission to be known as the ''Infrastructure Deauthorization Commission'' (referred to in this paragraph as the ''Commission'').

(B) DUTIES.—The Commission shall carry out the review and recommendation duties described in paragraph (5).

(C) MEMBERSHIP.—

(i) IN GENERAL.—The Commission shall be composed of 8 members, who shall be appointed by the President, by and with the advice and consent of the Senate according to the expedited procedures described in clause (ii).

(ii) EXPEDITED NOMINATION PROCEDURES.—

(I) PRIVILEGED NOMINATIONS; INFORMATION REQUESTED.—On receipt by the Senate of a nomination under clause (i), the nomination shall—

(aa) be placed on the Executive Calendar under the heading ''Privileged Nominations—Information Requested''; and

(bb) remain on the Executive Calendar under that heading until the Executive Clerk receives a written certification from the Chairman of the committee of jurisdiction under subclause (II).

(II) QUESTIONNAIRES.—The Chairman of the Committee on Environment and Public Works of the Senate shall notify the Executive Clerk in writing when the appropriate biographical and financial questionnaires have been received from an individual nominated for a position under clause (i).

(III) PRIVILEGED NOMINATIONS; INFORMATION RECEIVED.—On receipt of the certification under subclause (II), the nomination shall—

(aa) be placed on the Executive Calendar under the heading ''Privileged Nomination—Information Received'' and remain on the Executive Calendar under that heading for 10 session days; and

(bb) after the expiration of the period referred to in item (aa), be placed on the ''Nominations'' section of the Executive Calendar.

(IV) REFERRAL TO COMMITTEE OF JURISDICTION.—During the period when a nomination under clause (i) is listed under the ''Privileged Nomination—Information Requested'' section of the Executive Calendar described in subclause (I)(aa) or the ''Privileged Nomination—Information Received'' section of the Executive Calendar described in subclause (III)(aa)—

(aa) any Senator may request on his or her own behalf, or on the behalf of any identified Senator that the nomination be referred to the appropriate committee of jurisdiction; and

(bb) if a Senator makes a request described in paragraph item (aa), the nomination shall be referred to the appropriate committee of jurisdiction.

(V) EXECUTIVE CALENDAR.—The Secretary of the Senate shall create the appropriate sections on the Executive Calendar to reflect and effectuate the requirements of this clause.

(VI) COMMITTEE JUSTIFICATION FOR NEW EXECUTIVE POSITIONS.—The report accompanying each bill or joint resolution of a public character reported by any committee shall contain an evaluation and justification made by that committee for the establishment in the measure being reported of any new position appointed by the President within an existing or new Federal entity.

(iii) QUALIFICATIONS.—Members of the Commission shall be knowledgeable about Corps of Engineers water resources projects.

(iv) GEOGRAPHICAL DIVERSITY.—To the maximum extent practicable, the members of the Commission shall be geographically diverse.

(D) COMPENSATION OF MEMBERS.—

(i) IN GENERAL.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(ii) FEDERAL EMPLOYEES.—All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(iii) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in

the performance of service for the Commission.

(3) STATE WATER RESOURCES INFRASTRUCTURE PLAN.—Not later than 2 years after the date of enactment of this Act, each State, in consultation with local interests, may develop and submit to the Commission, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, a detailed statewide water resources plan that includes a list of each water resources project that the State recommends for deauthorization.

(4) CORPS OF ENGINEERS INFRASTRUCTURE PLAN.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Commission, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a detailed plan that—

(A) contains a detailed list of each water resources project that the Corps of Engineers recommends for deauthorization; and

(B) is based on assessment by the Secretary of the needs of the United States for water resources infrastructure, taking into account public safety, the economy, and the environment.

(5) REVIEW AND RECOMMENDATION COMMISSION.—

(A) IN GENERAL.—On the appointment and confirmation of all members of the Commission, the Commission shall solicit public comment on water resources infrastructure issues and priorities and recommendations for deauthorization, including by—

(i) holding public hearings throughout the United States; and

(ii) receiving written comments.

(B) RECOMMENDATIONS.—

(i) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Commission shall submit to Congress a list of water resources projects of the Corps of Engineers for deauthorization.

(ii) CONSIDERATIONS.—In carrying out this paragraph, the Commission shall establish criteria for evaluating projects for deauthorization, which shall include consideration of—

(I) the infrastructure plans submitted by the States and the Secretary under paragraphs (3) and (4);

(II) any public comment received during the period described in subparagraph (A);

(III) public safety and security;

(IV) the environment; and

(V) the economy.

(C) NON-ELIGIBLE PROJECTS.—The following types of projects shall not be eligible for review for deauthorization by the Commission:

(i) Any project authorized after the date of enactment of the Water Resources Development Act of 1996 (Public Law 104–303; 110 Stat. 3658), including any project that has been reauthorized after that date.

(ii) Any project that, as of the date of enactment of this Act, is undergoing a review by the Corps of Engineers.

(iii) Any project that has received appropriations in the 10-year period ending on the date of enactment of this Act.

(iv) Any project that, on the date of enactment of this Act, is more than 50 percent complete.

(v) Any project that has a viable non-Federal sponsor.

(D) CONGRESSIONAL DISAPPROVAL.—Any water resources project recommended for deauthorization on the list submitted to Congress under subparagraph (B) shall be deemed to be deauthorized unless Congress passes a joint resolution disapproving of the entire list of deauthorized water resources projects prior to the date that is 180 days after the date on which the Commission submits the list to Congress.

(6) APPLICATION.—For purposes of this subsection, water resources projects shall include environmental infrastructure assistance projects and programs of the Corps of Engineers.

SEC. 2050. REPORTS TO CONGRESS.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall complete and submit to Congress by the applicable date required the reports that address public safety and enhanced local participation in project delivery described in subsection (b).

(b) REPORTS.—The reports referred to in subsection (a) are the reports required under—

(1) section 2020;
(2) section 2022;
(3) section 2025;
(4) section 2026;
(5) section 2039;
(6) section 2040;
(7) section 6007; and
(8) section 10015.

(c) FAILURE TO PROVIDE A COMPLETED REPORT.—

(1) IN GENERAL.—Subject to subsection (d), if the Secretary fails to provide a report listed under subsection (b) by the date that is 180 days after the applicable date required for that report, $5,000 shall be reprogrammed from the General Expenses account of the civil works program of the Army Corps of Engineers into the account of the division of the Army Corps of Engineers with responsibility for completing that report.

(2) SUBSEQUENT REPROGRAMMING.—Subject to subsection (d), for each additional week after the date described in paragraph (1) in which a report described in that paragraph remains uncompleted and unsubmitted to Congress, $5,000 shall be reprogrammed from the General Expenses account of the civil works program of the Army Corps of Engineers into the account of the division of the Secretary of the Army with responsibility for completing that report.

(d) LIMITATIONS.—

(1) IN GENERAL.—For each report, the total amounts reprogrammed under subsection (c) shall not exceed, in any fiscal year, $50,000.

(2) AGGREGATE LIMITATION.—The total amount reprogrammed under subsection (c) in a fiscal year shall not exceed $200,000.

(e) NO FAULT OF THE SECRETARY.—Amounts shall not be reprogrammed under subsection (c) if the Secretary certifies in a letter to the applicable committees of Congress that—

(1) a major modification has been made to the content of the report that requires additional analysis for the Secretary to make a final decision on the report;

(2) amounts have not been appropriated to the agency under this Act or any other Act to carry out the report; or

(3) additional information is required from an entity other than the Corps of Engineers and is not available in a timely manner to complete the report by the deadline.

(f) LIMITATION.—The Secretary shall not reprogram funds to reimburse the Office of the Assistant Secretary of the Army for Civil Works for the loss of the funds.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

SEC. 2051. INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT CONFORMING AMENDMENT.

Section 106(k) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j–1(k)) is amended by adding at the end the following:

''(13) Interest payments, the retirement of principal, the costs of issuance, and the costs of insurance or a similar credit support for a debt financing instrument, the proceeds of which are used to support a contracted construction project.''.

SEC. 2052. INVASIVE SPECIES REVIEW.

The Secretary, in consultation with the Director of the United States Fish and Wildlife Service, the Chairman of the Tennessee Valley Authority, and other applicable heads of Federal agencies, shall—

(1) carry out a review of existing Federal authorities relating to responding to invasive species, including aquatic weeds, aquatic snails, and other aquatic invasive species, that have an impact on water resources; and

(2) based on the review under paragraph (1), make any recommendations to Congress and applicable State agencies for improving Federal and State laws to more effectively respond to the threats posed by those invasive species.

SEC. 2053. WETLANDS CONSERVATION STUDY.

(a) IN GENERAL.—The Comptroller General of the United States shall carry out a study to identify all Federal programs relating to wetlands conservation.

(b) REPORT.—The Comptroller General of the United States shall submit to Congress a report based on the study under subsection (a) describing options for maximizing wetlands conservation benefits while reducing redundancy, increasing efficiencies, and reducing costs.

SEC. 2054. DAM MODIFICATION STUDY.

(a) IN GENERAL.—The Comptroller General of the United States shall, in consultation with the Corps of Engineers, the Southeastern Power Administration, Federal hydropower customers, downstream communities, and other stakeholders, carry out a study to evaluate the structural modifications made at Federal dams in the Cumberland River Basin beginning on January 1, 2000.

(b) CONTENTS.—The study under subsection (a) shall examine—

(1) whether structural modifications at each dam have utilized new state-of-the-art design criteria deemed necessary for safety purposes that have not been used in other circumstances;

(2) whether structural modifications at each dam for downstream safety were executed in accordance with construction criteria that had changed from the original construction criteria;

(3) whether structural modifications at each dam assured safety;

(4) any estimates by the Corps of Engineers of consequences of total dam failure if state-of-the-art construction criteria deemed necessary for safety purposes were not employed; and

(5) whether changes in underlying geology at any of the Federal dams in the Cumberland River Basin required structural modifications to assure dam safety.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report based on the study under subsection (a) with findings on whether, with respect to structural modifications at Federal dams in the Cumberland River Basin, the Corps of Engineers has selected and implemented design criteria that rely on state-of-the-art design and construction criteria that will provide for the safety of downstream communities.

SEC. 2055. NON-FEDERAL PLANS TO PROVIDE ADDITIONAL FLOOD RISK REDUCTION.

(a) IN GENERAL.—If requested by a non-Federal interest, the Secretary shall construct a locally preferred plan that provides a higher level of protection than a flood risk management project authorized under this Act if the Secretary determines that—

(1) the plan is technically feasible and environmentally acceptable; and

(2) the benefits of the plan exceed the costs of the plan.

(b) NON-FEDERAL COST SHARE.—If the Secretary constructs a locally preferred plan under subsection (a), the Federal share of the cost of the project shall be not greater than the share as provided by law for elements of the national economic development plan.

SEC. 2056. MISSISSIPPI RIVER FORECASTING IMPROVEMENTS.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the department in which the Coast Guard is operating, the Director of the United States Geological Survey, the Administrator of the National Oceanic and Atmospheric Administration, and the Director of the National Weather Service, as applicable, shall improve forecasting on the Mississippi River by—

(1) updating forecasting technology deployed on the Mississippi River and its tributaries through—

(A) the construction of additional automated river gages;

(B) the rehabilitation of existing automated and manual river gages; and

(C) the replacement of manual river gages with automated gages, as the Secretary determines to be necessary;

(2) constructing additional sedimentation ranges on the Mississippi River and its tributaries; and

(3) deploying additional automatic identification system base stations at river gage sites.

(b) PRIORITIZATION.—In carrying out this section, the Secretary shall prioritize the sections of the Mississippi River on which additional and more reliable information would have the greatest impact on maintaining navigation on the Mississippi River.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the activities carried out by the Secretary under this section.

SEC. 2057. FLEXIBILITY IN MAINTAINING NAVIGATION.

(a) IN GENERAL.—If the Secretary, in consultation with the Secretary of the department in which the Coast Guard is operating, determines it to be critical to maintaining safe and reliable navigation within the authorized Federal navigation channel on the Mississippi River, the Secretary may carry out only those activities outside the authorized Federal navigation channel along the Mississippi River, including the construction and operation of maintenance of fleeting areas, that are necessary for safe and reliable navigation in the Federal channel.

(b) REPORT.—Not later than 60 days after initiating an activity under this section, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(1) a description of the activities undertaken, including the costs associated with the activities; and

(2) a comprehensive description of how the activities are necessary for maintaining safe and reliable navigation of the Federal channel.

SEC. 2058. RESTRICTED AREAS AT CORPS OF ENGINEERS DAMS.

(a) DEFINITIONS.—In this section:

(1) RESTRICTED AREA.—The term ''restricted area'' means a restricted area for hazardous waters at dams and other civil works structures in the Cumberland River basin established pursuant to chapter 10 of the regulation entitled ''Project Operations: Navigation and Dredging Operations and Maintenance Policies'', published by the Corps of Engineers on November 29, 1996, and any related regulations or guidance.

(2) STATE.—The term ''State'' means the applicable agency of the State (including an official of that agency) in which the applicable dam is located that is responsible for enforcing boater safety.

(b) RESTRICTION ON PHYSICAL BARRIERS.—Subject to subsection (c), the Secretary, acting through the Chief of Engineers, in the establishing and enforcing restricted areas, shall not take any action to establish a permanent physical barrier to prevent public access to waters downstream of a dam owned by the Corps of Engineers.

(c) EXCLUSIONS.—For purposes of this section, the installation and maintenance of measures for alerting the public of hazardous water conditions and restricted areas, including sirens, strobe lights, and signage, shall not be considered to be a permanent physical barrier under subsection (b).

(d) ENFORCEMENT.—

(1) IN GENERAL.—Enforcement of a restricted area shall be the sole responsibility of a State.

(2) EXISTING AUTHORITIES.—The Secretary shall not assess any penalty for entrance into a restricted area under section 4 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved December 22, 1944 (16 U.S.C. 460d).

(e) DEVELOPMENT OR MODIFICATION OF RESTRICTED AREAS.—In establishing a new restricted area or modifying an existing restricted area, the Secretary shall—

(1) ensure that any restrictions are based on operational conditions that create hazardous waters; and

(2) publish a draft describing the restricted area and seek and consider public comment on that draft prior to establishing or modifying any restricted area.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), this section shall apply to the establishment of a new restricted area or the modification of an existing restricted area on or after August 1, 2012.

(2) EXISTING RESTRICTIONS.—If the Secretary, acting through the Chief of Engineers, has established a new restricted area or modified an existing restricted area during the period beginning on August 1, 2012, and ending on the date of enactment of this Act, the Secretary shall—

(A) cease implementing the restricted area until the later of—

(i) such time as the restricted area meets the requirements of this section; and

(ii) the date that is 2 years after the date of enactment of this Act; and

(B) remove any permanent physical barriers constructed in connection with the restricted area.

SEC. 2059. MAXIMUM COST OF PROJECTS.

Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) is amended—

(1) by striking ''In order to'' and inserting the following:

''(a) IN GENERAL.—In order to''; and

(2) by adding at the end the following:

''(b) CONTRIBUTED FUNDS.—Nothing in this section affects the authority of the Secretary to complete construction of a water resources development project using funds contributed under section 5 of the Act of June 22, 1936 (33 U.S.C. 701h).''.

SEC. 2060. DONALD G. WALDON LOCK AND DAM.

(a) FINDINGS.—Congress finds that—

(1) the Tennessee-Tombigbee Waterway Development Authority is a 4-State compact comprised of the States of Alabama, Kentucky, Mississippi, and Tennessee;

(2) the Tennessee-Tombigbee Authority is the regional non-Federal sponsor of the Tennessee-Tombigbee Waterway;

(3) the Tennessee-Tombigbee Waterway, completed in 1984, has fueled growth in the United States economy by reducing transportation costs and encouraging economic development; and

(4) the selfless determination and tireless work of Donald G. Waldon, while serving as administrator of the waterway compact for 21 years, contributed greatly to the realization and success of the Tennessee-Tombigbee Waterway.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, at an appropriate time and in accordance with the rules of the House of Representatives and the Senate, the lock and dam located at mile 357.5 on the Tennessee-Tombigbee Waterway should be known and designated as the ''Donald G. Waldon Lock and Dam''.

SEC. 2061. IMPROVING PLANNING AND ADMINISTRATION OF WATER SUPPLY STORAGE.

(a) IN GENERAL.—The Secretary shall carry out activities to enable non-Federal interests to anticipate and accurately budget for annual operations and maintenance costs and, as applicable, repair, rehabilitation, and replacements costs, including through—

(1) the formulation by the Secretary of a uniform billing statement format for those storage agreements relating to operations and maintenance costs, and as applicable, repair, rehabilitation, and replacement costs, incurred by the Secretary, which, at a minimum, shall include—

(A) a detailed description of the activities carried out relating to the water supply aspects of the project;

(B) a clear explanation of why and how those activities relate to the water supply aspects of the project; and

(C) a detailed accounting of the cost of carrying out those activities; and

(2) a review by the Secretary of the regulations and guidance of the Corps of Engineers relating to criteria and methods for the equitable distribution of joint project costs across project purposes in order to ensure consistency in the calculation of the appropriate share of joint project costs allocable to the water supply purpose.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the findings of the reviews carried out under subsection (a)(2) and any subsequent actions taken by the Secretary relating to those reviews.

(2) INCLUSIONS.—The report under paragraph (1) shall include an analysis of the feasibility and costs associated with the provision by the Secretary to each non-Federal interest of not less than 1 statement each year that details for each water storage agreement with non-Federal interests at Corps of Engineers projects the estimated amount of the operations and maintenance costs and, as applicable, the estimated amount of the repair, rehabilitation, and replacement costs, for which the non-Federal interest will be responsible in that fiscal year.

(3) EXTENSION.—The Secretary may delay the submission of the report under paragraph (1) for a period not to exceed 180 days after the deadline described in paragraph (1), subject to the condition that the Secretary submits a preliminary progress report to Congress not later than 1 year after the date of enactment of this Act.

SEC. 2062. CREDITING AUTHORITY FOR FEDERALLY AUTHORIZED NAVIGATION PROJECTS.

A non-Federal interest for a navigation project may carry out operation and maintenance activities for that project subject to all applicable requirements that would apply to the Secretary carrying out such operations and maintenance, and may receive credit for the costs incurred by the non-Federal interest in carrying out such activities towards that non-Federal interest's share of construction costs for a federally authorized element of the same project or another federally authorized navigation project, except that in no instance may such credit exceed 20 percent of the costs associated with construction of the general navigation features of the project for which such credit may be received pursuant to this section.

SEC. 2063. RIVER BASIN COMMISSIONS.

Section 5019 of the Water Resources Development Act of 2007 (121 Stat. 1201) is amended by striking subsection (b) and inserting the following:

''(b) AUTHORIZATION TO ALLOCATE.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall allocate funds from the General Expenses account of the civil works program of the Army Corps of Engineers to the Susquehanna River Basin Commission, Delaware River Basin Commission, and the Interstate Commission on the Potomac River Basin to fulfill the equitable funding requirements of the respective interstate compacts on an annual basis and in amounts equal to the amount determined by Commission in accordance with the respective interstate compact.

''(2) LIMITATION.—Not more than 1.5 percent of funds from the General Expenses account of the civil works program of the Army Corps of Engineers may be allocated in carrying out paragraph (1) for any fiscal year.

''(3) REPORT.—For any fiscal year in which funds are not allocated in accordance with paragraph (1), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

''(A) the reasons why the Corps of Engineers chose not to allocate funds in accordance with that paragraph; and

''(B) the impact of the decision not to allocate funds on water supply allocation, water quality protection, regulatory review and permitting, water conservation, watershed planning, drought management, flood loss reduction, and recreation in each area of jurisdiction of the respective Commission.''.

SEC. 2064. RESTRICTION ON CHARGES FOR CERTAIN SURPLUS WATER.

(a) IN GENERAL.—No fee for surplus water shall be charged under a contract for surplus water if the contract is for surplus water stored on the Missouri River.

(b) OFFSET.—Of the amounts previously made available for ''Corps of Engineers-Civil, Department of the Army, Operations and Maintenance'' that remain unobligated as of the effective date of this Act, $5,000,000 is hereby rescinded.

(c) None of the funds under subsection (b) may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE III—PROJECT MODIFICATIONS

SEC. 3001. PURPOSE.

The purpose of this title is to modify existing water resource project authorizations, subject to the condition that the modifications do not affect authorized costs.

SEC. 3002. CHATFIELD RESERVOIR, COLORADO.

Section 116 of the Energy and Water Development and Related Agencies Appropriations Act, 2009 (123 Stat. 608), is amended in the matter preceding the proviso by inserting ''(or a designee of the Department)'' after ''Colorado Department of Natural Resources''.

SEC. 3003. MISSOURI RIVER RECOVERY IMPLEMENTATION COMMITTEE EXPENSES REIMBURSEMENT.

Section 5018(b)(5) of the Water Resources Development Act of 2007 (121 Stat. 1200) is amended by striking subparagraph (B) and inserting the following:

''(B) TRAVEL EXPENSES.—Subject to the availability of funds, the Secretary may reimburse a member of the Committee for travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of a Federal agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in performance of services for the Committee.''.

SEC. 3004. HURRICANE AND STORM DAMAGE REDUCTION STUDY.

With respect to the study for flood and storm damage reduction related to natural disasters to by carried out by the Secretary and authorized under the heading ''INVESTIGATIONS'' under title II of division A of Public Law 113–2, the Secretary shall include specific project recommendations in the report developed for that study.

SEC. 3005. LOWER YELLOWSTONE PROJECT, MONTANA.

Section 3109 of the Water Resources Development Act of 2007 (121 Stat. 1135) is amended—

(1) by striking ''The Secretary may'' and inserting the following:

''(a) IN GENERAL.—The Secretary may''; and

(2) by adding at the end the following:

''(b) LOCAL PARTICIPATION.—In carrying out subsection (a), the Secretary shall consult with, and consider the activities being carried out by—

''(1) other Federal agencies;

''(2) conservation districts;

''(3) the Yellowstone River Conservation District Council; and

''(4) the State of Montana.''.

SEC. 3006. PROJECT DEAUTHORIZATIONS.

(a) GOOSE CREEK, SOMERSET COUNTY, MARYLAND.—The project for navigation, Goose Creek, Somerset County, Maryland, carried out pursuant to section 107 of the Rivers and Harbor Act of 1960 (33 U.S.C. 577), is realigned as follows: Beginning at Goose Creek Channel Geometry Centerline of the 60-foot-wide main navigational ship channel, Centerline Station No. 0+00, coordinates North 157851.80, East 1636954.70, as stated and depicted on the Condition Survey Goose Creek, Sheet 1 of 1, prepared by the United States Army Corps of Engineers, Baltimore District, July 2003; thence departing the aforementioned centerline traveling the following courses and distances: S. 64 degrees 49 minutes 06 seconds E., 1583.82 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following four courses and distances: S. 63 degrees 26 minutes 06 seconds E., 1460.05 feet to a point, thence; N. 50 degrees 38 minutes 26 seconds E., 973.28 feet to a point, thence; N. 26 degrees 13 minutes 09 seconds W., 240.39 feet to a point on the Left Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 42+57.54, coordinates North 157357.84, East 1640340.23. Geometry Left Toe of the 60-foot-wide main navigational ship channel, Left Toe Station No. 0+00, coordinates North 157879.00, East 1636967.40, as stated and depicted on the Condition Survey Goose Creek, Sheet 1 of 1, prepared by the United States Army Corps of Engineers, Baltimore District, August 2010; thence departing the aforementioned centerline traveling the following courses and distances: S. 64 degrees 49 minutes 12 seconds E., 1583.91 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following eight courses and distances: S. 63 degrees 25 minutes 38 seconds E., 1366.25 feet to a point, thence; N. 83 degrees 36 minutes 24 seconds E., 125.85 feet to a point, thence; N. 50 degrees 38 minutes 26 seconds E., 805.19 feet to a point, thence; N. 12 degrees 12 minutes 29 seconds E., 78.33 feet to a point thence; N. 26 degrees 13 minutes 28 seconds W., 46.66 feet to a point thence; S. 63 degrees 45 minutes 41 seconds W., 54.96 feet to a point thence; N. 26 degrees 13 minutes 24 seconds W., 119.94 feet to a point on the Left Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 41+81.10, coordinates North 157320.30, East 1640264.00. Geometry Right Toe of the 60-foot-wide main navigational ship channel, Right Toe Station No. 0+00, coordinates North 157824.70, East 1636941.90, as stated and depicted on the Condition Survey Goose Creek, Sheet 1 of 1, prepared by the United States Army Corps of Engineers, Baltimore District, August 2010; thence departing the aforementioned centerline traveling the following courses and distances: S. 64 degrees 49 minutes 06 seconds E., 1583.82 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following six courses and distances: S. 63 degrees 25 minutes 47 seconds E., 1478.79 feet to a point, thence; N. 50 degrees 38 minutes 26 seconds E., 1016.69 feet to a point, thence; N. 26 degrees 14 minutes 49 seconds W., 144.26 feet to a point, thence; N. 63 degrees 54 minutes 03 seconds E., 55.01 feet to a point thence; N. 26 degrees 12 minutes 08 seconds W., 120.03 feet to a point a point on the Right Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 43+98.61, coordinates North 157395.40, East 1640416.50.

(b) LOWER THOROUGHFARE, DEAL ISLAND, MARYLAND.—Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the portion of the project for navigation, Lower Thoroughfare, Maryland, authorized by the Act of June 25, 1910 (36 Stat. 630, chapter 382) (commonly known as the ''River and Harbor Act of 1910''), that begins at Lower Thoroughfare Channel Geometry Centerline of the 60-foot-wide main navigational ship channel, Centerline Station No. 44+88, coordinates North 170435.62, East 1614588.93, as stated and depicted on the Condition Survey Lower Thoroughfare, Deal Island, Sheet 1 of 3, prepared by the United States Army Corps of Engineers, Baltimore District, August 2010; thence departing the aforementioned centerline traveling the following courses and distances: S. 42 degrees 20 minutes 44 seconds W., 30.00 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following four courses and distances: N. 64 degrees 08 minutes 55 seconds W., 53.85 feet to a point, thence; N. 42 degrees 20 minutes 43 seconds W., 250.08 feet to a point, thence; N. 47 degrees 39 minutes 03 seconds E., 20.00 feet to a point, thence; S. 42 degrees 20 minutes 44 seconds E., 300.07 feet to a point binding on the Left Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 43+92.67, coordinates North 170415.41, 1614566.76; thence; continuing with the aforementioned centerline the following courses and distances: S. 42 degrees 20 minutes 42 seconds W., 30.00 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following four courses and distances: N. 20 degrees 32 minutes 06 seconds W., 53.85 feet

to a point, thence; N. 42 degrees 20 minutes 49 seconds W., 250.08 feet to a point, thence; S. 47 degrees 39 minutes 03 seconds W., 20.00 feet to a point, thence; S. 42 degrees 20 minutes 46 seconds E., 300.08 feet to a point binding on the Left Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 43+92.67, coordinates North 170415.41, 1614566.76.

(c) THOMASTON HARBOR, GEORGES RIVER, MAINE.—Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the portion of the project for navigation, Georges River, Maine (Thomaston Harbor), authorized by the first section of the Act of June 3, 1896 (29 Stat. 215, chapter 314), and modified by section 317 of the Water Resources Development Act of 2000 (Public Law 106–541; 114 Stat. 2604), that lies northwesterly of a line commencing at point N87,220.51, E321,065.80 thence running northeasterly about 125 feet to a point N87,338.71, E321,106.46.

(d) WARWICK COVE, RHODE ISLAND.—Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the portion of the project for navigation, Warwick Cove, Rhode Island, authorized by section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) that is located within the 5 acre anchorage area east of the channel and lying east of the line beginning at a point with coordinates N220,349.79, E357,664.90 thence running north 9 degrees 10 minutes 21.5 seconds west 170.38 feet to a point N220,517.99, E357,637.74 thence running north 17 degrees 44 minutes 30.4 seconds west 165.98 feet to a point N220,676.08, E357,587.16 thence running north 0 degrees 46 minutes 0.9 seconds east 138.96 feet to a point N220,815.03, E357,589.02 thence running north 8 degrees 36 minutes 22.9 seconds east 101.57 feet to a point N220,915.46, E357,604.22 thence running north 18 degrees 18 minutes 27.3 seconds east 168.20 feet to a point N221,075.14, E357,657.05 thence running north 34 degrees 42 minutes 7.2 seconds east 106.4 feet to a point N221,162.62, E357,717.63 thence running south 29 degrees 14 minutes 17.4 seconds east 26.79 feet to a point N221,139.24, E357,730.71 thence running south 30 degrees 45 minutes 30.5 seconds west 230.46 feet to a point N220,941.20, E357,612.85 thence running south 10 degrees 49 minutes 12.0 seconds west 95.46 feet to a point N220,847.44, E357,594.93 thence running south 9 degrees 13 minutes 44.5 seconds east 491.68 feet to a point N220,362.12, E357,673.79 thence running south 35 degrees 47 minutes 19.4 seconds west 15.20 feet to the point of origin.

(e) CLATSOP COUNTY DIKING DISTRICT NO. 10, KARLSON ISLAND, OREGON.—Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the Diking District No. 10, Karlson Island portion of the project for raising and improving existing levees in Clatsop County, Oregon, authorized by section 5 of the Act of June 22, 1936 (33 U.S.C. 701h).

(f) NUMBERG DIKE NO. 34 LEVEED AREA, CLATSOP COUNTY DIKING DISTRICT NO. 13, CLATSOP COUNTY, OREGON (WALLUSKI-YOUNGS).—Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the Numberg Dike No. 34 leveed area, Clatsop County Diking District, No. 13, Walluski River and Youngs River dikes, portion of the project for raising and improving existing levees in Clatsop County, Oregon, authorized by section 5 of the Act of June 22, 1936 (33 U.S.C. 701h).

(g) PORT OF HOOD RIVER, OREGON.—

(1) EXTINGUISHMENT OF PORTIONS OF EXISTING FLOWAGE EASEMENT.—With respect to the properties described in paragraph (2), beginning on the date of enactment of this Act, the flowage easement identified as Tract 1200E–6 on the Easement Deed recorded as Instrument No. 740320 is extinguished above elevation 79.39 feet (NGVD 29) the Ordinary High Water Line.

(2) AFFECTED PROPERTIES.—The properties referred to in paragraph (1), as recorded in Hood River County, Oregon, are as follows:

(A) Instrument Number 2010–1235

(B) Instrument Number 2010–02366.

(C) Instrument Number 2010–02367.

(D) Parcel 2 of Partition Plat #2011–12P.

(E) Parcel 1 of Partition Plat 2005–26P.

(3) FEDERAL LIABILITIES; CULTURAL, ENVIRONMENTAL, AND OTHER REGULATORY REVIEWS.—

(A) FEDERAL LIABILITY.—The United States shall not be liable for any injury caused by the extinguishment of the easement under this subsection.

(B) CULTURAL AND ENVIRONMENTAL REGULATORY ACTIONS.—Nothing in this subsection establishes any cultural or environmental regulation relating to the properties described in paragraph (2).

(4) EFFECT ON OTHER RIGHTS.—Nothing in this subsection affects any remaining right or interest of the Corps of Engineers in the properties described in paragraph (2).

(h) EIGHTMILE RIVER, CONNECTICUT.—

(1) The portion of the project for navigation, Eightmile River, Connecticut, authorized by the first section of the Act of June 25, 1910 (commonly known as the ''River and Harbor Act of 1910'') (36 Stat. 633, chapter 382), that begins at a point of the existing 8-foot channel limit with coordinates N701002.39, E1109247.73, thence running north 2 degrees 19 minutes 57.1 seconds east 265.09 feet to a point N701267.26, E1109258.52, thence running north 7 degrees 47 minutes 19.3 seconds east 322.32 feet to a point N701586.60, E1109302.20, thence running north 90 degrees 0 minutes 0 seconds east 65.61 to a point N701586.60, E1109367.80, thence running south 7 degrees 47 minutes 19.3 seconds west 328.11 feet to a point N701261.52, E1109323.34, thence running south 2 degrees 19 minutes 57.1 seconds west 305.49 feet to an end at a point N700956.28, E1109310.91 on the existing 8-foot channel limit, shall be reduced to a width of 65 feet and the channel realigned to follow the deepest available water.

(2) Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the portion of the project beginning at a point N701296.72, E1109262.55 and running north 45 degrees 4 minutes 2.8 seconds west 78.09 feet to a point N701341.18, E1109217.98, thence running north 5 degrees 8 minutes 34.6 seconds east 180.14 feet to a point N701520.59, E1109234.13, thence running north 54 degrees 5 minutes 50.1 seconds east 112.57 feet to a point N701568.04, E1109299.66, thence running south 7 degrees 47 minutes 18.4 seconds west 292.58 feet to the point of origin; and the remaining area north of the channel realignment beginning at a point N700956.28, E1109310.91 thence running north 2 degrees 19 minutes 57.1 seconds east 305.49 feet west to a point N701261.52, E1109323.34 north 7 degrees 47 minutes 18.4 seconds east 328.11 feet to a point N701586.60, E1109367.81 thence running north 90 degrees 0 minutes 0 seconds east 7.81 feet to a point N701586.60, E1109375.62 thence running south 5 degrees 8 minutes 34.6 seconds west 626.29 feet to a point N700962.83, E1109319.47 thence south 52 degrees 35 minutes 36.5 seconds 10.79 feet to the point of origin.

(i) BURNHAM CANAL.—Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the portion of the project for navigation, Milwaukee Harbor Project, Milwaukee, Wisconsin, known as the Burnham Canal, beginning at channel point #415a N381768.648, E2524554.836, a distance of about 170.58 feet, thence running south 53 degrees 43 minutes 41 seconds west to channel point #417 N381667.728, E2524417.311, a distance of about 35.01 feet, thence running south 34 degrees 10 minutes 40 seconds west to channel point #501 N381638.761, E2524397.639 a distance of about 139.25 feet, thence running south 34 degrees 10 minutes 48 seconds west to channel point #503 N381523.557, E2524319.406 a distance of about 235.98 feet, thence running south 32 degrees 59 minutes 13 seconds west to channel point #505 N381325.615, E2524190.925 a distance of about 431.29 feet, thence running south 32 degrees 36 minutes 05 seconds west to channel point #509 N380962.276, E2523958.547, a distance of about 614.52 feet, thence running south 89 degrees 05 minutes 00 seconds west to channel point #511 N380952.445, E2523344.107, a distance of about 74.68 feet, thence running north 89 degrees 04 minutes 59 seconds west to channel point #512 N381027.13, E2523342.91, a distance of about 533.84 feet, thence running north 89 degrees 05 minutes 00 seconds east to channel point #510 N381035.67, E2523876.69, a distance of about 47.86 feet, thence running north 61 degrees 02 minutes 07 seconds east to channel point #508 N381058.84, E2523918.56, a distance of about 308.55 feet, thence running north 36 degrees 15 minutes 29 seconds east to channel point #506 N381307.65, E2524101.05, distance of about 199.98 feet, thence running north 32 degrees 59 minutes 12 seconds east to channel point #504 N381475.40, E2524209.93, a distance of about 195.14 feet, thence running north 26 degrees 17 minutes 22 seconds east to channel point #502 N381650.36, E2524296.36, a distance of about 81.82 feet, thence running north 88 degrees 51 minutes 05 seconds west to channel point #419 N381732.17, E2524294.72 a distance of about 262.65 feet, thence running north 82 degrees 01 minutes 02 seconds east to channel point # 415a the point of origin.

(j) WALNUT CREEK, CALIFORNIA.—Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the portion of the project for flood protection on Walnut Creek, California, constructed in accordance with the plan authorized by section 203 of the Flood Control Act of 1960 (Public Law 86–645; 74 Stat. 488) that consists of the culvert on the San Ramon Creek constructed by the Department of the Army in 1971 that extends from Sta 4+27 to Sta 14+27.

SEC. 3007. RARITAN RIVER BASIN, GREEN BROOK SUB-BASIN, NEW JERSEY.

Title I of the Energy and Water Development Appropriations Act, 1998 (Public Law 105–62; 111 Stat. 1327) is amended by striking section 102.

SEC. 3008. RED RIVER BASIN, OKLAHOMA, TEXAS, ARKANSAS, LOUISIANA.

(a) IN GENERAL.—The Secretary is authorized to reassign unused irrigation storage within a reservoir on the Red River Basin to municipal and industrial water supply for use by a non-Federal interest if that non-Federal interest has already contracted for a share of municipal and industrial water supply on the same reservoir.

(b) NON-FEDERAL INTEREST.—A reassignment of storage under subsection (a) shall be contingent upon the execution of an agreement between the Secretary and the applicable non-Federal interest.

SEC. 3009. POINT JUDITH HARBOR OF REFUGE, RHODE ISLAND.

The project for the Harbor of Refuge at Point Judith, Narragansett, Rhode Island, adopted by the Act of September 19, 1890 (commonly known as the ''River and Harbor Act of 1890'') (26 Stat. 426, chapter 907), House Document numbered 66, 51st Congress, 1st Session, and modified to include the west shore arm breakwater under the first section of the Act of June 25, 1910 (commonly known as the ''River and Harbor Act of 1910'') (36 Stat. 632, chapter 382), is further modified to

include shore protection and erosion control as project purposes.

SEC. 3010. LAND CONVEYANCE OF HAMMOND BOAT BASIN, WARRENTON, OREGON.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term ''City'' means the city of Warrenton, located in Clatsop County, Oregon.

(2) MAP.—The term ''map'' means the map contained in Exhibit A of Department of the Army Lease No. DACW57–1–88–0033 (or a successor instrument).

(b) CONVEYANCE AUTHORITY.—Subject to the provisions of this section, the Secretary shall convey to the City by quitclaim deed, and without consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) DESCRIPTION OF LAND.—

(1) IN GENERAL.—Except as provided in paragraph (2), the land referred to in subsection (b) is the parcel totaling approximately 59 acres located in the City, together with any improvements thereon, including the Hammond Marina (as described in the map).

(2) EXCLUSION.—The land referred to in subsection (b) shall not include the site provided for the fisheries research support facility of the National Marine Fisheries Service.

(3) AVAILABILITY OF MAP.—The map shall be on file in the Portland District Office of the Corps of Engineers.

(d) TERMS AND CONDITIONS.—

(1) IN GENERAL.—As a condition of the conveyance under subsection (b), the City shall agree in writing—

(A) that the City and any successor or assign of the City will release and indemnify the United States from any claims or liabilities that may arise from or through the operations of the land conveyed by the United States; and

(B) to pay any cost associated with the conveyance under subsection (b).

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may impose such additional terms, conditions, and requirements on the conveyance under subsection (b) as the Secretary considers appropriate to protect the interest of the United States, including the requirement that the City assume full responsibility for operating and maintaining the channel and the breakwater.

(e) REVERSION.—If the Secretary determines that the land conveyed under this section ceases to be owned by the public, all right, title, and interest in and to the land shall, at the discretion of the Secretary, revert to the United States.

(f) DEAUTHORIZATION.—After the land is conveyed under this section, the land shall no longer be a portion of the project for navigation, Hammond Small Boat Basin, Oregon, authorized by section 107 of the Rivers and Harbor Act of 1960 (33 U.S.C. 577).

SEC. 3011. METRO EAST FLOOD RISK MANAGEMENT PROGRAM, ILLINOIS.

(a) IN GENERAL.—The following projects shall constitute a program, to be known as the ''Metro East Flood Risk Management Program, Illinois'':

(1) Prairie du Pont Drainage and Levee District and Fish Lake Drainage and Levee District, Illinois, authorized by—

(A) section 5 of the Act of June 22, 1936 (33 U.S.C. 701h); and

(B) section 5070 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1220).

(2) East St. Louis, Illinois, authorized by—

(A) section 5 of the Act of June 22, 1936 (33 U.S.C. 701h); and

(B) Energy and Water Development Appropriation Act, 1988 (Public Law 100–202; 101 Stat. 1329–104).

(3) Wood River Drainage and Levee District, Illinois, authorized by—

(A) section 4 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved June 28, 1938 (52 Stat. 1218); and

(B) section 1001(20) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1053).

SEC. 3012. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.

Section 109 of title I of division B of the Miscellaneous Appropriations Act, 2001 (114 Stat. 2763A–221, 121 Stat. 1217) is amended—

(1) in subsection (a), by inserting ''and unincorporated communities'' after ''municipalities''; and

(2) by redesignating subsection (f) as subsection (g); and

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

''(f) PRIORITY.—In providing assistance under this section, the Secretary shall give priority to projects sponsored by—

''(1) the State of Florida;

''(2) Monroe County, Florida; and

''(3) incorporated communities in Monroe County, Florida.''.

SEC. 3013. DES MOINES RECREATIONAL RIVER AND GREENBELT, IOWA.

The boundaries for the project referred to as the Des Moines Recreational River and Greenbelt, Iowa under the heading ''CORPS OF ENGINEERS—CIVIL'' under the heading ''DEPARTMENT OF THE ARMY'' under the heading ''DEPARTMENT OF DEFENSE—CIVIL'' in chapter IV of title I of the Supplemental Appropriations Act, 1985 (Public Law 99–88, 99 Stat. 313) are revised to include the entirety of sections 19 and 29, situated in T89N, R28W.

SEC. 3014. LAND CONVEYANCE, CRANEY ISLAND DREDGED MATERIAL MANAGEMENT AREA, PORTSMOUTH, VIRGINIA.

(a) IN GENERAL.—Subject to the conditions described in this section, the Secretary may convey to the Commonwealth of Virginia, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to 2 parcels of land situated within the project for navigation, Craney Island Eastward Expansion, Norfolk Harbor and Channels, Hampton Roads, Virginia, authorized by section 1001(45) of the Water Resources Development Act of 2007 (Pub. L. 110–114; 121 Stat. 1057), together with any improvements thereon.

(b) LANDS TO BE CONVEYED.—

(1) IN GENERAL.—The 2 parcels of land to be conveyed under this section include a parcel consisting of approximately 307.82 acres of land and a parcel consisting of approximately 13.33 acres of land, both located along the eastern side of the Craney Island Dredged Material Management Area in Portsmouth, Virginia.

(2) USE.—The 2 parcels of land described in paragraph (1) may be used by the Commonwealth of Virginia exclusively for the purpose of port expansion, including the provision of road and rail access and the construction of a shipping container terminal.

(c) TERMS AND CONDITIONS.—Land conveyed under this section shall be subject to—

(1) a reversionary interest in the United States if the land—

(A) ceases to be held in public ownership; or

(B) is used for any purpose that is inconsistent with subsection (b); and

(2) such other terms, conditions, reservations, and restrictions that the Secretary determines to be necessary and appropriate to protect the interests of the United States.

(d) LEGAL DESCRIPTION.—The exact acreage and legal description of land to be conveyed under this section shall be determined by a survey that is satisfactory to the Secretary.

(e) CONVEYANCE COSTS.—The Commonwealth of Virginia shall be responsible for all costs associated with the conveyance authorized by this section, including the cost of the survey required under subsection (d) and other administrative costs.

SEC. 3015. LOS ANGELES COUNTY DRAINAGE AREA, CALIFORNIA.

The project for flood control, Los Angeles County Drainage Area, California, authorized by section 101(b) of the Water Resources Development Act of 1990 (Pub. L. 101–640; 104 Stat. 4611), as modified, is further modified to authorize the Secretary to include, as a part of the project, measures for flood risk reduction, ecosystem restoration, and recreation in the Compton Creek watershed.

SEC. 3016. OAKLAND INNER HARBOR TIDAL CANAL, CALIFORNIA.

Section 3182(b)(1) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1165) is amended—

(1) in subparagraph (A), by inserting '', or to a multicounty public entity that is eligible to hold title to real property'' after ''To the city of Oakland''; and

(2) by inserting ''multicounty public entity or other'' before ''public entity''.

SEC. 3017. REDESIGNATION OF LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE.

(a) IN GENERAL.—Section 103(c)(1) of the Water Resources Development Act of 1992 (106 Stat. 4811) is amended by striking ''Lower Mississippi River Museum and Riverfront Interpretive Site'' and inserting ''Jesse Brent Lower Mississippi River Museum and Riverfront Interpretive Site''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the museum and interpretive site referred to in subsection (a) shall be deemed to be a reference to the ''Jesse Brent Lower Mississippi River Museum and Riverfront Interpretive Site''.

SEC. 3018. LOUISIANA COASTAL AREA.

(a) INTERIM ADOPTION OF COMPREHENSIVE COASTAL MASTER PLAN.—

(1) IN GENERAL.—Section 7002 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1270) is amended—

(A) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively;

(B) by inserting after subsection (c) the following:

''(d) INTERIM ADOPTION OF COMPREHENSIVE MASTER PLAN.—Prior to completion of the comprehensive plan described under subsection (a), the Secretary shall adopt the plan of the State of Louisiana entitled 'Louisiana's Comprehensive Master Plan for a Sustainable Coast' in effect on the date of enactment of the Water Resources Development Act of 2013 (and subsequent plans), authorized and defined pursuant to Act 8 of the First Extraordinary Session of the Louisiana State Legislature, 2005, for protecting, preserving, and restoring the coastal Louisiana ecosystem until implementation of the comprehensive plan is complete.''; and

(C) in subsection (g)(1) (as so redesignated), by striking ''1 year'' and inserting ''10 years''.

(2) CONFORMING AMENDMENT.—Subsection (f) (as so redesignated) is amended by striking ''subsection (d)(1)'' and inserting ''subsection (e)(1)''.

(b) Section 7006 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1274) is amended—

(1) in subsection (a)(2)—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (B) the following:

''(C) to examine a system-wide approach to coastal sustainability, including—

''(i) flood and storm damage protection;

''(ii) coastal restoration; and

''(iii) the elevation of public and private infrastructure;''; and

(2) in subsection (c)(1)(E), by striking ''at Myrtle Grove'' and inserting ''in the vicinity of Myrtle Grove''.

(c) EFFECT.—

(1) IN GENERAL.—Nothing in this section or an amendment made by this section authorizes the construction of a project or program associated with a storm surge barrier across the Lake Pontchartrain land bridge (including Chef Menteur Pass and the Rigolets) that would result in unmitigated induced flooding in coastal communities within the State of Mississippi.

(2) REQUIRED CONSULTATION.—Any study to advance a project described in paragraph (1) that is conducted using funds from the General Investigations Account of the Corps of Engineers shall include consultation and approval of the Governors of the States of Louisiana and Mississippi.

SEC. 3019. FOUR MILE RUN, CITY OF ALEXANDRIA AND ARLINGTON COUNTY, VIRGINIA.

Section 84(a)(1) of the Water Resources Development Act of 1974 (Public Law 93–251; 88 Stat. 35) is amended by striking ''twenty-seven thousand cubic feet per second'' and inserting ''18,000 cubic feet per second''.

SEC. 3020. EAST FORK OF TRINITY RIVER, TEXAS.

The portion of the project for flood protection on the East Fork of the Trinity River, Texas, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1185), that consists of the 2 levees identified as ''Kaufman County Levees K5E and K5W'' shall no longer be authorized as a part of the Federal project as of the date of enactment of this Act.

SEC. 3021. SEWARD WATERFRONT, SEWARD, ALASKA.

(a) IN GENERAL.—The parcel of land included in the Seward Harbor, Alaska navigation project identified as Tract H, Seward Original Townsite, Waterfront Park Replat, Plat No 2012–4, Seward Recording District, shall not be subject to the navigation servitude (as of the date of enactment of this Act).

(b) ENTRY BY FEDERAL GOVERNMENT.—The Federal Government may enter upon any portion of the land referred to in subsection (a) to carry out any required operation and maintenance of the general navigation features of the project.

TITLE IV—WATER RESOURCE STUDIES

SEC. 4001. PURPOSE.

The purpose of this title is to authorize the Secretary to study and recommend solutions for water resource issues relating to flood risk and storm damage reduction, navigation, and aquatic ecosystem restoration.

SEC. 4002. INITIATION OF NEW WATER RESOURCES STUDIES.

(a) IN GENERAL.—Subject to subsections (b), (c), and (d), the Secretary may initiate a study—

(1) to determine the feasibility of carrying out 1 or more projects for flood risk management, storm damage reduction, aquatic ecosystem restoration, navigation, hydropower, or related purposes; or

(2) to carry out watershed and river basin assessments in accordance with section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a).

(b) CRITERIA.—The Secretary may only initiate a study under subsection (a) if—

(1) the study—

(A) has been requested by an eligible non-Federal interest;

(B) is for an area that is likely to include a project with a Federal interest; and

(C) addresses a high-priority water resource issue necessary for the protection of human life and property, the environment, or the national security interests of the United States; and

(2) the non-Federal interest has demonstrated—

(A) that local support exists for addressing the water resource issue; and

(B) the financial ability to provide the required non-Federal cost-share.

(c) CONGRESSIONAL APPROVAL.—

(1) SUBMISSION TO CONGRESS.—Prior to initiating a study under subsection (a), the Secretary shall submit to the Committees on Environment and Public Works and Appropriations of the Senate and the Committees on Transportation and Infrastructure and Appropriations of the House—

(A) a description of the study, including the geographical area addressed by the study;

(B) a description of how the study meets each of the requirements of subsection (b); and

(C) a certification that the proposed study can be completed within 3 years and for a Federal cost of not more than $3,000,000.

(2) EXPENDITURE OF FUNDS.—No funds may be spent on a study initiated under subsection (a) unless—

(A) the required information is submitted to Congress under paragraph (1); and

(B) after such submission, amounts are appropriated to initiate the study in an appropriations or other Act.

(3) ADDITIONAL NOTIFICATION.—The Secretary shall notify each Senator or Member of Congress with a State or congressional district in the study area described in paragraph (1)(A).

(d) LIMITATIONS.—

(1) IN GENERAL.—Subsection (a) shall not apply to a project for which a study has been authorized prior to the date of enactment of this Act.

(2) NEW STUDIES.—In each fiscal year, the Secretary may initiate not more than—

(A) 3 new studies in each of the primary mission areas of the Corps of Engineers; and

(B) 3 new studies from any 1 division of the Corps of Engineers.

(e) TERMINATION.—The authority under subsection (a) expires on the date that is 3 years after the date of enactment of this Act.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $25,000,000 for each of fiscal years 2014 through 2017.

SEC. 4003. APPLICABILITY.

(a) IN GENERAL.—Nothing in this title authorizes the construction of a water resources project.

(b) NEW AUTHORIZATION REQUIRED.—New authorization from Congress is required before any project evaluated in a study under this title is constructed.

TITLE V—REGIONAL AND NONPROJECT PROVISIONS

SEC. 5001. PURPOSE.

The purpose of this title is to authorize regional, multistate authorities to address water resource needs and other non-project provisions.

SEC. 5002. NORTHEAST COASTAL REGION ECOSYSTEM RESTORATION.

(a) IN GENERAL.—The Secretary shall plan, design, and construct projects for aquatic ecosystem restoration within the coastal waters of the Northeastern United States from the State of Virginia to the State of Maine, including associated bays, estuaries, and critical riverine areas.

(b) GENERAL COASTAL MANAGEMENT PLAN.—

(1) ASSESSMENT.—The Secretary, in coordination with the Administrator of the Environmental Protection Agency, the heads of other appropriate Federal agencies, the Governors of the coastal States from Virginia to Maine, nonprofit organizations, and other interested parties, shall assess the needs regarding, and opportunities for, aquatic ecosystem restoration within the coastal waters of the Northeastern United States.

(2) PLAN.—The Secretary shall develop a general coastal management plan based on the assessment carried out under paragraph (1), maximizing the use of existing plans and investigation, which plan shall include—

(A) an inventory and evaluation of coastal habitats;

(B) identification of aquatic resources in need of improvement;

(C) identification and prioritization of potential aquatic habitat restoration projects; and

(D) identification of geographical and ecological areas of concern, including—

(i) finfish habitats;

(ii) diadromous fisheries migratory corridors;

(iii) shellfish habitats;

(iv) submerged aquatic vegetation;

(v) wetland; and

(vi) beach dune complexes and other similar habitats.

(c) ELIGIBLE PROJECTS.—The Secretary may carry out an aquatic ecosystem restoration project under this section if the project—

(1) is consistent with the management plan developed under subsection (b); and

(2) provides for—

(A) the restoration of degraded aquatic habitat (including coastal, saltmarsh, benthic, and riverine habitat);

(B) the restoration of geographical or ecological areas of concern, including the restoration of natural river and stream characteristics;

(C) the improvement of water quality; or

(D) other projects or activities determined to be appropriate by the Secretary.

(d) COST SHARING.—

(1) MANAGEMENT PLAN.—The management plan developed under subsection (b) shall be completed at Federal expense.

(2) RESTORATION PROJECTS.—The non-Federal share of the cost of a project carried out under this section shall be 35 percent.

(e) COST LIMITATION.—Not more than $10,000,000 in Federal funds may be allocated under this section for an eligible project.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section (including funds for the completion of the management plan) $25,000,000 for each of fiscal years 2014 through 2023.

SEC. 5003. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.

Section 510 of the Water Resources Development Act of 1996 (Public Law 104–303; 110 Stat. 3759; 121 Stat. 1202) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''pilot program'' and inserting ''program''; and

(ii) by inserting ''in the basin States described in subsection (f) and the District of Columbia'' after ''interests''; and

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

''(2) FORM.—The assistance under paragraph (1) shall be in the form of design and construction assistance for water-related resource protection and restoration projects affecting the Chesapeake Bay estuary, based on the comprehensive plan under subsection (b), including projects for—

''(A) sediment and erosion control;

''(B) protection of eroding shorelines;

''(C) ecosystem restoration, including restoration of submerged aquatic vegetation;

''(D) protection of essential public works;

''(E) beneficial uses of dredged material; and

''(F) other related projects that may enhance the living resources of the estuary.'';

(2) by striking subsection (b) and inserting the following:

''(b) COMPREHENSIVE PLAN.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Water Resources Development Act of 2013, the Secretary, in cooperation with State and local governmental officials and affected stakeholders, shall develop a comprehensive Chesapeake Bay restoration plan to guide the implementation of projects under subsection (a)(2).

''(2) COORDINATION.—The restoration plan described in paragraph (1) shall, to the maximum extent practicable, consider and avoid duplication of any ongoing or planned actions of other Federal, State, and local agencies and nongovernmental organizations.

''(3) PRIORITIZATION.—The restoration plan described in paragraph (1) shall give priority to projects eligible under subsection (a)(2) that will also improve water quality or quantity or use natural hydrological features and systems.

''(4) ADMINISTRATION.—The Federal share of the costs of carrying out paragraph (1) shall be 75 percent.'';

(3) in subsection (c)—

(A) in paragraph (1), by striking ''to provide'' and all that follows through the period at the end and inserting ''for the design and construction of a project carried out pursuant to the comprehensive Chesapeake Bay restoration plan described in subsection (b).'';

(B) in paragraph (2)(A), by striking ''facilities or resource protection and development plan'' and inserting ''resource protection and restoration plan''; and

(C) by adding at the end the following:

''(3) PROJECTS ON FEDERAL LAND.—A project carried out pursuant to the comprehensive Chesapeake Bay restoration plan described in subsection (b) that is located on Federal land shall be carried out at the expense of the Federal agency that owns the land on which the project will be a carried out.

''(4) NON-FEDERAL CONTRIBUTIONS.—A Federal agency carrying out a project described in paragraph (3) may accept contributions of funds from non-Federal entities to carry out that project.'';

(4) by striking subsection (e) and inserting the following:

''(e) COOPERATION.—In carrying out this section, the Secretary shall cooperate with—

''(1) the heads of appropriate Federal agencies, including—

''(A) the Administrator of the Environmental Protection Agency;

''(B) the Secretary of Commerce, acting through the Administrator of the National Oceanographic and Atmospheric Administration;

''(C) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service; and

''(D) the heads of such other Federal agencies as the Secretary determines to be appropriate; and

''(2) agencies of a State or political subdivision of a State, including the Chesapeake Bay Commission.'';

(5) by striking subsection (f) and inserting the following:

''(f) PROJECTS.—The Secretary shall establish, to the maximum extent practicable, at least 1 project under this section in—

''(1) regions within the Chesapeake Bay watershed of each of the basin States of Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia; and

''(2) the District of Columbia.'';

(6) by striking subsection (h); and

(7) by redesignating subsection (i) as subsection (h).

SEC. 5004. RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, COLORADO, NEW MEXICO, TEXAS.

Section 5056 of the Water Resources Development Act of 2007 (121 Stat. 1213) is amended—

(1) in subsection (b)(2)—

(A) in the matter preceding subparagraph (A), by striking ''2008'' and inserting ''2014''; and

(B) in subparagraph (C), by inserting ''and an assessment of needs for other related purposes in the Rio Grande Basin, including flood damage reduction'' after ''assessment'';

(2) in subsection (c)(2)—

(A) by striking ''an interagency agreement with'' and inserting ''1 or more interagency agreements with the Secretary of State and''; and

(B) by inserting ''or the U.S. Section of the International Boundary and Water Commission'' after ''the Department of the Interior''; and

(3) in subsection (f), by striking ''2011'' and inserting ''2024''.

SEC. 5005. LOWER COLUMBIA RIVER AND TILLAMOOK BAY ECOSYSTEM RESTORATION, OREGON AND WASHINGTON.

Section 536(g) of the Water Resources Development Act of 2000 (114 Stat. 2661) is amended by striking ''$30,000,000'' and inserting ''$75,000,000''.

SEC. 5006. ARKANSAS RIVER, ARKANSAS AND OKLAHOMA.

(a) PROJECT GOAL.—The goal for operation of the McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma, shall be to maximize the use of the system in a balanced approach that incorporates advice from representatives from all project purposes to ensure that the full value of the system is realized by the United States.

(b) MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM ADVISORY COMMITTEE.—

(1) IN GENERAL.—In accordance with the Federal Advisory Committee Act (5 U.S.C. App.), the Secretary shall establish an advisory committee for the McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma, project authorized by the Act of July 24, 1946 (60 Stat. 635, chapter 595).

(2) DUTIES.—The advisory committee shall—

(A) serve in an advisory capacity only; and

(B) provide information and recommendations to the Corps of Engineers relating to the efficiency, reliability, and availability of the operations of the McClellan-Kerr Arkansas River navigation system.

(3) SELECTION AND COMPOSITION.—The advisory committee shall be—

(A) selected jointly by the Little Rock district engineer and the Tulsa district engineer; and

(B) composed of members that equally represent the McClellan-Kerr Arkansas River navigation system project purposes.

(4) AGENCY RESOURCES.—The Little Rock district and the Tulsa district of the Corps of Engineers, under the supervision of the southwestern division, shall jointly provide the advisory committee with adequate staff assistance, facilities, and resources.

(5) TERMINATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the advisory committee shall terminate on the date on which the Secretary submits a report to Congress demonstrating increases in the efficiency, reliability, and availability of the McClellan-Kerr Arkansas River navigation system.

(B) RESTRICTION.—The advisory committee shall terminate not less than 2 calendar years after the date on which the advisory committee is established.

SEC. 5007. AQUATIC INVASIVE SPECIES PREVENTION AND MANAGEMENT; COLUMBIA RIVER BASIN.

(a) IN GENERAL.—The Secretary may establish a program to prevent and manage aquatic invasive species in the Columbia River Basin in the States of Idaho, Montana, Oregon, and Washington.

(b) WATERCRAFT INSPECTION STATIONS.—

(1) IN GENERAL.—In carrying out this section, the Secretary shall establish watercraft inspection stations in the Columbia River Basin to be located in the States of Idaho, Montana, Oregon, and Washington at locations, as determined by the Secretary, with the highest likelihood of preventing the spread of aquatic invasive species into reservoirs operated and maintained by the Secretary.

(2) INCLUSIONS.—Locations identified under paragraph (1) may include—

(A) State border crossings;

(B) international border crossings; and

(C) highway entry points that are used by owners of watercraft to access boat launch facilities owned or managed by the Secretary.

(3) COST-SHARE.—The non-Federal share of the cost of operating and maintaining watercraft inspection stations described in paragraph (1) (including personnel costs) shall be 50 percent.

(4) OTHER INSPECTION SITES.—The Secretary may establish watercraft inspection stations using amounts made available to carry out this section in States other than those described in paragraph (1) at or near boat launch facilities that the Secretary determines are regularly used by watercraft to enter the States described in paragraph (1).

(c) MONITORING AND CONTINGENCY PLANNING.—The Secretary shall—

(1) carry out risk assessments of each major public and private water resources facility in the Columbia River Basin;

(2) establish an aquatic invasive species monitoring program in the Columbia River Basin;

(3) establish a Columbia River Basin watershed-wide plan for expedited response to an infestation of aquatic invasive species; and

(4) monitor water quality, including sediment cores and fish tissue samples, at facilities owned or managed by the Secretary in the Columbia River Basin.

(d) COORDINATION.—In carrying out this section, the Secretary shall consult and coordinate with—

(1) the States described in subsection (a);

(2) Indian tribes; and

(3) other Federal agencies, including—

(A) the Department of Agriculture;

(B) the Department of Energy;

(C) the Department of Homeland Security;

(D) the Department of Commerce; and

(E) the Department of the Interior.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $30,000,000, of which $5,000,000 may be used to carry out subsection (c).

SEC. 5008. UPPER MISSOURI BASIN FLOOD AND DROUGHT MONITORING.

(a) IN GENERAL.—The Secretary, in coordination with the Administrator of the National Oceanic and Atmospheric Administration, the Chief of the Natural Resources Conservation Service, the Director of the United States Geological Survey, and the Commissioner of the Bureau of Reclamation, shall establish a program to provide for—

(1) soil moisture and snowpack monitoring in the Upper Missouri River Basin to reduce flood risk and improve river and water resource management in the Upper Missouri River Basin, as outlined in the February 2013 report entitled ''Upper Missouri Basin Monitoring Committee—Snow Sampling and Instrumentation Recommendations'';

(2) restoring and maintaining existing mid- and high-elevation snowpack monitoring sites operated under the SNOTEL program of the Natural Resources Conservation Service; and

(3) operating streamflow gages and related interpretive studies in the Upper Missouri River Basin under the cooperative water program and the national streamflow information program of the United States Geological Service.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $11,250,000.

(c) USE OF FUNDS.—Amounts made available to the Secretary under this section shall be used to complement other related activities of Federal agencies that are carried out within the Missouri River Basin.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the Secretary, shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(1) identifies progress made by the Secretary and other Federal agencies to implement the recommendations contained in the report described in subsection (a)(1) with respect to enhancing soil moisture and snowpack monitoring in the Upper Missouri Basin; and

(2) includes recommendations to enhance soil moisture and snowpack monitoring in the Upper Missouri Basin.

SEC. 5009. UPPER MISSOURI BASIN SHORELINE EROSION PREVENTION.

(a) IN GENERAL.—

(1) AUTHORIZATION OF ASSISTANCE.—The Secretary may provide planning, design, and construction assistance to not more than 3 federally-recognized Indian tribes in the Upper Missouri River Basin to undertake measures to address shoreline erosion that is jeopardizing existing infrastructure resulting from operation of a reservoir constructed under the Pick-Sloan Missouri River Basin Program (authorized by section 9 of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 891, chapter 665)).

(2) LIMITATION.—The projects described in paragraph (1) shall be economically justified, technically feasible, and environmentally acceptable.

(b) FEDERAL AND NON-FEDERAL COST SHARE.—

(1) IN GENERAL.—Subject to paragraph (2), the Federal share of the costs of carrying out this section shall be not less than 75 percent.

(2) ABILITY TO PAY.—The Secretary may adjust the Federal and non-Federal shares of the costs of carrying out this section in accordance with the terms and conditions of section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)).

(c) CONDITIONS.—The Secretary may provide the assistance described in subsection (a) only after—

(1) consultation with the Department of the Interior; and

(2) execution by the Indian tribe of a memorandum of agreement with the Secretary that specifies that the tribe shall—

(A) be responsible for—

(i) all operation and maintenance activities required to ensure the integrity of the measures taken; and

(ii) providing any required real estate interests in and to the property on which such measures are to be taken; and

(B) hold and save the United States free from damages arising from planning, design, or construction assistance provided under this section, except for damages due to the fault or negligence of the United States or its contractors.

(d) AUTHORIZATION OF APPROPRIATIONS.—For each Indian tribe eligible under this section, there is authorized to be appropriated to carry out this section not more than $30,000,000.

SEC. 5010. NORTHERN ROCKIES HEADWATERS EXTREME WEATHER MITIGATION.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall establish a program to mitigate the impacts of extreme weather events, such as floods and droughts, on communities, water users, and fish and wildlife located in and along the headwaters of the Columbia, Missouri, and Yellowstone Rivers (including the tributaries of those rivers) in the States of Idaho and Montana by carrying out river, stream, and floodplain protection and restoration projects, including—

(1) floodplain restoration and reconnection;

(2) floodplain and riparian area protection through the use of conservation easements;

(3) instream flow restoration projects;

(4) fish passage improvements;

(5) channel migration zone mapping; and

(6) invasive weed management.

(b) RESTRICTION.—All projects carried out using amounts made available to carry out this section shall emphasize the protection and enhancement of natural riverine processes.

(c) NON-FEDERAL COST SHARE.—The non-Federal share of the costs of carrying out a project under this section shall not exceed 35 percent of the total cost of the project.

(d) COORDINATION.—In carrying out this section, the Secretary—

(1) shall consult and coordinate with the appropriate State natural resource agency in each State; and

(2) may—

(A) delegate any authority or responsibility of the Secretary under this section to those State natural resource agencies; and

(B) provide amounts made available to the Secretary to carry out this section to those State natural resource agencies.

(e) LIMITATIONS.—Nothing in this section invalidates, preempts, or creates any exception to State water law, State water rights, or Federal or State permitted activities or agreements in the States of Idaho and Montana or any State containing tributaries to rivers in those States.

(f) EFFECT OF SECTION.—

(1) IN GENERAL.—Nothing in this section replaces or provides a substitute for the authority to carry out projects under section 3110 of the Water Resources Development Act of 2007 (121 Stat. 1135).

(2) FUNDING.—The amounts made available to carry out this section shall be used to carry out projects that are not otherwise carried out under section 3110 of the Water Resources Development Act of 2007 (121 Stat. 1135).

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $30,000,000.

SEC. 5011. AQUATIC NUISANCE SPECIES PREVENTION, GREAT LAKES AND MISSISSIPPI RIVER BASIN.

(a) IN GENERAL.—The Secretary is authorized to implement measures recommended in the efficacy study authorized under section 3061 of the Water Resources Development Act of 2007 (121 Stat. 1121) or in interim reports, with any modifications or any emergency measures that the Secretary determines to be appropriate to prevent aquatic nuisance species from dispersing into the Great Lakes by way of any hydrologic connection between the Great Lakes and the Mississippi River Basin.

(b) REPORTS.—The Secretary shall report to the Committees on Environment and Public Works and Appropriations of the Senate and the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives any emergency actions taken pursuant to this section.

SEC. 5012. MIDDLE MISSISSIPPI RIVER PILOT PROGRAM.

(a) IN GENERAL.—In accordance with the project for navigation, Mississippi River between the Ohio and Missouri Rivers (Regulating Works), Missouri and Illinois, authorized by the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly known as the ''River and Harbor Act of 1910''), the Act of January 1, 1927 (44 Stat. 1010, chapter 47) (commonly known as the ''River and Harbor Act of 1927''), and the Act of July 3, 1930 (46 Stat. 918, chapter 847), the Secretary shall carry out a pilot program to restore and protect fish and wildlife habitat in the middle Mississippi River.

(b) AUTHORIZED ACTIVITIES.—As part of the pilot program carried out under subsection (a), the Secretary may carry out any activity along the Middle Mississippi River that is necessary to improve navigation through the project while restoring and protecting fish and wildlife habitat in the middle Mississippi River if the Secretary determines that the activity is feasible.

(c) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The maximum Federal share of the cost of carrying out a project under this section shall be 65 percent.

(2) AMOUNT EXPENDED PER PROJECT.—The Federal share described in paragraph (1) shall not exceed $10,000,000 for each project.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2014 through 2023.

SEC. 5013. IDAHO, MONTANA, RURAL NEVADA, NEW MEXICO, RURAL UTAH, AND WYOMING.

Section 595 of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 383) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of—

''(1) design and construction assistance for water-related environmental infrastructure and resource protection and development in Idaho, Montana, rural Nevada, New Mexico, rural Utah, and Wyoming, including projects for—

''(A) wastewater treatment and related facilities;

''(B) water supply and related facilities;

''(C) environmental restoration; and

''(D) surface water resource protection and development; and

''(2) technical assistance to small and rural communities for water planning and issues relating to access to water resources.''; and

(2) by striking subsection (h) and inserting the following:

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section for the period beginning with fiscal year 2001 $450,000,000, which shall—

''(1) be made available to the States and locales described in subsection (b) consistent with program priorities determined by the Secretary in accordance with criteria developed by the Secretary to establish the program priorities; and

''(2) remain available until expended.''.

SEC. 5014. CHESAPEAKE BAY OYSTER RESTORATION IN VIRGINIA AND MARYLAND.

Section 704(b) of Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) in paragraph (1), by striking ''$50,000,000'' and inserting ''$70,000,000''; and

(2) by striking subparagraph (B) of paragraph (4) and inserting the following:

''(B) FORM.—The non-Federal share may be provided through in-kind services, including—

''(i) the provision by the non-Federal interest of shell stock material that is determined by the Secretary to be suitable for use in carrying out the project; and

''(ii) in the case of a project carried out under paragraph (2)(D) after the date of enactment of this clause, land conservation or restoration efforts undertaken by the non-Federal interest that the Secretary determines provide water quality benefits that—

''(I) enhance the viability of oyster restoration efforts; and

''(II) are integral to the project.''.

SEC. 5015. MISSOURI RIVER BETWEEN FORT PECK DAM, MONTANA AND GAVINS POINT DAM, SOUTH DAKOTA AND NEBRASKA.

Section 9(f) of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 891, chapter 665; 102 Stat. 4031) is amended by striking ''$3,000,000'' and inserting ''$5,000,000''.

SEC. 5016. OPERATIONS AND MAINTENANCE OF INLAND MISSISSIPPI RIVER PORTS.

(a) DEFINITIONS.—In this section:

(1) SHALLOW DRAFT.—The term ''shallow draft'' means a project that has a depth less than 14 feet.

(2) INLAND MISSISSIPPI RIVER.—The term ''inland Mississippi River'' means the portion of the Mississippi River that begins at the confluence of the Minnesota River and ends at the confluence of the Red River.

(b) IN GENERAL.—The Secretary, acting through the Chief of Engineers, shall carry out dredging activities on shallow draft ports located on the Inland Mississippi River to the respective authorized widths and depths of those inland ports, as authorized on the date of enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—For each fiscal year, there is authorized to be appropriated to the Secretary to carry out this section $25,000,000.

SEC. 5017. REMOTE AND SUBSISTENCE HARBORS.

Section 2006 of the Water Resources Development Act of 2007 (33 U.S.C. 2242) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B), by inserting ''or Alaska'' after ''Hawaii''; and

(B) in paragraph (2)—

(i) by striking ''community'' and inserting ''region''; and

(ii) by inserting '', as determined by the Secretary based on information provided by the non-Federal interest'' after ''improvement''; and

(2) by adding at the end the following:

''(c) PRIORITIZATION.—Projects recommended by the Secretary under subsection (a) shall be given equivalent budget consideration and priority as projects recommended solely by national economic development benefits.

''(d) CONSTRUCTION.—

''(1) IN GENERAL.—The Secretary may plan, design, or construct projects for navigation in the noncontiguous States and territories of the United States if the Secretary finds that the project is—

''(A) technically feasible;

''(B) environmentally sound; and

''(C) economically justified.

''(2) SPECIAL RULE.—In evaluating and implementing a project under this section, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with the criteria established for flood control projects in section 903(c) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4184) if the detailed project report evaluation indicates that applying that section is necessary to implement the project.

''(3) COST.—The Federal share of the cost of carrying out a project under this section shall not exceed $10,000,000.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out projects initiated by the Secretary under this subsection $100,000,000 for fiscal years 2014 through 2023.''.

SEC. 5018. MULTIAGENCY EFFORT TO SLOW THE SPREAD OF ASIAN CARP IN THE UPPER MISSISSIPPI RIVER AND OHIO RIVER BASINS AND TRIBUTARIES.

(a) MULTIAGENCY EFFORT TO SLOW THE SPREAD OF ASIAN CARP IN THE UPPER MISSISSIPPI AND OHIO RIVER BASINS AND TRIBUTARIES.—

(1) IN GENERAL.—The Director of the United States Fish and Wildlife Service, in coordination with the Chief of Engineers, the Director of the National Park Service, and the Director of the United States Geological Survey, shall lead a multiagency effort to slow the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries by providing high-level technical assistance, coordination, best practices, and support to State and local governments in carrying out activities designed to slow, and eventually eliminate, the threat posed by Asian carp.

(2) BEST PRACTICES.—To the maximum extent practicable, the multiagency effort shall apply lessons learned and best practices such as those described in the document prepared by the Asian Carp Working Group entitled ''Management and Control Plan for Bighead, Black, Grass, and Silver Carps in the United States'', and dated November 2007, and the document prepared by the Asian Carp Regional Coordinating Committee entitled ''FY 2012 Asian Carp Control Strategy Framework'' and dated February 2012.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than December 31 of each year, the Director of the United States Fish and Wildlife Service, in coordination with the Chief of Engineers, shall submit to the Committee on Appropriations and the Committee on Natural Resources of the House of Representatives and the Committee on Appropriations and the Committee on Environmental and Public Works of the Senate a report describing the coordinated strategies established and progress made toward goals to control and eliminate Asian carp in the Upper Mississippi and Ohio River basins and tributaries.

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

(A) any observed changes in the range of Asian carp in the Upper Mississippi and Ohio River basins and tributaries during the 2-year period preceding submission of the report;

(B) a summary of Federal agency efforts, including cooperative efforts with non-Federal partners, to control the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries;

(C) any research that the Director determines could improve the ability to control the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries;

(D) any quantitative measures that Director intends to use to document progress in controlling the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries; and

(E) a cross-cut accounting of Federal and non-Federal expenditures to control the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries.

SEC. 5019. RELEASE OF USE RESTRICTIONS.

Notwithstanding any other provision of law, the Tennessee Valley Authority shall, without monetary consideration, grant releases from real estate restrictions established pursuant to section 4(k)(b) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831c(k)(b)) with respect to tracts of land identified in section 4(k)(b) of that Act; provided that such releases shall be granted in a manner consistent with applicable TVA policies.

SEC. 5020. RIGHTS AND RESPONSIBILITIES OF CHEROKEE NATION OF OKLAHOMA REGARDING W.D. MAYO LOCK AND DAM, OKLAHOMA.

Section 1117 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4236) is amended to read as follows:

''SEC. 1117. W.D. MAYO LOCK AND DAM, OKLAHOMA.

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Cherokee Nation of Oklahoma has authorization—

''(1) to design and construct 1 or more hydroelectric generating facilities at the W.D. Mayo Lock and Dam on the Arkansas River in the State of Oklahoma, subject to the requirements of subsection (b) and in accordance with the conditions specified in this section; and

''(2) to market the electricity generated from any such hydroelectric generating facility.

''(b) PRECONSTRUCTION REQUIREMENTS.—

''(1) IN GENERAL.—The Cherokee Nation shall obtain any permit required by Federal or State law before the date on which construction begins on any hydroelectric generating facility under subsection (a).

''(2) REVIEW BY SECRETARY.—The Cherokee Nation may initiate the design or construction of a hydroelectric generating facility under subsection (a) only after the Secretary reviews and approves the plans and specifications for the design and construction.

''(c) PAYMENT OF DESIGN AND CONSTRUCTION COSTS.—

''(1) IN GENERAL.—The Cherokee Nation shall—

''(A) bear all costs associated with the design and construction of any hydroelectric generating facility under subsection (a); and

''(B) provide any funds necessary for the design and construction to the Secretary prior to the Secretary initiating any activities relating to the design and construction of the hydroelectric generating facility.

''(2) USE BY SECRETARY.—The Secretary may—

''(A) accept funds offered by the Cherokee Nation under paragraph (1); and

''(B) use the funds to carry out the design and construction of any hydroelectric generating facility under subsection (a).

''(d) ASSUMPTION OF LIABILITY.—The Cherokee Nation—

''(1) shall hold all title to any hydroelectric generating facility constructed under this section;

''(2) may, subject to the approval of the Secretary, assign that title to a third party;

''(3) shall be solely responsible for—

''(A) the operation, maintenance, repair, replacement, and rehabilitation of any such facility; and

''(B) the marketing of the electricity generated by any such facility; and

''(4) shall release and indemnify the United States from any claims, causes of action, or liabilities that may arise out of any activity undertaken to carry out this section.

''(e) ASSISTANCE AVAILABLE.—Notwithstanding any other provision of law, the Secretary may provide any technical and construction management assistance requested by the Cherokee Nation relating to the design and construction of any hydroelectric generating facility under subsection (a).

''(f) THIRD PARTY AGREEMENTS.—The Cherokee Nation may enter into agreements with the Secretary or a third party that the Cherokee Nation or the Secretary determines to be necessary to carry out this section.''.

SEC. 5021. UPPER MISSISSIPPI RIVER PROTECTION.

(a) DEFINITION OF UPPER ST. ANTHONY FALLS LOCK AND DAM.—In this section, the term ''Upper St. Anthony Falls Lock and Dam'' means the lock and dam located on Mississippi River mile 853.9 in Minneapolis, Minnesota.

(b) ECONOMIC IMPACT STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report regarding the impact of closing the Upper St. Anthony Falls Lock and Dam on the economic and environmental well-being of the State of Minnesota.

(c) MANDATORY CLOSURE.—Notwithstanding subsection (b) and not later than 1 year after the date of enactment of this Act, the Secretary shall close the Upper St. Anthony Falls Lock and Dam if the Secretary determines that the annual average tonnage moving through the Upper St. Anthony Falls Lock and Dam for the preceding 5 years is not more than 1,500,000 tons.

(d) EMERGENCY OPERATIONS.—Nothing in this section prevents the Secretary from carrying out emergency lock operations necessary to mitigate flood damage.

SEC. 5022. ARCTIC DEEP DRAFT PORT DEVELOPMENT PARTNERSHIPS.

(a) IN GENERAL.—The Secretary may provide technical assistance, including planning, design, and construction assistance, to non-Federal public entities, including Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), for the development, construction, operation, and maintenance of channels, harbors, and related infrastructure associated with deep draft ports for purposes of dealing with Arctic development and security needs.

(b) ACCEPTANCE OF FUNDS.—The Secretary is authorized to accept and expend funds provided by non-Federal public entities, including Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), to carry out the activities described in subsection (a).

(c) LIMITATION.—No assistance may be provided under this section until after the date on which the entity to which that assistance is to be provided enters into a written agreement with the Secretary that includes such terms and conditions as the Secretary determines to be appropriate and in the public interest.

(d) PRIORITIZATION.—The Secretary shall prioritize Arctic deep draft ports identified by the Army Corps, the Department of Homeland Security and the Department of Defense.

SEC. 5023. GREATER MISSISSIPPI RIVER BASIN SEVERE FLOODING AND DROUGHT MANAGEMENT STUDY.

(a) DEFINITIONS.—In this section:

(1) GREATER MISSISSIPPI RIVER BASIN.—The term ''greater Mississippi River Basin'' means the area covered by hydrologic units 5, 6, 7, 8, 10, and 11, as identified by the United States Geological Survey as of the date of enactment of this Act.

(2) LOWER MISSISSIPPI RIVER.—The term ''lower Mississippi River'' means the portion of the Mississippi River that begins at the confluence of the Ohio River and flows to the Gulf of Mexico.

(3) MIDDLE MISSISSIPPI RIVER.—The term ''middle Mississippi River'' means the portion of the Mississippi River that begins at the confluence of the Missouri River and flows to the lower Mississippi River.

(4) SEVERE FLOODING AND DROUGHT.—The term ''severe flooding and drought'' means severe weather events that threaten personal safety, property, and navigation on the inland waterways of the United States.

(b) IN GENERAL.—The Secretary shall carry out a study of the greater Mississippi River Basin—

(1) to improve the coordinated and comprehensive management of water resource projects in the greater Mississippi River Basin relating to severe flooding and drought conditions; and

(2) to evaluate the feasibility of any modifications to those water resource projects, consistent with the authorized purposes of those projects, and develop new water resource projects to improve the reliability of navigation and more effectively reduce flood risk.

(c) CONTENTS.—The study shall—

(1) identify any Federal actions that are likely to prevent and mitigate the impacts of severe flooding and drought, including changes to authorized channel dimensions, operational procedures of locks and dams, and reservoir management within the greater Mississippi River Basin, consistent with the authorized purposes of the water resource projects;

(2) identify and make recommendations to remedy challenges to the Corps of Engineers presented by severe flooding and drought, including river access, in carrying out its mission to maintain safe, reliable navigation, consistent with the authorized purposes of the water resource projects in the greater Mississippi River Basin; and

(3) identify and locate natural or other physical impediments along the middle and lower Mississippi River to maintaining navigation on the middle and lower Mississippi River during periods of low water.

(d) CONSULTATION AND USE OF EXISTING DATA.—In carrying out the study, the Secretary shall—

(1) consult with appropriate committees of Congress, Federal, State, tribal, and local agencies, environmental interests, agricultural interests, recreational interests, river navigation industry representatives, other shipping and business interests, organized labor, and nongovernmental organizations;

(2) to the maximum extent practicable, use data in existence as of the date of enactment of this Act; and

(3) incorporate lessons learned and best practices developed as a result of past severe flooding and drought events, including major floods and the successful effort to maintain navigation during the near historic low water levels on the Mississippi River during the winter of 2012–2013.

(e) COST-SHARING.—The Federal share of the cost of carrying out the study under this section shall be 100 percent.

(f) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the study carried out under this section.

(g) SAVINGS CLAUSE.—Nothing in this section impacts the operations and maintenance of the Missouri River Mainstem System, as authorized by the Act of December 22, 1944 (58 Stat. 897, chapter 665).

SEC. 5024. CAPE ARUNDEL DISPOSAL SITE, MAINE.

(a) IN GENERAL.—The Secretary, in concurrence with the Administrator of the Environmental Protection Agency, is authorized to reopen the Cape Arundel Disposal Site selected by the Department of the Army as an alternative dredged material disposal site under section 103(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413(b)) (referred to in this section as the ''Site'').

(b) DEADLINE.—The Site may remain open under subsection (a) until the earlier of—

(1) the date on which the Site does not have any remaining disposal capacity;

(2) the date on which an environmental impact statement designating an alternative dredged material disposal site for southern Maine has been completed; or

(3) the date that is 5 years after the date of enactment of this Act.

(c) LIMITATIONS.—The use of the Site as a dredged material disposal site under subsection (a) shall be subject to the conditions that—

(1) conditions at the Site remain suitable for the continued use of the Site as a dredged material disposal site; and

(2) the Site not be used for the disposal of more than 80,000 cubic yards from any single dredging project.

TITLE VI—LEVEE SAFETY

SEC. 6001. SHORT TITLE.

This title may be cited as the ''National Levee Safety Program Act''.

SEC. 6002. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there is a need to establish a national levee safety program to provide national leadership and encourage the establishment of State and tribal levee safety programs;

(2) according to the National Committee on Levee Safety, ''the level of protection and robustness of design and construction of levees vary considerably across the country'';

(3) knowing the location, condition, and ownership of levees, as well as understanding the population and infrastructure at risk in leveed areas, is necessary for identification and prioritization of activities associated with levees;

(4) levees are an important tool for reducing flood risk and should be considered in the context of broader flood risk management efforts;

(5) States and Indian tribes—

(A) are uniquely positioned to oversee, coordinate, and regulate local and regional levee systems; and

(B) should be encouraged to participate in a national levee safety program by establishing individual levee safety programs; and

(6) States, Indian tribes, and local governments that do not invest in protecting the individuals and property located behind levees place those individuals and property at risk.

(b) PURPOSES.—The purposes of this title are—

(1) to promote sound technical practices in levee design, construction, operation, inspection, assessment, security, and maintenance;

(2) to ensure effective public education and awareness of risks involving levees;

(3) to establish and maintain a national levee safety program that emphasizes the protection of human life and property; and

(4) to implement solutions and incentives that encourage the establishment of effective State and tribal levee safety programs.

SEC. 6003. DEFINITIONS.

In this title:

(1) BOARD.—The term ''Board'' means the National Levee Safety Advisory Board established under section 6005.

(2) CANAL STRUCTURE.—

(A) IN GENERAL.—The term ''canal structure'' means an embankment, wall, or structure along a canal or manmade watercourse that—

(i) constrains water flows;

(ii) is subject to frequent water loading; and

(iii) is an integral part of a flood risk reduction system that protects the leveed area from flood waters associated with hurricanes, precipitation events, seasonal high water, and other weather-related events.

(B) EXCLUSION.—The term ''canal structure'' does not include a barrier across a watercourse.

(3) FEDERAL AGENCY.—The term ''Federal agency'' means a Federal agency that designs, finances, constructs, owns, operates, maintains, or regulates the construction, operation, or maintenance of a levee.

(4) FLOOD DAMAGE REDUCTION SYSTEM.—The term ''flood damage reduction system'' means a system designed and constructed to have appreciable and dependable effects in reducing damage by floodwaters.

(5) FLOOD MITIGATION.—The term ''flood mitigation'' means any structural or nonstructural measure that reduces risks of flood damage by reducing the probability of flooding, the consequences of flooding, or both.

(6) FLOODPLAIN MANAGEMENT.—The term ''floodplain management'' means the operation of a community program of corrective and preventative measures for reducing flood damage.

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

(8) LEVEE.—

(A) IN GENERAL.—The term ''levee'' means a manmade barrier (such as an embankment, floodwall, or other structure)—

(i) the primary purpose of which is to provide hurricane, storm, or flood protection relating to seasonal high water, storm surges, precipitation, or other weather events; and

(ii) that is normally subject to water loading for only a few days or weeks during a calendar year.

(B) INCLUSIONS.—The term ''levee'' includes a levee system, including—

(i) levees and canal structures that—

(I) constrain water flows;

(II) are subject to more frequent water loading; and

(III) do not constitute a barrier across a watercourse; and

(ii) roadway and railroad embankments, but only to the extent that the embankments are integral to the performance of a flood damage reduction system.

(C) EXCLUSIONS.—The term ''levee'' does not include—

(i) a roadway or railroad embankment that is not integral to the performance of a flood damage reduction system;

(ii) a canal constructed completely within natural ground without any manmade structure (such as an embankment or retaining wall to retain water or a case in which water is retained only by natural ground);

(iii) a canal regulated by a Federal or State agency in a manner that ensures that applicable Federal safety criteria are met;

(iv) a levee or canal structure—

(I) that is not a part of a Federal flood damage reduction system;

(II) that is not recognized under the National Flood Insurance Program as providing protection from the 1-percent-annual-chance or greater flood;

(III) that is not greater than 3 feet high;

(IV) the population in the leveed area of which is less than 50 individuals; and

(V) the leveed area of which is less than 1,000 acres; or

(v) any shoreline protection or river bank protection system (such as revetments or barrier islands).

(9) LEVEE FEATURE.—The term ''levee feature'' means a structure that is critical to the functioning of a levee, including—

(A) an embankment section;

(B) a floodwall section;

(C) a closure structure;

(D) a pumping station;

(E) an interior drainage work; and

(F) a flood damage reduction channel.

(10) LEVEE SAFETY GUIDELINES.—The term ''levee safety guidelines'' means the guidelines established by the Secretary under section 6004(c)(1).

(11) LEVEE SEGMENT.—The term ''levee segment'' means a discrete portion of a levee system that is owned, operated, and maintained by a single entity or discrete set of entities.

(12) LEVEE SYSTEM.—The term ''levee system'' means 1 or more levee segments, including all levee features that are interconnected and necessary to ensure protection of the associated leveed areas—

(A) that collectively provide flood damage reduction to a defined area; and

(B) the failure of 1 of which may result in the failure of the entire system.

(13) LEVEED AREA.—The term ''leveed area'' means the land from which flood water in the adjacent watercourse is excluded by the levee system.

(14) NATIONAL LEVEE DATABASE.—The term ''national levee database'' means the levee database established under section 9004 of the Water Resources Development Act of 2007 (33 U.S.C. 3303).

(15) PARTICIPATING PROGRAM.—The term ''participating program'' means a levee safety program developed by a State or Indian tribe that includes the minimum components necessary for recognition by the Secretary.

(16) REHABILITATION.—The term ''rehabilitation'' means the repair, replacement, reconstruction, removal of a levee, or reconfiguration of a levee system, including a setback levee, that is carried out to reduce flood risk or meet national levee safety guidelines.

(17) RISK.—The term ''risk'' means a measure of the probability and severity of undesirable consequences.

(18) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

(19) STATE.—The term ''State'' means—

(A) each of the several States of the United States;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands;

(G) the Federated States of Micronesia;

(H) the Republic of the Marshall Islands;

(I) the Republic of Palau; and

(J) the United States Virgin Islands.

SEC. 6004. NATIONAL LEVEE SAFETY PROGRAM.

(a) ESTABLISHMENT.—The Secretary, in consultation with the Administrator of the Federal Emergency Management Agency, shall establish a national levee safety program to provide national leadership and consistent approaches to levee safety, including—

(1) a national levee database;

(2) an inventory and inspection of Federal and non-Federal levees;

(3) national levee safety guidelines;

(4) a hazard potential classification system for Federal and non-Federal levees;

(5) research and development;

(6) a national public education and awareness program, with an emphasis on communication regarding the residual risk to communities protected by levees and levee systems;

(7) coordination of levee safety, floodplain management, and environmental protection activities;

(8) development of State and tribal levee safety programs; and

(9) the provision of technical assistance and materials to States and Indian tribes relating to—

(A) developing levee safety programs;

(B) identifying and reducing flood risks associated with residual risk to communities protected by levees and levee systems;

(C) identifying local actions that may be carried out to reduce flood risks in leveed areas; and

(D) rehabilitating, improving, replacing, reconfiguring, modifying, and removing levees and levee systems.

(b) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall appoint—

(A) an administrator of the national levee safety program; and

(B) such staff as is necessary to implement the program.

(2) ADMINISTRATOR.—The sole duty of the administrator appointed under paragraph (1)(A) shall be the management of the national levee safety program.

(c) LEVEE SAFETY GUIDELINES.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the Federal Emergency Management Agency and in coordination with State and local governments and organizations with expertise in levee safety, shall establish a set of voluntary, comprehensive, national levee safety guidelines that—

(A) are available for common, uniform use by all Federal, State, tribal, and local agencies;

(B) incorporate policies, procedures, standards, and criteria for a range of levee types, canal structures, and related facilities and features; and

(C) provide for adaptation to local, regional, or watershed conditions.

(2) REQUIREMENT.—The policies, procedures, standards, and criteria under paragraph (1)(B) shall be developed taking into consideration the levee hazard potential classification system established under subsection (d).

(3) ADOPTION BY FEDERAL AGENCIES.—All Federal agencies shall consider the levee safety guidelines in activities relating to the management of levees.

(4) PUBLIC COMMENT.—Prior to finalizing the guidelines under this subsection, the Secretary shall—

(A) issue draft guidelines for public comment; and

(B) consider any comments received in the development of final guidelines.

(d) HAZARD POTENTIAL CLASSIFICATION SYSTEM.—

(1) ESTABLISHMENT.—The Secretary shall establish a hazard potential classification system for use under the national levee safety program and participating programs.

(2) REVISION.—The Secretary shall review and, as necessary, revise the hazard potential classification system not less frequently than once every 5 years.

(3) CONSISTENCY.—The hazard potential classification system established pursuant to this subsection shall be consistent with and incorporated into the levee safety action classification tool developed by the Corps of Engineers.

(e) TECHNICAL ASSISTANCE AND MATERIALS.—

(1) ESTABLISHMENT.—The Secretary, in consultation with the Administrator of the Federal Emergency Management Agency and in coordination with the Board, shall establish a national levee safety technical assistance and training program to develop and deliver technical support and technical assistance materials, curricula, and training in order to promote levee safety and assist States, communities, and levee owners in—

(A) developing levee safety programs;

(B) identifying and reducing flood risks associated with levees;

(C) identifying local actions that may be carried out to reduce flood risks in leveed areas; and

(D) rehabilitating, improving, replacing, reconfiguring, modifying, and removing levees and levee systems.

(2) USE OF SERVICES.—In establishing the national levee safety training program under paragraph (1), the Secretary may use the services of—

(A) the Corps of Engineers;

(B) the Federal Emergency Management Agency;

(C) the Bureau of Reclamation; and

(D) other appropriate Federal agencies, as determined by the Secretary.

(f) COMPREHENSIVE NATIONAL PUBLIC EDUCATION AND AWARENESS CAMPAIGN.—

(1) ESTABLISHMENT.—The Secretary, in coordination with the Administrator of the Federal Emergency Management Agency and the Board, shall establish a national public education and awareness campaign relating to the national levee safety program.

(2) PURPOSES.—The purposes of the campaign under paragraph (1) are—

(A) to educate individuals living in leveed areas regarding the risks of living in those areas;

(B) to promote consistency in the transmission of information regarding levees among government agencies; and

(C) to provide national leadership regarding risk communication for implementation at the State and local levels.

(g) COORDINATION OF LEVEE SAFETY, FLOODPLAIN MANAGEMENT, AND ENVIRONMENTAL CONCERNS.—The Secretary, in consultation with the Administrator of the Federal Emergency Management Agency and in coordination with the Board, shall evaluate opportunities to coordinate—

(1) public safety, floodplain management, and environmental protection activities relating to levees; and

(2) environmental permitting processes for operation and maintenance activities at existing levee projects in compliance with all applicable laws.

(h) LEVEE INSPECTION.—

(1) IN GENERAL.—The Secretary shall carry out a one-time inventory and inspection of all levees identified in the national levee database.

(2) NO FEDERAL INTEREST.—The inventory and inspection under paragraph (1) does not create a Federal interest in the construction, operation, or maintenance any levee that is included in the inventory or inspected under this subsection.

(3) INSPECTION CRITERIA.—In carrying out the inventory and inspection, the Secretary shall use the levee safety action classification criteria to determine whether a levee should be classified in the inventory as requiring a more comprehensive inspection.

(4) STATE AND TRIBAL PARTICIPATION.—At the request of a State or Indian tribe with respect to any levee subject to inspection under this subsection, the Secretary shall—

(A) allow an official of the State or Indian tribe to participate in the inspection of the levee; and

(B) provide information to the State or Indian tribe relating to the location, construction, operation, or maintenance of the levee.

(5) EXCEPTIONS.—In carrying out the inventory and inspection under this subsection, the Secretary shall not be required to inspect any levee that has been inspected by a State or Indian tribe using the same methodology described in paragraph (3) during the 1-year period immediately preceding the date of enactment of this Act if the Governor of the State or tribal government, as applicable, requests an exemption from the inspection.

(i) STATE AND TRIBAL LEVEE SAFETY PROGRAM.—

(1) GUIDELINES.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, in consultation with the Administrator of the Federal Emergency Management Agency and in coordination with the Board, the Secretary shall issue guidelines that establish the minimum components necessary for recognition of a State or tribal levee safety program as a participating program.

(B) GUIDELINE CONTENTS.—The guidelines under subparagraph (A) shall include provisions and procedures requiring each participating State and Indian tribe to certify to the Secretary that the State or Indian tribe, as applicable—

(i) has the authority to participate in the national levee safety program;

(ii) can receive funds under this title;

(iii) has adopted any national levee safety guidelines developed under this title;

(iv) will carry out levee inspections;

(v) will carry out, consistent with applicable requirements, flood risk management and any emergency action planning procedures the Secretary determines to be necessary relating to levees;

(vi) will carry out public education and awareness activities consistent with the national public education and awareness campaign established under subsection (f); and

(vii) will collect and share information regarding the location and condition of levees.

(C) PUBLIC COMMENT.—Prior to finalizing the guidelines under this paragraph, the Secretary shall—

(i) issue draft guidelines for public comment; and

(ii) consider any comments received in the development of final guidelines.

(2) GRANT PROGRAM.—

(A) ESTABLISHMENT.—The Secretary shall establish a program under which the Secretary shall provide grants to assist States and Indian tribes in establishing participating programs, conducting levee inventories, and carrying out this title.

(B) REQUIREMENTS.—To be eligible to receive grants under this section, a State or Indian tribe shall—

(i) meet the requirements of a participating program established by the guidelines issued under paragraph (1);

(ii) use not less than 25 percent of any amounts received to identify and assess non-Federal levees within the State or on land of the Indian tribe;

(iii) submit to the Secretary any information collected by the State or Indian tribe in carrying out this subsection for inclusion in the national levee safety database; and

(iv) identify actions to address hazard mitigation activities associated with levees and leveed areas identified in the hazard mitigation plan of the State approved by the Administrator of the Federal Emergency Management Agency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(C) MEASURES TO ASSESS EFFECTIVENESS.—Not later than 1 year after the enactment of this Act, the Secretary shall implement quantifiable performance measures and metrics to assess the effectiveness of the grant program established in accordance with subparagraph (A).

(j) LEVEE REHABILITATION ASSISTANCE PROGRAM.—

(1) ESTABLISHMENT.—The Secretary, in consultation with the Administrator of the Federal Emergency Management Agency, shall establish a program under which the Secretary shall provide assistance to States, Indian tribes, and local governments in addressing flood mitigation activities that result in an overall reduction in flood risk.

(2) REQUIREMENTS.—To be eligible to receive assistance under this subsection, a State, Indian tribe, or local government shall—

(A) participate in, and comply with, all applicable Federal floodplain management and flood insurance programs;

(B) have in place a hazard mitigation plan that—

(i) includes all levee risks; and

(ii) complies with the Disaster Mitigation Act of 2000 (Public Law 106–390; 114 Stat. 1552);

(C) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require; and

(D) comply with such minimum eligibility requirements as the Secretary, in consultation with the Board, may establish to ensure that each owner and operator of a levee under a participating State or tribal levee safety program—

(i) acts in accordance with the guidelines developed in subsection (c); and

(ii) carries out activities relating to the public in the leveed area in accordance with the hazard mitigation plan described in subparagraph (B).

(3) FLOODPLAIN MANAGEMENT PLANS.—

(A) IN GENERAL.—Not later than 1 year after the date of execution of a project agreement for assistance under this subsection, a State, Indian tribe, or local government shall prepare a floodplain management plan in accordance with the guidelines under subparagraph (D) to reduce the impacts of future flood events in each applicable leveed area.

(B) INCLUSIONS.—A plan under subparagraph (A) shall address potential measures, practices, and policies to reduce loss of life, injuries, damage to property and facilities, public expenditures, and other adverse impacts of flooding in each applicable leveed area.

(C) IMPLEMENTATION.—Not later than 1 year after the date of completion of construction of the applicable project, a floodplain management plan prepared under subparagraph (A) shall be implemented.

(D) GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the Federal Emergency Management Agency, shall develop such guidelines for the preparation of floodplain management plans prepared under this paragraph as the Secretary determines to be appropriate.

(E) TECHNICAL SUPPORT.—The Secretary may provide technical support for the development and implementation of floodplain management plans prepared under this paragraph.

(4) USE OF FUNDS.—

(A) IN GENERAL.—Assistance provided under this subsection may be used—

(i) for any rehabilitation activity to maximize overall risk reduction associated with a levee under a participating State or tribal levee safety program; and

(ii) only for a levee that is not federally operated and maintained.

(B) PROHIBITION.—Assistance provided under this subsection shall not be used—

(i) to perform routine operation or maintenance for a levee; or

(ii) to make any modification to a levee that does not result in an improvement to public safety.

(5) NO PROPRIETARY INTEREST.—A contract for assistance provided under this subsection shall not be considered to confer any proprietary interest on the United States.

(6) COST-SHARE.—The maximum Federal share of the cost of any assistance provided under this subsection shall be 65 percent.

(7) PROJECT LIMIT.—The maximum amount of Federal assistance for a project under this subsection shall be $10,000,000.

(8) OTHER LAWS.—Assistance provided under this subsection shall be subject to all applicable laws (including regulations) that apply to the construction of a civil works project of the Corps of Engineers.

(k) EFFECT OF SECTION.—Nothing in this section—

(1) affects the requirement under section 100226(b)(2) of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4101 note; 126 Stat. 942); or

(2) confers any regulatory authority on—

(A) the Secretary; or

(B) the Director of the Federal Emergency Management Agency, including for the purpose of setting premium rates under the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

SEC. 6005. NATIONAL LEVEE SAFETY ADVISORY BOARD.

(a) ESTABLISHMENT.—The Secretary, in coordination with the Administrator of the Federal Emergency Management Agency, shall establish a board, to be known as the ''National Levee Safety Advisory Board''—

(1) to advise the Secretary and Congress regarding consistent approaches to levee safety;

(2) to monitor the safety of levees in the United States;

(3) to assess the effectiveness of the national levee safety program; and

(4) to ensure that the national levee safety program is carried out in a manner that is consistent with other Federal flood risk management efforts.

(b) MEMBERSHIP.—

(1) VOTING MEMBERS.—The Board shall be composed of the following 14 voting members, each of whom shall be appointed by the Secretary, with priority consideration given to representatives from those States that have the most Corps of Engineers levees in the State, based on mileage:

(A) 8 representatives of State levee safety programs, 1 from each of the civil works divisions of the Corps of Engineers.

(B) 2 representatives of the private sector who have expertise in levee safety.

(C) 2 representatives of local and regional governmental agencies who have expertise in levee safety.

(D) 2 representatives of Indian tribes who have expertise in levee safety.

(2) NONVOTING MEMBERS.—The Secretary (or a designee of the Secretary), the Administrator of the Federal Emergency Management Agency (or a designee of the Administrator), and the administrator of the national levee safety program appointed under section 6004(b)(1)(A) shall serve as nonvoting members of the Board.

(3) CHAIRPERSON.—The voting members of the Board shall appoint a chairperson from among the voting members of the Board, to serve a term of not more than 2 years.

(c) QUALIFICATIONS.—

(1) INDIVIDUALS.—Each voting member of the Board shall be knowledgeable in the field of levee safety, including water resources and flood risk management.

(2) AS A WHOLE.—The membership of the Board, considered as a whole, shall represent the diversity of skills required to advise the Secretary regarding levee issues relating to—

(A) engineering;

(B) public communications;

(C) program development and oversight;

(D) with respect to levees, flood risk management and hazard mitigation; and

(E) public safety and the environment.

(d) TERMS OF SERVICE.—

(1) IN GENERAL.—A voting member of the Board shall be appointed for a term of 3 years, except that, of the members first appointed—

(A) 5 shall be appointed for a term of 1 year;

(B) 5 shall be appointed for a term of 2 years; and

(C) 4 shall be appointed for a term of 3 years.

(2) REAPPOINTMENT.—A voting member of the Board may be reappointed to the Board, as the Secretary determines to be appropriate.

(3) VACANCIES.—A vacancy on the Board shall be filled in the same manner as the original appointment was made.

(e) STANDING COMMITTEES.—

(1) IN GENERAL.—The Board shall be supported by Standing Committees, which shall be comprised of volunteers from all levels of government and the private sector, to advise the Board regarding the national levee safety program.

(2) ESTABLISHMENT.—The Standing Committees of the Board shall include—

(A) the Standing Committee on Participating Programs, which shall advise the Board regarding—

(i) the development and implementation of State and tribal levee safety programs; and

(ii) appropriate incentives (including financial assistance) to be provided to States, Indian tribes, and local and regional entities;

(B) the Standing Committee on Technical Issues, which shall advise the Board regarding—

(i) the management of the national levee database;

(ii) the development and maintenance of levee safety guidelines;

(iii) processes and materials for developing levee-related technical assistance and training; and

(iv) research and development activities relating to levee safety;

(C) the Standing Committee on Public Education and Awareness, which shall advise the Board regarding the development, implementation, and evaluation of targeted public outreach programs—

(i) to gather public input;

(ii) to educate and raise awareness in leveed areas of levee risks;

(iii) to communicate information regarding participating programs; and

(iv) to track the effectiveness of public education efforts relating to levee risks;

(D) the Standing Committee on Safety and Environment, which shall advise the Board regarding—

(i) operation and maintenance activities for existing levee projects;

(ii) opportunities to coordinate public safety, floodplain management, and environmental protection activities relating to levees;

(iii) opportunities to coordinate environmental permitting processes for operation and maintenance activities at existing levee projects in compliance with all applicable laws; and

(iv) opportunities for collaboration by environmental protection and public safety interests in leveed areas and adjacent areas; and

(E) such other standing committees as the Secretary, in consultation with the Board, determines to be necessary.

(3) MEMBERSHIP.—

(A) IN GENERAL.—The Board shall recommend to the Secretary for approval individuals for membership on the Standing Committees.

(B) QUALIFICATIONS.—

(i) INDIVIDUALS.—Each member of a Standing Committee shall be knowledgeable in the issue areas for which the Committee is charged with advising the Board.

(ii) AS A WHOLE.—The membership of each Standing Committee, considered as a whole, shall represent, to the maximum extent practicable, broad geographical diversity.

(C) LIMITATION.—Each Standing Committee shall be comprised of not more than 10 members.

(f) DUTIES AND POWERS.—The Board—

(1) shall submit to the Secretary and Congress an annual report regarding the effectiveness of the national levee safety program in accordance with section 6007; and

(2) may secure from other Federal agencies such services, and enter into such contracts, as the Board determines to be necessary to carry out this subsection.

(g) TASK FORCE COORDINATION.—The Board shall, to the maximum extent practicable, coordinate the activities of the Board with the Federal Interagency Floodplain Management Task Force.

(h) COMPENSATION.—

(1) FEDERAL EMPLOYEES.—Each member of the Board who is an officer or employee of the United States shall serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States, but shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(2) NON-FEDERAL EMPLOYEES.—To the extent amounts are made available to carry out this section in appropriations Acts, the Secretary shall provide to each member of the Board who is not an officer or employee of the United States a stipend and a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in performance of services for the Board.

(3) STANDING COMMITTEE MEMBERS.—Each member of a Standing Committee shall—

(A) serve in a voluntary capacity; but

(B) receive a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in performance of services for the Board.

(i) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board or the Standing Committees.

SEC. 6006. INVENTORY AND INSPECTION OF LEVEES.

Section 9004(a)(2)(A) of the Water Resources Development Act of 2007 (33 U.S.C. 3303(a)(2)(A)) is amended by striking ''and, for non-Federal levees, such information on levee location as is provided to the Secretary by State and local governmental agencies'' and inserting ''and updated levee information provided by States, Indian tribes, Federal agencies, and other entities''.

SEC. 6007. REPORTS.

(a) STATE OF LEVEES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the Secretary in coordination with the Board, shall submit to Congress a report describing the state of levees in the United States and the effectiveness of the national levee safety program, including—

(A) progress achieved in implementing the national levee safety program;

(B) State and tribal participation in the national levee safety program;

(C) recommendations to improve coordination of levee safety, floodplain management, and environmental protection concerns, including—

(i) identifying and evaluating opportunities to coordinate public safety, floodplain management, and environmental protection activities relating to levees; and

(ii) evaluating opportunities to coordinate environmental permitting processes for operation and maintenance activities at existing levee projects in compliance with all applicable laws; and

(D) any recommendations for legislation and other congressional actions necessary to ensure national levee safety.

(2) INCLUSION.—Each report under paragraph (1) shall include a report of the Board that describes the independent recommendations of the Board for the implementation of the national levee safety program.

(b) NATIONAL DAM AND LEVEE SAFETY PROGRAM.—Not later than 3 years after the date of enactment of this Act, to the maximum extent practicable, the Secretary, in coordination with the Board, shall submit to Congress a report that includes recommendations regarding the advisability and feasibility of, and potential approaches for, establishing a joint national dam and levee safety program.

(c) ALIGNMENT OF FEDERAL PROGRAMS RELATING TO LEVEES.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on opportunities for alignment of Federal programs to provide incentives to State, tribal, and local governments and individuals and entities—

(1) to promote shared responsibility for levee safety;

(2) to encourage the development of strong State and tribal levee safety programs;

(3) to better align the national levee safety program with other Federal flood risk management programs; and

(4) to promote increased levee safety through other Federal programs providing assistance to State and local governments.

(d) LIABILITY FOR CERTAIN LEVEE ENGINEERING PROJECTS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes recommendations that identify and address any legal liability associated with levee engineering projects that prevent—

(1) levee owners from obtaining needed levee engineering services; or

(2) development and implementation of a State or tribal levee safety program.

SEC. 6008. EFFECT OF TITLE.

Nothing in this title—

(1) establishes any liability of the United States or any officer or employee of the United States (including the Board and the Standing Committees of the Board) for any damages caused by any action or failure to act; or

(2) relieves an owner or operator of a levee of any legal duty, obligation, or liability incident to the ownership or operation of the levee.

SEC. 6009. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this title—

(1) for funding the administration and staff of the national levee safety program, the Board, the Standing Committees of the Board, and participating programs, $5,000,000 for each of fiscal years 2014 through 2023;

(2) for technical programs, including the development of levee safety guidelines, publications, training, and technical assistance—

(A) $5,000,000 for each of fiscal years 2014 through 2018;

(B) $7,500,000 for each of fiscal years 2019 and 2020; and

(C) $10,000,000 for each of fiscal years 2021 through 2023;

(3) for public involvement and education programs, $3,000,000 for each of fiscal years 2014 through 2023;

(4) to carry out the levee inventory and inspections under section 9004 of the Water Resources Development Act of 2007 (33 U.S.C. 3303), $30,000,000 for each of fiscal years 2014 through 2018;

(5) for grants to State and tribal levee safety programs, $300,000,000 for fiscal years 2014 through 2023; and

(6) for levee rehabilitation assistance grants, $300,000,000 for fiscal years 2014 through 2023.

TITLE VII—INLAND WATERWAYS

SEC. 7001. PURPOSES.

The purposes of this title are—

(1) to improve program and project management relating to the construction and major rehabilitation of navigation projects on inland waterways;

(2) to optimize inland waterways navigation system reliability;

(3) to minimize the size and scope of inland waterways navigation project completion schedules;

(4) to eliminate preventable delays in inland waterways navigation project completion schedules; and

(5) to make inland waterways navigation capital investments through the use of prioritization criteria that seek to maximize systemwide benefits and minimize overall system risk.

SEC. 7002. DEFINITIONS.

In this title:

(1) INLAND WATERWAYS TRUST FUND.—The term ''Inland Waterways Trust Fund'' means the Inland Waterways Trust Fund established by section 9506(a) of the Internal Revenue Code of 1986.

(2) QUALIFYING PROJECT.—The term ''qualifying project'' means any construction or major rehabilitation project for navigation infrastructure of the inland and intracoastal waterways that is—

(A) authorized before, on, or after the date of enactment of this Act;

(B) not completed on the date of enactment of this Act; and

(C) funded at least in part from the Inland Waterways Trust Fund.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

SEC. 7003. PROJECT DELIVERY PROCESS REFORMS.

(a) REQUIREMENTS FOR QUALIFYING PROJECTS.—With respect to each qualifying project, the Secretary shall require—

(1) formal project management training and certification for each project manager;

(2) assignment as project manager only of personnel fully certified by the Chief of Engineers; and

(3) for an applicable cost estimation, that—

(A) the estimation—

(i) is risk-based; and

(ii) has a confidence level of at least 80 percent; and

(B) a risk-based cost estimate shall be implemented—

(i) for a qualified project that requires an increase in the authorized amount in accordance with section 902 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4183), during the preparation of a post-authorization change report or other similar decision document;

(ii) for a qualified project for which the first construction contract has not been awarded, prior to the award of the first construction contract;

(iii) for a qualified project without a completed Chief of Engineers report, prior to the completion of such a report; and

(iv) for a qualified project with a completed Chief of Engineers report that has not yet been authorized, during design for the qualified project.

(b) ADDITIONAL PROJECT DELIVERY PROCESS REFORMS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(1) establish a system to identify and apply on a continuing basis lessons learned from prior or ongoing qualifying projects to improve the likelihood of on-time and on-budget completion of qualifying projects;

(2) evaluate early contractor involvement acquisition procedures to improve on-time and on-budget project delivery performance; and

(3) implement any additional measures that the Secretary determines will achieve the purposes of this title and the amendments made by this title, including, as the Secretary determines to be appropriate—

(A) the implementation of applicable practices and procedures developed pursuant to management by the Secretary of an applicable military construction program;

(B) the establishment of 1 or more centers of expertise for the design and review of qualifying projects;

(C) the development and use of a portfolio of standard designs for inland navigation locks;

(D) the use of full-funding contracts or formulation of a revised continuing contracts clause; and

(E) the establishment of procedures for recommending new project construction starts using a capital projects business model.

(c) PILOT PROJECTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may carry out 1 or more pilot projects to evaluate processes or procedures for the study, design, or construction of qualifying projects.

(2) INCLUSIONS.—At a minimum, the Secretary shall carry out pilot projects under this subsection to evaluate—

(A) early contractor involvement in the development of features and components;

(B) an appropriate use of continuing contracts for the construction of features and components; and

(C) applicable principles, procedures, and processes used for military construction projects.

(d) INLAND WATERWAYS USER BOARD.—Section 302 of the Water Resources Development Act of 1986 (33 U.S.C. 2251) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) DUTIES OF USERS BOARD.—

''(1) IN GENERAL.—The Users Board shall meet not less frequently than semiannually to develop and make recommendations to the Secretary and Congress regarding the inland waterways and inland harbors of the United States.

''(2) ADVICE AND RECOMMENDATIONS.—For commercial navigation features and components of the inland waterways and inland harbors of the United States, the Users Board shall provide—

''(A) prior to the development of the budget proposal of the President for a given fiscal year, advice and recommendations to the Secretary regarding construction and rehabilitation priorities and spending levels;

''(B) advice and recommendations to Congress regarding any report of the Chief of Engineers relating to those features and components;

''(C) advice and recommendations to Congress regarding an increase in the authorized cost of those features and components;

''(D) not later than 60 days after the date of the submission of the budget proposal of the President to Congress, advice and recommendations to Congress regarding construction and rehabilitation priorities and spending levels; and

''(E) a long-term capital investment program in accordance with subsection (d).

''(3) PROJECT DEVELOPMENT TEAMS.—The chairperson of the Users Board shall appoint a representative of the Users Board to serve on the project development team for a qualifying project or the study or design of a commercial navigation feature or component of the inland waterways and inland harbors of the United States.

''(4) INDEPENDENT JUDGMENT.—Any advice or recommendation made by the Users Board to the Secretary shall reflect the independent judgment of the Users Board.'';

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

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

''(c) DUTIES OF SECRETARY.—The Secretary shall—

''(1) communicate not less than once each quarter to the Users Board the status of the study, design, or construction of all commercial navigation features or components of the inland waterways or inland harbors of the United States; and

''(2) submit to the Users Board a courtesy copy of all reports of the Chief of Engineers relating to a commercial navigation feature or component of the inland waterways or inland harbors of the United States.

''(d) CAPITAL INVESTMENT PROGRAM.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary, in coordination with the Users Board, shall develop, and submit to Congress a report describing, a 20-year program for making capital investments on the inland and intracoastal waterways, based on the application of objective, national project selection prioritization criteria.

''(2) CONSIDERATION.—In developing the program under paragraph (1), the Secretary shall take into consideration the 20-year capital investment strategy contained in the Inland Marine Transportation System (IMTS) Capital Projects Business Model, Final Report published on April 13, 2010, as approved by the Users Board.

''(3) CRITERIA.—In developing the plan and prioritization criteria under paragraph (1), the Secretary shall ensure, to the maximum extent practicable, that investments made under the 20-year program described in paragraph (1)—

''(A) are made in all geographical areas of the inland waterways system; and

''(B) ensure efficient funding of inland waterways projects.

''(4) STRATEGIC REVIEW AND UPDATE.—Not later than 5 years after the date of enactment of this subsection, and not less frequently than once every 5 years thereafter, the Secretary, in conjunction with the Users Board, shall—

''(A) submit to Congress a strategic review of the 20-year program in effect under this subsection, which shall identify and explain any changes to the project-specific recommendations contained in the previous 20-year program (including any changes to the prioritization criteria used to develop the updated recommendations); and

''(B) make such revisions to the program as the Secretary and Users Board jointly consider to be appropriate.

''(e) PROJECT MANAGEMENT PLANS.—The chairperson of the Users Board and the project development team member appointed by the chairperson under subsection (b)(3) shall sign the project management plan for the qualifying project or the study or design of a commercial navigation feature or component of the inland waterways and inland harbors of the United States.''.

SEC. 7004. MAJOR REHABILITATION STANDARDS.

Section 205(1)(E)(ii) of the Water Resources Development Act of 1992 (33 U.S.C. 2327(1)(E)(ii)) is amended by striking ''$8,000,000'' and inserting ''$20,000,000''.

SEC. 7005. INLAND WATERWAYS SYSTEM REVENUES.

(a) FINDINGS.—Congress finds that—

(1) there are approximately 12,000 miles of Federal waterways, known as the inland waterways system, that are supported by user fees and managed by the Corps of Engineers;

(2) the inland waterways system spans 38 States and handles approximately one-half of all inland waterway freight;

(3) according to the final report of the Inland Marine Transportation System Capital Projects Business Model, freight traffic on the Federal fuel-taxed inland waterways system accounts for 546,000,000 tons of freight each year;

(4) expenditures for construction and major rehabilitation projects on the inland waterways system are equally cost-shared between the Federal Government and the Inland Waterways Trust Fund;

(5) the Inland Waterways Trust Fund is financed through a fee of $0.20 per gallon on fuel used by commercial barges;

(6) the balance of the Inland Waterways Trust Fund has declined significantly in recent years;

(7) according to the final report of the Inland Marine Transportation System Capital Projects Business Model, the estimated financial need for construction and major rehabilitation projects on the inland waterways system for fiscal years 2011 through 2030 is approximately $18,000,000,000; and

(8) users of the inland waterways system are supportive of an increase in the existing revenue sources for inland waterways system construction and major rehabilitation activities to expedite the most critical of those construction and major rehabilitation projects.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the existing revenue sources for inland waterways system construction and rehabilitation activities are insufficient to cover the costs of non-Federal interests of construction and major rehabilitation projects on the inland waterways system; and

(2) the issue described in paragraph (1) should be addressed.

SEC. 7006. EFFICIENCY OF REVENUE COLLECTION.

Not later than 2 years after the date of enactment of this Act, the Comptroller General shall prepare a report on the efficiency of collecting the fuel tax for the Inland Waterways Trust Fund, which shall include—

(1) an evaluation of whether current methods of collection of the fuel tax result in full compliance with requirements of the law;

(2) whether alternative methods of collection would result in increased revenues into the Inland Waterways Trust Fund; and

(3) an evaluation of alternative collection options.

SEC. 7007. GAO STUDY, OLMSTED LOCKS AND DAM, LOWER OHIO RIVER, ILLINOIS AND KENTUCKY.

As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall conduct, and submit to Congress a report describing the results of, a study to determine why, and to what extent, the project for navigation, Lower Ohio River, Locks and Dams 52 and 53, Illinois and Kentucky (commonly known as the ''Olmsted Locks and Dam project''), authorized by section 3(a)(6) of the Water Resources Development Act of 1988 (102 Stat. 4013), has exceeded the budget for the project and the reasons why the project failed to be completed as scheduled, including an assessment of—

(1) engineering methods used for the project;

(2) the management of the project;

(3) contracting for the project;

(4) the cost to the United States of benefits foregone due to project delays; and

(5) such other contributory factors as the Comptroller General determines to be appropriate.

SEC. 7008. OLMSTED LOCKS AND DAM, LOWER OHIO RIVER, ILLINOIS AND KENTUCKY.

Section 3(a)(6) of the Water Resources Development Act of 1988 (102 Stat. 4013) is amended by striking ''and with the costs of construction'' and all that follows through the period at the end and inserting ''which amounts remaining after the date of enactment of this Act shall be appropriated from the general fund of the Treasury.''.

TITLE VIII—HARBOR MAINTENANCE

SEC. 8001. SHORT TITLE.

This title may be cited as the ''Harbor Maintenance Trust Fund Act of 2013''.

SEC. 8002. PURPOSES.

The purposes of this title are—

(1) to ensure that revenues collected into the Harbor Maintenance Trust Fund are used for the intended purposes of those revenues;

(2) to increase investment in the operation and maintenance of United States ports, which are critical for the economic competitiveness of the United States;

(3) to promote equity among ports nationwide;

(4) to ensure United States ports are prepared to meet modern shipping needs, including the capability to receive large ships that require deeper drafts; and

(5) to prevent cargo diversion from United States ports.

SEC. 8003. FUNDING FOR HARBOR MAINTENANCE PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) TOTAL BUDGET RESOURCES.—The term ''total budget resources'' means the total amount made available by appropriations Acts from the Harbor Maintenance Trust Fund for a fiscal year for making expenditures under section 9505(c) of the Internal Revenue Code of 1986.

(2) LEVEL OF RECEIPTS PLUS INTEREST.—The term ''level of receipts plus interest'' means the level of taxes and interest credited to the Harbor Maintenance Trust Fund under section 9505 of the Internal Revenue Code of 1986 for a fiscal year as set forth in the President's budget baseline projection, as determined under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907) for that fiscal year submitted pursuant to section 1105 of title 31, United States Code.

(b) MINIMUM RESOURCES.—

(1) MINIMUM RESOURCES.—

(A) IN GENERAL.—The total budget resources made available to the Secretary from the Harbor Maintenance Trust Fund shall be not less than the lesser of—

(i)(I) for fiscal year 2014, $1,000,000,000;

(II) for fiscal year 2015, $1,100,000,000;

(III) for fiscal year 2016, $1,200,000,000;

(IV) for fiscal year 2017, $1,300,000,000;

(V) for fiscal year 2018, $1,400,000,000; and

(VI) for fiscal year 2019, $1,500,000,000; and

(ii) the level of receipts plus interest credited to the Harbor Maintenance Trust Fund for that fiscal year.

(B) FISCAL YEAR 2020 AND SUBSEQUENT FISCAL YEARS.—For fiscal year 2020 and each fiscal year thereafter, the total budget resources made available to the Secretary

from the Harbor Maintenance Trust Fund shall be not less than the level of receipts plus interest credited to the Harbor Maintenance Trust Fund for that fiscal year.

(2) USE OF AMOUNTS.—The amounts described in paragraph (1) may be used only for harbor maintenance programs described in section 9505(c) of the Internal Revenue Code of 1986.

(c) IMPACT ON OTHER FUNDS.—

(1) IN GENERAL.—Subject to paragraph (3), subsection (b)(1) shall not apply if providing the minimum resources required under that subsection would result in making the amounts made available for the applicable fiscal year to carry out all programs, projects, and activities of the civil works program of the Corps of Engineers, other than the harbor maintenance programs, to be less than the amounts made available for those purposes in the previous fiscal year.

(2) CALCULATION OF AMOUNTS.—For each fiscal year, the amounts made available to carry out all programs, projects, and activities of the civil works program of the Corps of Engineers shall not include any amounts that are designated by Congress—

(A) as being for emergency requirements pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); or

(B) as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)).

(3) EXCEPTIONS.—Paragraph (1) shall not apply if—

(A) amounts made available for the civil works program of the Corps of Engineers for a fiscal year are less than the amounts made available for the civil works program in the previous fiscal year; and

(B) the reduction in amounts made available—

(i) applies to all discretionary funds and programs of the Federal Government; and

(ii) is applied to the civil works program in the same percentage and manner as other discretionary funds and programs.

SEC. 8004. HARBOR MAINTENANCE TRUST FUND PRIORITIZATION.

(a) POLICY.—It is the policy of the United States that the primary use of the Harbor Maintenance Trust Fund is for maintaining the constructed widths and depths of the commercial ports and harbors of the United States, and those functions should be given first consideration in the budgeting of Harbor Maintenance Trust Fund allocations.

(b) IN GENERAL.—Section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238) is amended by adding at the end the following:

''(c) PRIORITIZATION.—

''(1) DEFINITIONS.—In this subsection:

''(A) CONSTRUCTED WIDTH AND DEPTH.—The term 'constructed width and depth' means the depth to which a project has been constructed, which shall not exceed the authorized width and depth of the project.

''(B) GREAT LAKES NAVIGATION SYSTEM.—The term 'Great Lakes Navigation System' includes—

''(i)(I) Lake Superior;

''(II) Lake Huron;

''(III) Lake Michigan;

''(IV) Lake Erie; and

''(V) Lake Ontario;

''(ii) all connecting waters between the lakes referred to in clause (i) used for commercial navigation;

''(iii) any navigation features in the lakes referred to in clause (i) or waters described in clause (ii) that are a Federal operation or maintenance responsibility; and

''(iv) areas of the Saint Lawrence River that are operated or maintained by the Federal Government for commercial navigation.

''(C) HIGH-USE DEEP DRAFT.—

''(i) IN GENERAL.—The term 'high-use deep draft' means a project that has a depth of greater than 14 feet with not less than 10,000,000 tons of cargo annually.

''(ii) EXCLUSION.—The term 'high-use deep draft' does not include a project located in the Great Lakes Navigation System.

''(D) LOW-USE PORT.—The term 'low-use port' means a port at which not more than 1,000,000 tons of cargo are transported each calendar year.

''(E) MODERATE-USE PORT.—The term 'moderate-use port' means a port at which more than 1,000,000, but fewer than 10,000,000, tons of cargo are transported each calendar year.

''(2) PRIORITY.—Of the amounts made available under this section to carry out projects described in subsection (a)(2) that are in excess of the amounts made available to carry out those projects in fiscal year 2012, the Secretary of the Army, acting through the Chief of Engineers, shall give priority to those projects in the following order:

''(A)(i) In any fiscal year in which all projects subject to the harbor maintenance fee under section 24.24 of title 19, Code of Federal Regulations (or a successor regulation) are not maintained to their constructed width and depth, the Secretary shall prioritize amounts made available under this section for those projects that are high-use deep draft and are a priority for navigation in the Great Lakes Navigation System.

''(ii) Of the amounts made available under clause (i)—

''(I) 80 percent shall be used for projects that are high-use deep draft; and

''(II) 20 percent shall be used for projects that are a priority for navigation in the Great Lakes Navigation System.

''(B) In any fiscal year in which all projects identified as high-use deep draft are maintained to their constructed width and depth, the Secretary shall—

''(i) equally divide among each of the districts of the Corps of Engineers in which eligible projects are located 10 percent of remaining amounts made available under this section for moderate-use and low-use port projects—

''(I) that have been maintained at less than their constructed width and depth due to insufficient federal funding during the preceding 6 fiscal years; and

''(II) for which significant State and local investments in infrastructure have been made at those projects during the preceding 6 fiscal years; and

''(ii) prioritize any remaining amounts made available under this section for those projects that are not maintained to the minimum width and depth necessary to provide sufficient clearance for fully loaded commercial vessels using those projects to maneuver safely.

''(3) ADMINISTRATION.—For purposes of this subsection, State and local investments in infrastructure shall include infrastructure investments made using amounts made available for activities under section 105(a)(9) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(9)).

''(4) EXCEPTIONS.—The Secretary may prioritize a project not identified in paragraph (2) if the Secretary determines that funding for the project is necessary to address—

''(A) hazardous navigation conditions; or

''(B) impacts of natural disasters, including storms and droughts.

''(5) REPORTS TO CONGRESS.—Not later than September 30, 2013, and annually thereafter, the Secretary shall submit to Congress a report that describes, with respect to the preceding fiscal year—

''(A) the amount of funds used to maintain high-use deep draft projects and projects at moderate-use ports and low-use ports to the constructed depth and width of the projects;

''(B) the respective percentage of total funds provided under this section used for high use deep draft projects and projects at moderate-use ports and low-use ports;

''(C) the remaining amount of funds made available to carry out this section, if any; and

''(D) any additional amounts needed to maintain the high-use deep draft projects and projects at moderate-use ports and low-use ports to the constructed depth and width of the projects.''.

(c) OPERATION AND MAINTENANCE.—Section 101(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(b)) is amended—

(1) in paragraph (1), by striking ''45 feet'' and inserting ''50 feet''; and

(2) by adding at the end the following:

''(3) OPERATION AND MAINTENANCE ACTIVITIES DEFINED.—

''(A) SCOPE OF OPERATION AND MAINTENANCE ACTIVITIES.—Notwithstanding any other provision of law (including regulations and guidelines) and subject to subparagraph (B), for purposes of this subsection, operation and maintenance activities that are eligible for the Federal cost share under paragraph (1) shall include—

''(i) the dredging of berths in a harbor that is accessible to a Federal channel, if the Federal channel has been constructed to a depth equal to the authorized depth of the channel; and

''(ii) the dredging and disposal of legacy-contaminated sediments and sediments unsuitable for ocean disposal that—

''(I) are located in or affect the maintenance of Federal navigation channels; or

''(II) are located in berths that are accessible to Federal channels.

''(B) LIMITATIONS.—

''(i) IN GENERAL.—For each fiscal year, subject to section 210(c)(2), subparagraph (A) shall only apply—

''(I) to the amounts made available under section 210 to carry out projects described in subsection (a)(2) of that section that are in excess of the amounts made available to carry out those projects in fiscal year 2012; and

''(II) if, in that fiscal year, all projects identified as high-use deep draft (as defined in section 210(c)) are maintained to their constructed width and depth.

''(ii) STATE LIMITATION.—For each fiscal year, the operation and maintenance activities described in subparagraph (A) may only be carried out in a State—

''(I) in which the total amounts collected pursuant to section 4461 of the Internal Revenue Code of 1986 comprise not less than 2.5 percent annually of the total funding of the Harbor Maintenance Trust Fund established under section 9505 of the Internal Revenue Code of 1986; and

''(II) that received less than 50 percent of the total amounts collected in that State pursuant to section 4461 of the Internal Revenue Code of 1986 in the previous 3 fiscal years.

''(iii) PRIORITIZATION.—In allocating amounts made available under this paragraph, the Secretary shall give priority to projects that have received the lowest amount of funding from the Harbor Maintenance Trust Fund in comparison to the amount of funding contributed to the Harbor Maintenance Trust Fund in the previous 3 fiscal years.

''(iv) MAXIMUM AMOUNT.—The total amount made available in each fiscal year to carry out this paragraph shall not exceed the lesser of—

''(I) amount that is equal to 40 percent of the amounts made available under section 210 to carry out projects described in subsection (a)(2) of that section that are in excess of the amounts made available to carry out those projects in fiscal year 2012; and

''(II) the amount that is equal to 20 percent of the amounts made available under section 210 to carry out projects described in subsection (a)(2) of that section.

''(4) DONOR PORTS AND PORTS CONTRIBUTING TO ENERGY PRODUCTION.—

''(A) DEFINITIONS.—In this paragraph:

''(i) CARGO CONTAINER.—The term 'cargo container' means a cargo container that is 1 Twenty-foot Equivalent Unit.

''(ii) ELIGIBLE DONOR PORT.—The term, 'eligible donor port' means a port—

''(I) that is subject to the harbor maintenance fee under section 24.24 of title 19, Code of Federal Regulations (or a successor regulation);

''(II)(aa) at which the total amounts collected pursuant to section 4461 of the Internal Revenue Code of 1986 comprise not less than $15,000,000 annually of the total funding of the Harbor Maintenance Trust Fund established under section 9505 of the Internal Revenue Code of 1986; and

''(bb) that received less than 25 percent of the total amounts collected at that port pursuant to section 4461 of the Internal Revenue Code of 1986 in the previous 5 fiscal years; and

''(III) that is located in a State in which more than 2,000,000 cargo containers were unloaded from or loaded on to vessels in calendar year 2011.

''(iii) ELIGIBLE ENERGY TRANSFER PORT.—The term 'eligible energy transfer port' means a port—

''(I) that is subject to the harbor maintenance fee under section 24.24 of title 19, Code of Federal Regulation (or successor regulation); and

''(II)(aa) at which energy commodities comprised greater than 25 percent of all commercial activity by tonnage in calendar year 2011; and

''(bb) through which more than 40 million tons of cargo were transported in calendar year 2011.

''(iv) ENERGY COMMODITY.—The term 'energy commodity' includes—

''(I) petroleum products;

''(II) natural gas;

''(III) coal;

''(IV) wind and solar energy components; and

''(V) biofuels.

''(B) ADDITIONAL USES.—

''(i) IN GENERAL.—Subject to appropriations, the Secretary may provide to eligible donor ports and eligible energy transfer ports amounts in accordance with clause (ii).

''(ii) LIMITATIONS.—The amounts described in clause (i)—

''(I) made available for eligible energy transfer ports shall be divided equally among all States with an eligible energy transfer port; and

''(II) shall be made available only to a port as either an eligible donor port or an eligible energy transfer port.

''(C) USES.—Amounts provided to an eligible port under this paragraph may only be used by that port—

''(i) to provide payments to importers entering cargo or shippers transporting cargo through an eligible donor port or eligible energy transfer port, as calculated by U.S. Customs and Border Protection;

''(ii) to dredge berths in a harbor that is accessible to a Federal channel;

''(iii) to dredge and dispose of legacy-contaminated sediments and sediments unsuitable for ocean disposal that—

''(I) are located in or affect the maintenance of Federal navigation channels; or

''(II) are located in berths that are accessible to Federal channels; or

''(iv) for environmental remediation related to dredging berths and Federal navigation channels.

''(D) ADMINISTRATION OF PAYMENTS.—If an eligible donor port or eligible energy transfer port elects to provide payments to importers or shippers in accordance with subparagraph (C)(i), the Secretary shall transfer the amounts that would be provided to the port under this paragraph to the Commissioner of U.S. Customs and Border Protection to provide the payments to the importers or shippers.

''(E) AUTHORIZATION OF APPROPRIATIONS.—

''(i) IN GENERAL.—For fiscal years 2014 through 2024, if the total amounts made available from the Harbor Maintenance Trust Fund exceed the total amounts made available from the Harbor Maintenance Trust Fund in fiscal year 2012, there is authorized to be appropriated from the Harbor Maintenance Trust Fund to carry out this paragraph the sum obtained by adding—

''(I) $50,000,000; and

''(II) the amount that is equal to 10 percent of the amounts made available under section 210 to carry out projects described in subsection (a)(2) of that section that are in excess of the amounts made available to carry out those projects in fiscal year 2012.

''(ii) DIVISION BETWEEN ELIGIBLE DONOR PORTS AND ELIGIBLE ENERGY TRANSFER PORTS.—For each fiscal year, amounts made available shall be divided equally between eligible donor ports and eligible energy transfer ports.''.

(d) CONFORMING AMENDMENT.—Section 9505(c)(1) of the Internal Revenue Code of 1986 is amended by striking ''as in effect on the date of the enactment of the Water Resources Development Act of 1996'' and inserting ''as in effect on the date of the enactment of the Harbor Maintenance Trust Fund Act of 2013''.

SEC. 8005. HARBOR MAINTENANCE TRUST FUND STUDY.

(a) DEFINITIONS.—In this section:

(1) LOW-USE PORT.—The term ''low-use port'' means a port at which not more than 1,000,000 tons of cargo are transported each calendar year.

(2) MODERATE-USE PORT.—The term ''moderate-use port'' means a port at which more than 1,000,000, but fewer than 10,000,000, tons of cargo are transported each calendar year.

(b) STUDY.—Not later than 270 days after the date of enactment of this Act, the Comptroller General of the United States shall carry out a study and submit to Congress a report that—

(1) evaluates the effectiveness of activities funded by the Harbor Maintenance Trust Fund in maximizing economic growth and job creation in the communities surrounding low- and moderate-use ports; and

(2) includes recommendations relating to the use of amounts in the Harbor Maintenance Trust Fund to increase the competitiveness of United States ports relative to Canadian and Mexican ports.

TITLE IX—DAM SAFETY

SEC. 9001. SHORT TITLE.

This title may be cited as the ''Dam Safety Act of 2013''.

SEC. 9002. PURPOSE.

The purpose of this title and the amendments made by this title is to reduce the risks to life and property from dam failure in the United States through the reauthorization of an effective national dam safety program that brings together the expertise and resources of the Federal Government and non-Federal interests in achieving national dam safety hazard reduction.

SEC. 9003. ADMINISTRATOR.

(a) IN GENERAL.—The National Dam Safety Program Act (33 U.S.C. 467 et seq.) is amended by striking ''Director'' each place it appears and inserting ''Administrator''.

(b) CONFORMING AMENDMENT.—Section 2 of the National Dam Safety Program Act (33 U.S.C. 467) is amended—

(1) by striking paragraph (3);

(2) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(3) by inserting before paragraph (2) (as redesignated by paragraph (2)) the following:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.''.

SEC. 9004. INSPECTION OF DAMS.

Section 3(b)(1) of the National Dam Safety Program Act (33 U.S.C. 467a(b)(1)) is amended by striking ''or maintenance'' and inserting ''maintenance, condition, or provisions for emergency operations''.

SEC. 9005. NATIONAL DAM SAFETY PROGRAM.

(a) OBJECTIVES.—Section 8(c) of the National Dam Safety Program Act (33 U.S.C. 467f(c)) is amended by striking paragraph (4) and inserting the following:

''(4) develop and implement a comprehensive dam safety hazard education and public awareness program to assist the public in preparing for, mitigating, responding to, and recovering from dam incidents;''.

(b) BOARD.—Section 8(f)(4) of the National Dam Safety Program Act (33 U.S.C. 467f(f)(4)) is amended by inserting '', representatives from nongovernmental organizations,'' after ''State agencies''.

SEC. 9006. PUBLIC AWARENESS AND OUTREACH FOR DAM SAFETY.

The National Dam Safety Program Act (33 U.S.C. 467 et seq.) is amended—

(1) by redesignating sections 11, 12, and 13 as sections 12, 13, and 14, respectively; and

(2) by inserting after section 10 (33 U.S.C. 467g–1) the following:

''SEC. 11. PUBLIC AWARENESS AND OUTREACH FOR DAM SAFETY.

''The Administrator, in consultation with other Federal agencies, State and local governments, dam owners, the emergency management community, the private sector, nongovernmental organizations and associations, institutions of higher education, and any other appropriate entities shall carry out a nationwide public awareness and outreach program to assist the public in preparing for, mitigating, responding to, and recovering from dam incidents.''.

SEC. 9007. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL DAM SAFETY PROGRAM.—

(1) ANNUAL AMOUNTS.—Section 14(a)(1) of the National Dam Safety Program Act (33 U.S.C. 467j(a)(1)) (as so redesignated) is amended by striking ''$6,500,000'' and all that follows through ''2011'' and inserting ''$9,200,000 for each of fiscal years 2014 through 2018''.

(2) MAXIMUM AMOUNT OF ALLOCATION.—Section 14(a)(2)(B) of the National Dam Safety Program Act (33 U.S.C. 467j(a)(2)(B)) (as so redesignated) is amended—

(A) by striking ''The amount'' and inserting the following:

''(i) IN GENERAL.—The amount''; and

(B) by adding at the end the following:

''(ii) FISCAL YEAR 2014 AND SUBSEQUENT FISCAL YEARS.—For fiscal year 2014 and each subsequent fiscal year, the amount of funds allocated to a State under this paragraph may not exceed the amount of funds committed by the State to implement dam safety activities.''.

(b) NATIONAL DAM INVENTORY.—Section 14(b) of the National Dam Safety Program Act (33 U.S.C. 467j(b)) (as so redesignated) is amended by striking ''$650,000'' and all that follows through ''2011'' and inserting

''$500,000 for each of fiscal years 2014 through 2018''.

(c) PUBLIC AWARENESS.—Section 14 of the National Dam Safety Program Act (33 U.S.C. 467j) (as so redesignated) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

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

''(c) PUBLIC AWARENESS.—There is authorized to be appropriated to carry out section 11 $1,000,000 for each of fiscal years 2014 through 2018.''.

(d) RESEARCH.—Section 14(d) of the National Dam Safety Program Act (as so redesignated) is amended by striking ''$1,600,000'' and all that follows through ''2011'' and inserting ''$1,450,000 for each of fiscal years 2014 through 2018''.

(e) DAM SAFETY TRAINING.—Section 14(e) of the National Dam Safety Program Act (as so redesignated) is amended by striking ''$550,000'' and all that follows through ''2011'' and inserting ''$750,000 for each of fiscal years 2014 through 2018''.

(f) STAFF.—Section 14(f) of the National Dam Safety Program Act (as so redesignated) is amended by striking ''$700,000'' and all that follows through ''2011'' and inserting ''$1,000,000 for each of fiscal years 2014 through 2018''.

TITLE X—INNOVATIVE FINANCING PILOT PROJECTS

SEC. 10001. SHORT TITLE.

This title may be cited as the ''Water Infrastructure Finance and Innovation Act of 2013''.

SEC. 10002. PURPOSES.

The purpose of this title is to establish a pilot program to assess the ability of innovative financing tools to—

(1) promote increased development of critical water resources infrastructure by establishing additional opportunities for financing water resources projects that complement but do not replace or reduce existing Federal infrastructure financing tools such as the State water pollution control revolving loan funds established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) and the State drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12);

(2) attract new investment capital to infrastructure projects that are capable of generating revenue streams through user fees or other dedicated funding sources;

(3) complement existing Federal funding sources and address budgetary constraints on the Corps of Engineers civil works program and existing wastewater and drinking water infrastructure financing programs;

(4) leverage private investment in water resources infrastructure;

(5) align investments in water resources infrastructure to achieve multiple benefits; and

(6) assist communities facing significant water quality, drinking water, or flood risk challenges with the development of water infrastructure projects.

SEC. 10003. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) COMMUNITY WATER SYSTEM.—The term ''community water system'' has the meaning given the term in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f).

(3) FEDERAL CREDIT INSTRUMENT.—The term ''Federal credit instrument'' means a secured loan or loan guarantee authorized to be made available under this title with respect to a project.

(4) INVESTMENT-GRADE RATING.—The term ''investment-grade rating'' means a rating of BBB minus, Baa3, bbb minus, BBB (low), or higher assigned by a rating agency to project obligations.

(5) LENDER.—

(A) IN GENERAL.—The term ''lender'' means any non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulations (or a successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)).

(B) INCLUSIONS.—The term ''lender'' includes—

(i) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

(ii) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

(6) LOAN GUARANTEE.—The term ''loan guarantee'' means any guarantee or other pledge by the Secretary or the Administrator to pay all or part of the principal of, and interest on, a loan or other debt obligation issued by an obligor and funded by a lender.

(7) OBLIGOR.—The term ''obligor'' means an eligible entity that is primarily liable for payment of the principal of, or interest on, a Federal credit instrument.

(8) PROJECT OBLIGATION.—

(A) IN GENERAL.—The term ''project obligation'' means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of a project.

(B) EXCLUSION.—The term ''project obligation'' does not include a Federal credit instrument.

(9) RATING AGENCY.—The term ''rating agency'' means a credit rating agency registered with the Securities and Exchange Commission as a nationally recognized statistical rating organization (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))).

(10) RURAL WATER INFRASTRUCTURE PROJECT.—The term ''rural water infrastructure project'' means a project that—

(A) is described in section 10007; and

(B) is located in a water system that serves not more than 25,000 individuals.

(11) SECURED LOAN.—The term ''secured loan'' means a direct loan or other debt obligation issued by an obligor and funded by the Secretary in connection with the financing of a project under section 10010.

(12) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

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

(13) STATE INFRASTRUCTURE FINANCING AUTHORITY.—The term ''State infrastructure financing authority'' means the State entity established or designated by the Governor of a State to receive a capitalization grant provided by, or otherwise carry out the requirements of, title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et. seq.) or section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

(14) SUBSIDY AMOUNT.—The term ''subsidy amount'' means the amount of budget authority sufficient to cover the estimated long-term cost to the Federal Government of a Federal credit instrument, as calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays in accordance with the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(15) SUBSTANTIAL COMPLETION.—The term ''substantial completion'', with respect to a project, means the earliest date on which a project is considered to perform the functions for which the project is designed.

(16) TREATMENT WORKS.—The term ''treatment works'' has the meaning given the term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).

SEC. 10004. AUTHORITY TO PROVIDE ASSISTANCE.

(a) IN GENERAL.—The Secretary and the Administrator may provide financial assistance under this title to carry out pilot projects, which shall be selected to ensure a diversity of project types and geographical locations.

(b) RESPONSIBILITY.—

(1) SECRETARY.—The Secretary shall carry out all pilot projects under this title that are eligible projects under section 10007(1).

(2) ADMINISTRATOR.—The Administrator shall carry out all pilot projects under this title that are eligible projects under paragraphs (2), (3), (4), (5), (6), and (8) of section 10007.

(3) OTHER PROJECTS.—The Secretary or the Administrator, as applicable, may carry out eligible projects under paragraph (7) or (9) of section 10007.

SEC. 10005. APPLICATIONS.

(a) IN GENERAL.—To receive assistance under this title, an eligible entity shall submit to the Secretary or the Administrator, as applicable, an application at such time, in such manner, and containing such information as the Secretary or the Administrator may require.

(b) COMBINED PROJECTS.—In the case of an eligible project described in paragraph (8) or (9) of section 10007, the Secretary or the Administrator, as applicable, shall require the eligible entity to submit a single application for the combined group of projects.

SEC. 10006. ELIGIBLE ENTITIES.

The following entities are eligible to receive assistance under this title:

(1) A corporation.

(2) A partnership.

(3) A joint venture.

(4) A trust.

(5) A Federal, State, or local governmental entity, agency, or instrumentality.

(6) A tribal government or consortium of tribal governments.

(7) A State infrastructure financing authority.

SEC. 10007. PROJECTS ELIGIBLE FOR ASSISTANCE.

The following projects may be carried out with amounts made available under this title:

(1) A project for flood control or hurricane and storm damage reduction that the Secretary has determined is technically sound, economically justified, and environmentally acceptable, including—

(A) a structural or nonstructural measure to reduce flood risk, enhance stream flow, or protect natural resources; and

(B) a levee, dam, tunnel, aqueduct, reservoir, or other related water infrastructure.

(2) 1 or more activities that are eligible for assistance under section 603(c) of the Federal Water Pollution Control Act (33 U.S.C. 1383(c)), notwithstanding the public ownership requirement under paragraph (1) of that subsection.

(3) 1 or more activities described in section 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(2)).

(4) A project for enhanced energy efficiency in the operation of a public water system or a publicly owned treatment works.

(5) A project for repair, rehabilitation, or replacement of a treatment works, community water system, or aging water distribution or waste collection facility (including a facility that serves a population or community of an Indian reservation).

(6) A brackish or sea water desalination project, a managed aquifer recharge project, or a water recycling project.

(7) Acquisition of real property or an interest in real property—

(A) if the acquisition is integral to a project described in paragraphs (1) through (6); or

(B) pursuant to an existing plan that, in the judgment of the Administrator or the Secretary, as applicable, would mitigate the environmental impacts of water resources infrastructure projects otherwise eligible for assistance under this section.

(8) A combination of projects, each of which is eligible under paragraph (2) or (3), for which a State infrastructure financing authority submits to the Administrator a single application.

(9) A combination of projects secured by a common security pledge, each of which is eligible under paragraph (1), (2), (3), (4), (5), (6), or (7), for which an eligible entity, or a combination of eligible entities, submits a single application.

SEC. 10008. ACTIVITIES ELIGIBLE FOR ASSISTANCE.

For purposes of this title, an eligible activity with respect to an eligible project includes the cost of—

(1) development-phase activities, including planning, feasibility analysis (including any related analysis necessary to carry out an eligible project), revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities;

(2) construction, reconstruction, rehabilitation, and replacement activities;

(3) the acquisition of real property or an interest in real property (including water rights, land relating to the project, and improvements to land), environmental mitigation (including acquisitions pursuant to section 10007(7)), construction contingencies, and acquisition of equipment;

(4) capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction; and

(5) refinancing interim construction funding, long-term project obligations, or a secured loan or loan guarantee made under this title.

SEC. 10009. DETERMINATION OF ELIGIBILITY AND PROJECT SELECTION.

(a) ELIGIBILITY REQUIREMENTS.—To be eligible to receive financial assistance under this title, a project shall meet the following criteria, as determined by the Secretary or Administrator, as applicable:

(1) CREDITWORTHINESS.—

(A) IN GENERAL.—Subject to subparagraph (B), the project shall be creditworthy, which shall be determined by the Secretary or the Administrator, as applicable, who shall ensure that any financing for the project has appropriate security features, such as a rate covenant, to ensure repayment.

(B) PRELIMINARY RATING OPINION LETTER.—The Secretary or the Administrator, as applicable, shall require each project applicant to provide a preliminary rating opinion letter from at least 1 rating agency indicating that the senior obligations of the project (which may be the Federal credit instrument) have the potential to achieve an investment-grade rating.

(C) SPECIAL RULE FOR CERTAIN COMBINED PROJECTS.—The Administrator shall develop a credit evaluation process for a Federal credit instrument provided to a State infrastructure financing authority for a project under section 10007(8) or an entity for a project under section 10007(9), which may include requiring the provision of a preliminary rating opinion letter from at least 1 rating agency.

(2) ELIGIBLE PROJECT COSTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the eligible project costs of a project shall be reasonably anticipated to be not less than $20,000,000.

(B) RURAL WATER INFRASTRUCTURE PROJECTS.—For rural water infrastructure projects, the eligible project costs of a project shall be reasonably anticipated to be not less than $5,000,000.

(3) DEDICATED REVENUE SOURCES.—The Federal credit instrument for the project shall be repayable, in whole or in part, from dedicated revenue sources that also secure the project obligations.

(4) PUBLIC SPONSORSHIP OF PRIVATE ENTITIES.—In the case of a project carried out by an entity that is not a State or local government or an agency or instrumentality of a State or local government or a tribal government or consortium of tribal governments, the project shall be publicly sponsored.

(5) LIMITATION.—No project receiving Federal credit assistance under this title may be financed or refinanced (directly or indirectly), in whole or in part, with proceeds of any obligation—

(A) the interest on which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986; or

(B) with respect to which credit is allowable under subpart I or J of part IV of subchapter A of chapter 1 of such Code.

(b) SELECTION CRITERIA.—

(1) ESTABLISHMENT.—The Secretary or the Administrator, as applicable, shall establish criteria for the selection of projects that meet the eligibility requirements of subsection (a), in accordance with paragraph (2).

(2) CRITERIA.—The selection criteria shall include the following:

(A) The extent to which the project is nationally or regionally significant, with respect to the generation of economic and public benefits, such as—

(i) the reduction of flood risk;

(ii) the improvement of water quality and quantity, including aquifer recharge;

(iii) the protection of drinking water; and

(iv) the support of international commerce.

(B) The extent to which the project financing plan includes public or private financing in addition to assistance under this title.

(C) The likelihood that assistance under this title would enable the project to proceed at an earlier date than the project would otherwise be able to proceed.

(D) The extent to which the project uses new or innovative approaches.

(E) The amount of budget authority required to fund the Federal credit instrument made available under this title.

(F) The extent to which the project—

(i) protects against extreme weather events, such as floods or hurricanes; or

(ii) helps maintain or protect the environment.

(G) The extent to which a project serves regions with significant energy exploration, development, or production areas.

(H) The extent to which a project serves regions with significant water resource challenges, including the need to address—

(i) water quality concerns in areas of regional, national, or international significance;

(ii) water quantity concerns related to groundwater, surface water, or other water sources;

(iii) significant flood risk;

(iv) water resource challenges identified in existing regional, State, or multistate agreements; or

(v) water resources with exceptional recreational value or ecological importance.

(I) The extent to which assistance under this title reduces the contribution of Federal assistance to the project.

(3) SPECIAL RULE FOR CERTAIN COMBINED PROJECTS.—For a project described in section 10007(8), the Administrator shall only consider the criteria described in subparagraphs (B) through (I) of paragraph (2).

(c) FEDERAL REQUIREMENTS.—Nothing in this section supersedes the applicability of other requirements of Federal law (including regulations).

SEC. 10010. SECURED LOANS.

(a) AGREEMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) through (4), the Secretary or the Administrator, as applicable, may enter into agreements with 1 or more obligors to make secured loans, the proceeds of which shall be used—

(A) to finance eligible project costs of any project selected under section 10009;

(B) to refinance interim construction financing of eligible project costs of any project selected under section 10009; or

(C) to refinance long-term project obligations or Federal credit instruments, if that refinancing provides additional funding capacity for the completion, enhancement, or expansion of any project that—

(i) is selected under section 10009; or

(ii) otherwise meets the requirements of section 10009.

(2) LIMITATION ON REFINANCING OF INTERIM CONSTRUCTION FINANCING.—A secured loan under paragraph (1) shall not be used to refinance interim construction financing under paragraph (1)(B) later than 1 year after the date of substantial completion of the applicable project.

(3) FINANCIAL RISK ASSESSMENT.—Before entering into an agreement under this subsection for a secured loan, the Secretary or the Administrator, as applicable, in consultation with the Director of the Office of Management and Budget and each rating agency providing a preliminary rating opinion letter under section 10009(a)(1)(B), shall determine an appropriate capital reserve subsidy amount for the secured loan, taking into account each such preliminary rating opinion letter.

(4) INVESTMENT-GRADE RATING REQUIREMENT.—The execution of a secured loan under this section shall be contingent on receipt by the senior obligations of the project of an investment-grade rating.

(b) TERMS AND LIMITATIONS.—

(1) IN GENERAL.—A secured loan provided for a project under this section shall be subject to such terms and conditions, and contain such covenants, representations, warranties, and requirements (including requirements for audits), as the Secretary or the Administrator, as applicable, determines to be appropriate.

(2) MAXIMUM AMOUNT.—The amount of a secured loan under this section shall not exceed the lesser of—

(A) an amount equal to 49 percent of the reasonably anticipated eligible project costs; and

(B) if the secured loan does not receive an investment-grade rating, the amount of the senior project obligations of the project.

(3) PAYMENT.—A secured loan under this section—

(A) shall be payable, in whole or in part, from State or local taxes, user fees, or other dedicated revenue sources that also secure the senior project obligations of the relevant project;

(B) shall include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

(C) may have a lien on revenues described in subparagraph (A), subject to any lien securing project obligations.

(4) INTEREST RATE.—The interest rate on a secured loan under this section shall be not less than the yield on United States Treasury securities of a similar maturity to the maturity of the secured loan on the date of execution of the loan agreement.

(5) MATURITY DATE.—

(A) IN GENERAL.—The final maturity date of a secured loan under this section shall be not later than 35 years after the date of substantial completion of the relevant project.

(B) SPECIAL RULE FOR STATE INFRASTRUCTURE FINANCING AUTHORITIES.—The final maturity date of a secured loan to a State infrastructure financing authority under this section shall be not later than 35 years after the date on which amounts are first disbursed.

(6) NONSUBORDINATION.—A secured loan under this section shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor of the project.

(7) FEES.—The Secretary or the Administrator, as applicable, may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of making a secured loan under this section.

(8) NON-FEDERAL SHARE.—The proceeds of a secured loan under this section may be used to pay any non-Federal share of project costs required if the loan is repayable from non-Federal funds.

(9) MAXIMUM FEDERAL INVOLVEMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), for each project for which assistance is provided under this title, the total amount of Federal assistance shall not exceed 80 percent of the total project cost.

(B) EXCEPTION.—Subparagraph (A) shall not apply to any rural water project—

(i) that is authorized to be carried out by the Secretary of the Interior;

(ii) that includes among its beneficiaries a federally recognized Indian tribe; and

(iii) for which the authorized Federal share of the total project costs is greater than the amount described in subparagraph (A).

(c) REPAYMENT.—

(1) SCHEDULE.—The Secretary or the Administrator, as applicable, shall establish a repayment schedule for each secured loan provided under this section, based on the projected cash flow from project revenues and other repayment sources.

(2) COMMENCEMENT.—

(A) IN GENERAL.—Scheduled loan repayments of principal or interest on a secured loan under this section shall commence not later than 5 years after the date of substantial completion of the project.

(B) SPECIAL RULE FOR STATE INFRASTRUCTURE FINANCING AUTHORITIES.—Scheduled loan repayments of principal or interest on a secured loan to a State infrastructure financing authority under this title shall commence not later than 5 years after the date on which amounts are first disbursed.

(3) DEFERRED PAYMENTS.—

(A) AUTHORIZATION.—If, at any time after the date of substantial completion of a project for which a secured loan is provided under this section, the project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal and interest on the secured loan, the Secretary or the Administrator, as applicable, subject to subparagraph (C), may allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.

(B) INTEREST.—Any payment deferred under subparagraph (A) shall—

(i) continue to accrue interest in accordance with subsection (b)(4) until fully repaid; and

(ii) be scheduled to be amortized over the remaining term of the secured loan.

(C) CRITERIA.—

(i) IN GENERAL.—Any payment deferral under subparagraph (A) shall be contingent on the project meeting such criteria as the Secretary or the Administrator, as applicable, may establish.

(ii) REPAYMENT STANDARDS.—The criteria established under clause (i) shall include standards for reasonable assurance of repayment.

(4) PREPAYMENT.—

(A) USE OF EXCESS REVENUES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay a secured loan under this section without penalty.

(B) USE OF PROCEEDS OF REFINANCING.—A secured loan under this section may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

(d) SALE OF SECURED LOANS.—

(1) IN GENERAL.—Subject to paragraph (2), as soon as practicable after the date of substantial completion of a project and after providing a notice to the obligor, the Secretary or the Administrator, as applicable, may sell to another entity or reoffer into the capital markets a secured loan for a project under this section, if the Secretary or the Administrator, as applicable, determines that the sale or reoffering can be made on favorable terms.

(2) CONSENT OF OBLIGOR.—In making a sale or reoffering under paragraph (1), the Secretary or the Administrator, as applicable, may not change the original terms and conditions of the secured loan without the written consent of the obligor.

(e) LOAN GUARANTEES.—

(1) IN GENERAL.—The Secretary or the Administrator, as applicable, may provide a loan guarantee to a lender in lieu of making a secured loan under this section, if the Secretary or the Administrator, as applicable, determines that the budgetary cost of the loan guarantee is substantially the same as that of a secured loan.

(2) TERMS.—The terms of a loan guarantee provided under this subsection shall be consistent with the terms established in this section for a secured loan, except that the rate on the guaranteed loan and any prepayment features shall be negotiated between the obligor and the lender, with the consent of the Secretary or the Administrator, as applicable.

SEC. 10011. PROGRAM ADMINISTRATION.

(a) REQUIREMENT.—The Secretary or the Administrator, as applicable, shall establish a uniform system to service the Federal credit instruments made available under this title.

(b) FEES.—

(1) IN GENERAL.—The Secretary or the Administrator, as applicable, may collect and spend fees, contingent on authority being provided in appropriations Acts, at a level that is sufficient to cover—

(A) the costs of services of expert firms retained pursuant to subsection (d); and

(B) all or a portion of the costs to the Federal Government of servicing the Federal credit instruments provided under this title.

(c) SERVICER.—

(1) IN GENERAL.—The Secretary or the Administrator, as applicable, may appoint a financial entity to assist the Secretary or the Administrator in servicing the Federal credit instruments provided under this title.

(2) DUTIES.—A servicer appointed under paragraph (1) shall act as the agent for the Secretary or the Administrator, as applicable.

(3) FEE.—A servicer appointed under paragraph (1) shall receive a servicing fee, subject to approval by the Secretary or the Administrator, as applicable.

(d) ASSISTANCE FROM EXPERTS.—The Secretary or the Administrator, as applicable, may retain the services, including counsel, of organizations and entities with expertise in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments provided under this title.

(e) APPLICABILITY OF OTHER LAWS.—Section 513 of the Federal Water Pollution Control Act (33 U.S.C. 1372) applies to the construction of a project carried out, in whole or in part, with assistance made available through a Federal credit instrument under this title in the same manner that section applies to a treatment works for which a grant is made available under that Act.

SEC. 10012. STATE, TRIBAL, AND LOCAL PERMITS.

The provision of financial assistance for project under this title shall not—

(1) relieve any recipient of the assistance of any obligation to obtain any required State, local, or tribal permit or approval with respect to the project;

(2) limit the right of any unit of State, local, or tribal government to approve or regulate any rate of return on private equity invested in the project; or

(3) otherwise supersede any State, local, or tribal law (including any regulation) applicable to the construction or operation of the project.

SEC. 10013. REGULATIONS.

The Secretary or the Administrator, as applicable, may promulgate such regulations as the Secretary or Administrator determines to be appropriate to carry out this title.

SEC. 10014. FUNDING.

(a) IN GENERAL.—There is authorized to be appropriated to each of the Secretary and the Administrator to carry out this title $50,000,000 for each of fiscal years 2014 through 2018, to remain available until expended.

(b) ADMINISTRATIVE COSTS.—Of the funds made available to carry out this title, the Secretary or the Administrator, as applicable, may use for the administration of this title, including for the provision of technical assistance to aid project sponsors in obtaining the necessary approvals for the project, not more than $2,200,000 for each of fiscal years 2014 through 2018.

SEC. 10015. REPORT TO CONGRESS.

Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Secretary or the Administrator, as applicable, shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report summarizing for the projects that are receiving, or have received, assistance under this title—

(1) the financial performance of those projects, including a recommendation as to whether the objectives of this title are being met; and

(2) the public benefit provided by those projects, including, as applicable, water quality and water quantity improvement, the protection of drinking water, and the reduction of flood risk.

SEC. 10016. USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS.

(a) IN GENERAL.—Except as provided in subsection (b), none of the amounts made available under this Act may be used for the construction, alteration, maintenance, or repair of a project eligible for assistance under this title unless all of the iron, steel, and manufactured goods used in the project are produced in the United States.

(b) EXCEPTION.—Subsection (a) shall not apply in any case or category of cases in which the Secretary finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) PUBLIC NOTICE.—If the Secretary determines that it is necessary to waive the application of subsection (a) based on a finding under subsection (b), the Secretary shall publish in the Federal Register a detailed written justification as to why the provision is being waived.

(d) INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner consistent with United States obligations under international agreements.

TITLE XI—EXTREME WEATHER

SEC. 11001. DEFINITION OF RESILIENT CONSTRUCTION TECHNIQUE.

In this title, the term ''resilient construction technique'' means a construction method that—

(1) allows a property—

(A) to resist hazards brought on by a major disaster; and

(B) to continue to provide the primary functions of the property after a major disaster;

(2) reduces the magnitude or duration of a disruptive event to a property; and

(3) has the absorptive capacity, adaptive capacity, and recoverability to withstand a potentially disruptive event.

SEC. 11002. STUDY ON RISK REDUCTION.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary, in coordination with the Secretary of the Interior and the Secretary of Commerce, shall enter into an arrangement with the National Academy of Sciences to carry out a study and make recommendations relating to infrastructure and coastal restoration options for reducing risk to human life and property from extreme weather events, such as hurricanes, coastal storms, and inland flooding.

(b) CONSIDERATIONS.—The study under subsection (a) shall include—

(1) an analysis of strategies and water resources projects, including authorized water resources projects that have not yet been constructed, and other projects implemented in the United States and worldwide to respond to risk associated with extreme weather events;

(2) an analysis of—

(A) historical extreme weather events;

(B) the ability of existing infrastructure to mitigate risks associated with extreme weather events; and

(C) the reduction in long-term costs and vulnerability to infrastructure through the use of resilient construction techniques.

(3) identification of proven, science-based approaches and mechanisms for ecosystem protection and identification of natural resources likely to have the greatest need for protection, restoration, and conservation so that the infrastructure and restoration projects can continue safeguarding the communities in, and sustaining the economy of, the United States;

(4) an estimation of the funding necessary to improve infrastructure in the United States to reduce risk associated with extreme weather events;

(5) an analysis of the adequacy of current funding sources and the identification of potential new funding sources to finance the necessary infrastructure improvements referred to in paragraph (3); and

(6) an analysis of the Federal, State, and local costs of natural disasters and the potential cost-savings associated with implementing mitigation measures.

(c) COORDINATION.—The National Academy of Sciences may cooperate with the National Academy of Public Administration to carry out 1 or more aspects of the study under subsection (a).

(d) PUBLICATION.—Not later than 30 days after completion of the study under subsection (a), the National Academy of Sciences shall—

(1) submit a copy of the study to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(2) make a copy of the study available on a publicly accessible Internet site.

SEC. 11003. GAO STUDY ON MANAGEMENT OF FLOOD, DROUGHT, AND STORM DAMAGE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a study of the strategies used by the Corps of Engineers for the comprehensive management of water resources in response to floods, storms, and droughts, including an historical review of the ability of the Corps of Engineers to manage and respond to historical drought, storm, and flood events.

(b) CONSIDERATIONS.—The study under subsection (a) shall address—

(1) the extent to which existing water management activities of the Corps of Engineers can better meet the goal of addressing future flooding, drought, and storm damage risks, which shall include analysis of all historical extreme weather events that have been recorded during the previous 5 centuries as well as in the geological record;

(2) whether existing water resources projects built or maintained by the Corps of Engineers, including dams, levees, floodwalls, flood gates, and other appurtenant infrastructure were designed to adequately address flood, storm, and drought impacts and the extent to which the water resources projects have been successful at addressing those impacts;

(3) any recommendations for approaches for repairing, rebuilding, or restoring infrastructure, land, and natural resources that consider the risks and vulnerabilities associated with past and future extreme weather events;

(4) whether a reevaluation of existing management approaches of the Corps of Engineers could result in greater efficiencies in water management and project delivery that would enable the Corps of Engineers to better prepare for, contain, and respond to flood, storm, and drought conditions;

(5) any recommendations for improving the planning processes of the Corps of Engineers to provide opportunities for comprehensive management of water resources that increases efficiency and improves response to flood, storm, and drought conditions;

(6) any recommendations on the use of resilient construction techniques to reduce future vulnerability from flood, storm, and drought conditions; and

(7) any recommendations for improving approaches to rebuilding or restoring infrastructure and natural resources that contribute to risk reduction, such as coastal wetlands, to prepare for flood and drought.

SEC. 11004. POST-DISASTER WATERSHED ASSESSMENTS.

(a) WATERSHED ASSESSMENTS.—

(1) IN GENERAL.—In an area that the President has declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), the Secretary may carry out a watershed assessment to identify, to the maximum extent practicable, specific flood risk reduction, hurricane and storm damage reduction, ecosystem restoration, or navigation project recommendations that will help to rehabilitate and improve the resiliency of damaged infrastructure and natural resources to reduce risks to human life and property from future natural disasters.

(2) EXISTING PROJECTS.—A watershed assessment carried out paragraph (1) may identify existing projects being carried out under 1 or more of the authorities referred to in subsection (b) (1).

(3) DUPLICATE WATERSHED ASSESSMENTS.—In carrying out a watershed assessment under paragraph (1), the Secretary shall use all existing watershed assessments and related information developed by the Secretary or other Federal, State, or local entities.

(b) PROJECTS.—

(1) IN GENERAL.—The Secretary may carry out 1 or more small projects identified in a watershed assessment under subsection (a) that the Secretary would otherwise be authorized to carry out under—

(A) section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s);

(B) section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i);

(C) section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330);

(D) section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a);

(E) section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577); or

(F) section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).

(2) EXISTING PROJECTS.—In carrying out a project under paragraph (1), the Secretary shall—

(A) to the maximum extent practicable, use all existing information and studies available for the project; and

(B) not require any element of a study completed for the project prior to the disaster to be repeated.

(c) REQUIREMENTS.—All requirements applicable to a project under the Acts described in subsection (b) shall apply to the project.

(d) LIMITATIONS ON ASSESSMENTS.—

(1) IN GENERAL.—A watershed assessment under subsection (a) shall be initiated not later than 2 years after the date on which the major disaster declaration is issued.

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out a watershed assessment under subsection (a) shall not exceed $1,000,000.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2014 through 2018.

SEC. 11005. AUTHORITY TO ACCEPT AND EXPEND NON-FEDERAL AMOUNTS.

The Secretary is authorized to accept and expend amounts provided by non-Federal interests for the purpose of repairing, restoring, or replacing water resources projects that have been damaged or destroyed as a result of a major disaster or other emergency if the Secretary determines that the acceptance and expenditure of those amounts is in the public interest.

TITLE XII—NATIONAL ENDOWMENT FOR THE OCEANS

SEC. 12001. SHORT TITLE.

This title may be cited as the ''National Endowment for the Oceans Act''.

SEC. 12002. PURPOSES.

The purposes of this title are to protect, conserve, restore, and understand the oceans, coasts, and Great Lakes of the United States, ensuring present and future generations will benefit from the full range of ecological, economic, educational, social, cultural, nutritional, and recreational opportunities and services these resources are capable of providing.

SEC. 12003. DEFINITIONS.

In this title:

(1) COASTAL SHORELINE COUNTY.—The term ''coastal shoreline county'' has the meaning given the term by the Administrator of the Federal Emergency Management Agency for purposes of administering the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

(2) COASTAL STATE.—The term ''coastal State'' has the meaning given the term ''coastal state'' in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

(3) CORPUS.—The term ''corpus'', with respect to the Endowment fund, means an amount equal to the Federal payments to such fund, amounts contributed to the fund from non-Federal sources, and appreciation from capital gains and reinvestment of income.

(4) ENDOWMENT.—The term ''Endowment'' means the endowment established under subsection (a).

(5) ENDOWMENT FUND.—The term ''Endowment fund'' means a fund, or a tax-exempt foundation, established and maintained pursuant to this title by the Foundation for the purposes described in section 12004(a).

(6) FOUNDATION.—The term ''Foundation'' means the National Fish and Wildlife Foundation established by section 2(a) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701(a)).

(7) INCOME.—The term ''income'', with respect to the Endowment fund, means an amount equal to the dividends and interest accruing from investments of the corpus of such fund.

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

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(10) TIDAL SHORELINE.—The term ''tidal shoreline'' has the meaning given that term pursuant to section 923.110(c)(2)(i) of title 15, Code of Federal Regulations, or a similar successor regulation.

SEC. 12004. NATIONAL ENDOWMENT FOR THE OCEANS.

(a) ESTABLISHMENT.—The Secretary and the Foundation are authorized to establish the National Endowment for the Oceans as a permanent Endowment fund, in accordance with this section, to further the purposes of this title and to support the programs established under this title.

(b) AGREEMENTS.—The Secretary and the Foundation may enter into such agreements as may be necessary to carry out the purposes of this title.

(c) DEPOSITS.—There shall be deposited in the Fund, which shall constitute the assets of the Fund, amounts as follows:

(1) Amounts appropriated or otherwise made available to carry out this title.

(2) Amounts earned through investment under subsection (d).

(d) INVESTMENTS.—The Foundation shall invest the Endowment fund corpus and income for the benefit of the Endowment.

(e) REQUIREMENTS.—Any amounts received by the Foundation pursuant to this title shall be subject to the provisions of the National Fish and Wildlife Establishment Act (16 U.S.C. 3701 et seq.), except the provisions of section 10(a) of that Act (16 U.S.C. 3709(a)).

(f) WITHDRAWALS AND EXPENDITURES.—

(1) ALLOCATION OF FUNDS.—Each fiscal year, the Foundation shall, in consultation with the Secretary, allocate an amount equal to not less than 3 percent and not more than 7 percent of the corpus of the Endowment fund and the income generated from the Endowment fund from the current fiscal year.

(2) EXPENDITURE.—Except as provided in paragraph (3), of the amounts allocated under paragraph (1) for each fiscal year—

(A) at least 59 percent shall be used by the Foundation to award grants to coastal States under section 12006(b);

(B) at least 39 percent shall be allocated by the Foundation to award grants under section 12006(c); and

(C) no more than 2 percent may be used by the Secretary and the Foundation for administrative expenses to carry out this title, which amount shall be divided between the Secretary and the Foundation pursuant to an agreement reached and documented by both the Secretary and the Foundation.

(3) PROGRAM ADJUSTMENTS.—

(A) IN GENERAL.—In any fiscal year in which the amount described in subparagraph (B) is less than $100,000,000, the Foundation, in consultation with the Secretary, may elect not to use any of the amounts allocated under paragraph (1) for that fiscal year to award grants under section 12006(b).

(B) DETERMINATION AMOUNT.—The amount described in this subparagraph for a fiscal year is the amount that is equal to the sum of—

(i) the amount that is 5 percent of the corpus of the Endowment fund; and

(ii) the aggregate amount of income the Foundation expects to be generated from the Endowment fund in that fiscal year.

(g) RECOVERY OF PAYMENTS.—After notice and an opportunity for a hearing, the Secretary is authorized to recover any Federal payments under this section if the Foundation—

(1) makes a withdrawal or expenditure of the corpus of the Endowment fund or the income of the Endowment fund that is not consistent with the requirements of section 12005; or

(2) fails to comply with a procedure, measure, method, or standard established under section 12006(a)(1).

SEC. 12005. ELIGIBLE USES.

(a) IN GENERAL.—Amounts in the Endowment may be allocated by the Foundation to support programs and activities intended to restore, protect, maintain, or understand living marine resources and their habitats and ocean, coastal, and Great Lakes resources, including baseline scientific research, ocean observing, and other programs and activities carried out in coordination with Federal and State departments or agencies, that are consistent with Federal environmental laws and that avoid environmental degradation, including the following:

(1) Ocean, coastal, and Great Lakes restoration and protection, including the protection of the environmental integrity of such areas, and their related watersheds, including efforts to mitigate potential impacts of sea level change, changes in ocean chemistry, and changes in ocean temperature.

(2) Restoration, protection, or maintenance of living ocean, coastal, and Great Lakes resources and their habitats, including marine protected areas and riparian migratory habitat of coastal and marine species.

(3) Planning for and managing coastal development to enhance ecosystem integrity or minimize impacts from sea level change and coastal erosion.

(4) Analyses of current and anticipated impacts of ocean acidification and assessment of potential actions to minimize harm to ocean, coastal, and Great Lakes ecosystems.

(5) Analyses of, and planning for, current and anticipated uses of ocean, coastal, and Great Lakes areas.

(6) Regional, subregional, or site-specific management efforts designed to manage, protect, or restore ocean, coastal, and Great Lakes resources and ecosystems.

(7) Research, assessment, monitoring, observation, modeling, and sharing of scientific information that contribute to the understanding of ocean, coastal, and Great Lakes ecosystems and support the purposes of this title.

(8) Efforts to understand better the processes that govern the fate and transport of petroleum hydrocarbons released into the marine environment from natural and anthropogenic sources, including spills.

(9) Efforts to improve spill response and preparedness technologies.

(10) Acquiring property or interests in property in coastal and estuarine areas, if such property or interest is acquired in a manner that will ensure such property or interest will be administered to support the purposes of this title.

(11) Protection and relocation of critical coastal public infrastructure affected by erosion or sea level change.

(b) MATCHING REQUIREMENT.—An amount from the Endowment may not be allocated to fund a project or activity described in paragraph (10) or (11) of subsection (a) unless non-Federal contributions in an amount equal to 30 percent or more of the cost of such project or activity is made available to carry out such project or activity.

(c) CONSIDERATIONS FOR GREAT LAKES STATES.—Programs and activities funded in Great Lakes States shall also seek to attain the goals embodied in the Great Lakes Restoration Initiative Plan, the Great Lakes Regional Collaboration Strategy, the Great Lakes Water Quality Agreement, or other collaborative planning efforts of the Great Lakes Region.

(d) PROHIBITION ON USE OF FUNDS FOR LITIGATION.—No funds made available under this title may be used to fund litigation over any matter.

SEC. 12006. GRANTS.

(a) ADMINISTRATION OF GRANTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Foundation shall establish the following:

(A) Application and review procedures for the awarding of grants under this section, including requirements ensuring that any amounts awarded under such subsections may only be used for an eligible use described under section 12005.

(B) Approval procedures for the awarding of grants under this section that require consultation with the Secretary of Commerce and the Secretary of the Interior.

(C) Eligibility criteria for awarding grants—

(i) under subsection (b) to coastal States; and

(ii) under subsection (c) to entities including States, Indian tribes, regional bodies, associations, non-governmental organizations, and academic institutions.

(D) Performance accountability and monitoring measures for programs and activities funded by a grant awarded under subsection (b) or (c).

(E) Procedures and methods to ensure accurate accounting and appropriate administration grants awarded under this section, including standards of record keeping.

(F) Procedures to carry out audits of the Endowment as necessary, but not less frequently than once every 5 years.

(G) Procedures to carry out audits of the recipients of grants under this section.

(2) APPROVAL PROCEDURES.—

(A) SUBMITTAL.—The Foundation shall submit to the Secretary each procedure, measure, method, and standard established under paragraph (1).

(B) DETERMINATION AND NOTICE.—Not later than 90 days after receiving the procedures, measures, methods, and standards under subparagraph (A), the Secretary shall—

(i) determine whether to approve or disapprove of such procedures, measures, methods, and standards; and

(ii) notify the Foundation of such determination.

(C) JUSTIFICATION OF DISAPPROVAL.—If the Secretary disapproves of the procedures, measures, methods, and standards under subparagraph (B), the Secretary shall include in notice submitted under clause (ii) of such subparagraph the rationale for such disapproval.

(D) RESUBMITTAL.—Not later than 30 days after the Foundation receives notification under subparagraph (B)(ii) that the Secretary has disapproved the procedures, measures, methods, and standards, the Foundation shall revise such procedures, measures, methods, and standards and submit such revised procedures, measures, methods, and standards to the Secretary.

(E) REVIEW OF RESUBMITTAL.—Not later than 30 days after receiving revised procedures, measures, methods, and standards resubmitted under subparagraph (D), the Secretary shall—

(i) determine whether to approve or disapprove the revised procedures, measures, methods, and standards; and

(ii) notify the Foundation of such determination.

(b) GRANTS TO COASTAL STATES.—

(1) IN GENERAL.—Subject to paragraphs (3) and (4), the Foundation shall award grants of amounts allocated under section 12004(e)(2)(A) to eligible coastal States, based on the following formula:

(A) Fifty percent of the funds are allocated equally among eligible coastal States.

(B) Twenty-five percent of the funds are allocated on the basis of the ratio of tidal shoreline miles in a coastal State to the tidal shoreline miles of all coastal States.

(C) Twenty-five percent of the funds are allocated on the basis of the ratio of population density of the coastal shoreline counties of a coastal State to the population density of all coastal shoreline counties.

(2) ELIGIBLE COASTAL STATES.—For purposes of paragraph (1), an eligible coastal State includes—

(A) a coastal State that has a coastal management program approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); and

(B) during the period beginning on the date of the enactment of this Act and ending on December 31, 2018, a coastal State that had, during the period beginning January 1, 2008, and ending on the date of the enactment of this Act, a coastal management program approved as described in subparagraph (A).

(3) MAXIMUM ALLOCATION TO STATES.—Notwithstanding paragraph (1), not more than 10 percent of the total funds distributed under this subsection may be allocated to any single State. Any amount exceeding this limit shall be redistributed among the remaining States according to the formula established under paragraph (1).

(4) MAXIMUM ALLOCATION TO CERTAIN GEOGRAPHIC AREAS.—

(A) IN GENERAL.—Notwithstanding paragraph (1), each geographic area described in subparagraph (B) may not receive more than 1 percent of the total funds distributed under this subsection. Any amount exceeding this limit shall be redistributed among the remaining States according to the formula established under paragraph (1).

(B) GEOGRAPHIC AREAS DESCRIBED.—The geographic areas described in this subparagraph are the following:

(i) American Samoa.

(ii) The Commonwealth of the Northern Mariana Islands.

(iii) Guam.

(iv) Puerto Rico.

(v) The Virgin Islands.

(5) REQUIREMENT TO SUBMIT PLANS.—

(A) IN GENERAL.—To be eligible to receive a grant under this subsection, a coastal State shall submit to the Secretary, and the Secretary shall review, a 5-year plan, which shall include the following:

(i) A prioritized list of goals the coastal State intends to achieve during the time period covered by the 5-year plan.

(ii) Identification and general descriptions of existing State projects or activities that contribute to realization of such goals, including a description of the entities conducting those projects or activities.

(iii) General descriptions of projects or activities, consistent with the eligible uses described in section 12005, applicable provisions of law relating to the environment, and existing Federal ocean policy, that could contribute to realization of such goals.

(iv) Criteria to determine eligibility for entities which may receive grants under this subsection.

(v) A description of the competitive process the coastal State will use in allocating funds received from the Endowment, except in the case of allocating funds under paragraph (7), which shall include—

(I) a description of the relative roles in the State competitive process of the State coastal zone management program approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) and any State Sea Grant Program; and

(II) a demonstration that such competitive process is consistent with the application and review procedures established by the Foundation under subsection (a)(1).

(B) UPDATES.—As a condition of receiving a grant under this subsection, a coastal State shall submit to the Secretary, not less frequently than once every 5 years, an update to the plan submitted by the coastal State under subparagraph (A) for the 5-year period immediately following the most recent submittal under this paragraph.

(6) OPPORTUNITY FOR PUBLIC COMMENT.—In determining whether to approve a plan or an update to a plan described in subparagraph (A) or (B) of paragraph (5), the Secretary shall provide the opportunity for, and take into consideration, public input and comment on the plan.

(7) APPROVAL PROCEDURE.—

(A) IN GENERAL.—Not later than 30 days after the opportunity for public comment on a plan or an update to a plan of a coastal State under paragraph (6), the Secretary shall notify such coastal State that the Secretary—

(i) approves the plan as submitted; or

(ii) disapproves the plan as submitted.

(B) DISAPPROVAL.—If the Secretary disapproves a proposed plan or an update of a plan submitted under subparagraph (A) or (B) of paragraph (5), the Secretary shall provide notice of such disapproval to the submitting coastal State in writing, and include in such notice the rationale for the Secretary's decision.

(C) RESUBMITTAL.—If the Secretary disapproves a plan of a coastal State under subparagraph (A), the coastal State shall resubmit the plan to the Secretary not later than 30 days after receiving the notice of disapproval under subparagraph (B).

(D) REVIEW OF RESUBMITTAL.—Not later than 60 days after receiving a plan resubmitted under subparagraph (C), the Secretary shall review the plan.

(8) INDIAN TRIBES.—As a condition on receipt of a grant under this subsection, a State that receives a grant under this subsection shall ensure that Indian tribes in the State are eligible to participate in the competitive process described in the State's plan under paragraph (5)(A)(v).

(c) NATIONAL GRANTS FOR OCEANS, COASTS, AND GREAT LAKES.—

(1) IN GENERAL.—The Foundation may use amounts allocated under section 12004(e)(2)(B) to award grants according to the procedures established in subsection (a) to support activities consistent with section 12005.

(2) ADVISORY PANEL.—

(A) IN GENERAL.—The Foundation shall establish an advisory panel to conduct reviews of applications for grants under paragraph (1) and the Foundation shall consider the recommendations of the Advisory Panel with respect to such applications.

(B) MEMBERSHIP.—The advisory panel established under subparagraph (A) shall include persons representing a balanced and diverse range, as determined by the Foundation, of—

(i) ocean, coastal, and Great Lakes dependent industries;

(ii) geographic regions;

(iii) nonprofit conservation organizations with a mission that includes the conservation and protection of living marine resources and their habitats; and

(iv) academic institutions with strong scientific or technical credentials and experience in marine science or policy.

SEC. 12007. ANNUAL REPORT.

(a) REQUIREMENT FOR ANNUAL REPORT.—Beginning with fiscal year 2014, not later than 60 days after the end of each fiscal year, the Foundation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report on the operation of the Endowment during the fiscal year.

(b) CONTENT.—Each annual report submitted under subsection (a) for a fiscal year shall include—

(1) a statement of the amounts deposited in the Endowment and the balance remaining in the Endowment at the end of the fiscal year; and

(2) a description of the expenditures made from the Endowment for the fiscal year, including the purpose of the expenditures.

SEC. 12008. TULSA PORT OF CATOOSA, ROGERS COUNTY, OKLAHOMA LAND EXCHANGE.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means the approximately 87 acres of land situated in Rogers County, Oklahoma, contained within United States Tracts 413 and 427, and acquired for the McClellan-Kerr Arkansas Navigation System.

(2) NON-FEDERAL LAND.—The term ''non-Federal land'' means the approximately 34 acres of land situated in Rogers County, Oklahoma and owned by the Tulsa Port of Catoosa that lie immediately south and east of the Federal land.

(b) LAND EXCHANGE.—Subject to subsection (c), on conveyance by the Tulsa Port of Catoosa to the United States of all right, title, and interest in and to the non-Federal land, the Secretary shall convey to the Tulsa Port of Catoosa, all right, title, and interest of the United States in and to the Federal land.

(c) CONDITIONS.—

(1) DEEDS.—

(A) DEED TO NON-FEDERAL LAND.—The Secretary may only accept conveyance of the non-Federal land by warranty deed, as determined acceptable by the Secretary.

(B) DEED TO FEDERAL LAND.—The Secretary shall convey the Federal land to the Tulsa Port of Catoosa by quitclaim deed and subject to any reservations, terms, and conditions that the Secretary determines necessary to—

(i) allow the United States to operate and maintain the McClellan-Kerr Arkansas River Navigation System; and

(ii) protect the interests of the United States.

(2) LEGAL DESCRIPTIONS.—The exact acreage and legal descriptions of the Federal land and the non-Federal land shall be determined by surveys acceptable to the Secretary.

(3) PAYMENT OF COSTS.—The Tulsa Port of Catoosa shall be responsible for all costs associated with the land exchange authorized by this section, including any costs that the Secretary determines necessary and reasonable in the interest of the United States, including surveys, appraisals, real estate transaction fees, administrative costs, and environmental documentation.

(4) CASH PAYMENT.—If the appraised fair market value of the Federal land, as determined by the Secretary, exceeds the appraised fair market value of the non-Federal land, as determined by the Secretary, the Tulsa Port of Catoosa shall make a cash payment to the United States reflecting the difference in the appraised fair market values.

(5) LIABILITY.—The Tulsa Port of Catoosa shall hold and save the United States free from damages arising from activities carried out under this section, except for damages due to the fault or negligence of the United States or a contractor of the United States.

TITLE XIII—MISCELLANEOUS

SEC. 13001. APPLICABILITY OF SPILL PREVENTION, CONTROL, AND COUNTERMEASURE RULE.

(a) DEFINITIONS.—In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) FARM.—The term ''farm'' has the meaning given the term in section 112.2 of title 40, Code of Federal Regulations (or successor regulations).

(3) GALLON.—The term ''gallon'' means a United States liquid gallon.

(4) OIL.—The term ''oil'' has the meaning given the term in section 112.2 of title 40, Code of Federal Regulations (or successor regulations).

(5) OIL DISCHARGE.—The term ''oil discharge'' has the meaning given the term ''discharge'' in section 112.2 of title 40, Code of Federal Regulations (or successor regulations).

(6) REPORTABLE OIL DISCHARGE HISTORY.—The term ''reportable oil discharge history'' has the meaning used to describe the legal requirement to report a discharge of oil under applicable law.

(7) SPILL PREVENTION, CONTROL, AND COUNTERMEASURE RULE.—The term ''Spill Prevention, Control, and Countermeasure rule'' means the regulation, including amendments, promulgated by the Administrator under part 112 of title 40, Code of Federal Regulations (or successor regulations).

(b) CERTIFICATION.—In implementing the Spill Prevention, Control, and Countermeasure rule with respect to any farm, the Administrator shall—

(1) require certification of compliance with the rule by—

(A) a professional engineer for a farm with—

(i) an individual tank with an aboveground storage capacity greater than 10,000 gallons;

(ii) an aggregate aboveground storage capacity greater than or equal to 20,000 gallons; or

(iii) a reportable oil discharge history; or

(B) the owner or operator of the farm (via self-certification) for a farm with—

(i) an aggregate aboveground storage capacity not more than 20,000 gallons and not less than the lesser of—

(I) 6,000 gallons; or

(II) the adjustment described in subsection (d)(2); and

(ii) no reportable oil discharge history of oil; and

(2) not require a certification of a statement of compliance with the rule—

(A) subject to subsection (d), with an aggregate aboveground storage capacity of not less than 2,500 gallons and not more than 6,000 gallons; and

(B) no reportable oil discharge history; and

(3) not require a certification of a statement of compliance with the rule for an aggregate aboveground storage capacity of not more than 2,500 gallons.

(c) CALCULATION OF AGGREGATE ABOVEGROUND STORAGE CAPACITY.—For purposes of subsection (b), the aggregate aboveground storage capacity of a farm excludes—

(1) all containers on separate parcels that have a capacity that is 1,000 gallons or less; and

(2) all containers holding animal feed ingredients approved for use in livestock feed by the Commissioner of Food and Drugs.

(d) STUDY.—

(1) IN GENERAL.—Not later than 12 months of the date of enactment of this Act, the Administrator, in consultation with the Secretary of Agriculture, shall conduct a study to determine the appropriate exemption under subsection (b)(2)(A) and (b)(1)(B) to not more than 6,000 gallons and not less than 2,500 gallons, based on a significant risk of discharge to water.

(2) ADJUSTMENT.—Not later than 18 months after the date on which the study described in paragraph (1) is complete, the Administrator, in consultation with the Secretary of Agriculture, shall promulgate a rule to adjust the exemption levels described in subsection (b)(2)(A) and (b)(1)(B) in accordance with the study.

SEC. 13002. AMERICA THE BEAUTIFUL NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS PROGRAM.

The Secretary may participate in the America the Beautiful National Parks and Federal Recreational Lands Pass program in the same manner as the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, the Forest Service, and the Bureau of Reclamation, including the provision of free annual passes to active duty military personnel and dependents.

NOTICES OF INTENT TO OBJECT TO PROCEEDING

I, Senator KIRSTEN GILLIBRAND, intend to object to proceeding to the nomination of Jo Ann Rooney, of Massachusetts, to be Under Secretary of the Navy, dated October 31, 2013.

I, Senator BARBARA BOXER, intend to object to proceeding to the nomination of Jo Ann Rooney, of Massachusetts, to be Under Secretary of the Navy, dated October 31, 2013.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing was previously scheduled for Thursday, October 10, 2013, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building; and will now be held on Thursday, November 7, 2013, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

The purpose of this oversight hearing is to consider the Draft Regional Recommendation regarding the Columbia River Treaty.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Lauren_Goldschmidt @energy.senate.gov.

For further information, please contact Dan Adamson at (202) 224–2871, Cisco Minthorn at (202) 224–4756 or Lauren Goldschmidt at (202) 224–5488.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources on Thursday, November 14, 2013, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing to consider the nominations of Mr. Steven P. Croley to be the General Counsel of the Department of Energy, Christopher A. Smith to be an Assistant Secretary of Energy, Fossil Energy, and Ms. Esther P. Kia'aina to be an Assistant Secretary of the Interior, for Insular Areas.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to Abigail_Campbell@energy.senate .gov.

For further information, please contact Sam Fowler at (202) 224–7571 or Abigail Campbell at (202) 224–4905.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before Subcommittee on Public Lands, Forests, and Mining. The hearing will be held on Wednesday, November 20, 2013, at 3:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 182, to provide for the unencumbering of title to non-Federal land owned by the city of Anchorage, Alaska, for purposes of economic development by conveyance of the Federal reversion interest to the City;

S. 483, to designate the Berryessa Snow Mountain National Conservation Area in the State of California, and for other purposes;

S. 771, to provide to the Secretary of the Interior a mechanism to cancel contracts for the sale of materials CA–20139 and CA–22901, and for other purposes;

S. 776, to establish the Columbine-Hondo Wilderness in the State of New Mexico, to provide for the conveyance of certain parcels of National Forest System land in the State, and for other purposes;

S. 841, to designate certain Federal land in the San Juan National Forest in the State of Colorado as wilderness, and for other purposes;

S. 1305, to provide for the conveyance of the Forest Service Lake Hill Administrative Site in Summit County, Colorado;

S. 1341, to modify the Forest Service Recreation Residence Program as the program applies to units of the National Forest System derived from the public domain by implementing a simple, equitable, and predictable procedure for determining cabin user fees, and for other purposes;

S. 1414, to provide for the conveyance of certain Federal land in the State of Oregon to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians;

S. 1415, to provide for the conveyance of certain Federal land in the State of Oregon to the Cow Creek Band of Umpqua Tribe of Indians, and;

S. 1479, to address the forest health, public safety, and wildlife habitat threat presented by the risk of wildfire, including catastrophic wildfire, on National Forest System land and public land managed by the Bureau of Land Management by requiring the Secretary of Agriculture and the Secretary of the Interior to expedite forest management projects relating to hazardous fuels reduction, forest health, and economic development, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC, 20510–6150, or by email to John__Assini@energy.senate.gov.

For further information, please contact please contact Meghan Conklin (202) 224–8046, or John Assini (202) 224–9313.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MARKEY. 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 October 31, 2013, at 10 a.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MARKEY. 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 October 31, 2013, at 10 a.m., to conduct a hearing entitled ''Housing Finance Reform: Essential Elements of a Government Guarantee for Mortgage-Backed Securities.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MARKEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 31, 2013, at 10 a.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MARKEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 31, 2013, at 10:15 a.m., to hold a hearing entitled ''Syria''.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MARKEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 31, 2013, at 2:15 p.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. MARKEY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Attaining a Quality Degree: Innovations to Improve Student Success'' on October 31, 2013, at 10 a.m., in room SD–430 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. MARKEY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on October 31, 2013, at 10 a.m. to conduct a hearing entitled ''The Navy Yard Tragedy: Examining Government Clearances and Background Checks.''

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

COMMITTEE ON THE JUDICIARY

Mr. MARKEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on October 31, 2013, at 10 a.m. SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. MARKEY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 31, 2013, at 2 p.m.

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

EMPLOYMENT NON-DISCRIMINATION ACT OF 2013—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 184.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 815) to prohibit the employment discrimination on the basis of sexual orientation or gender identity.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 184, S. 815, a bill to prohibit employment discrimination on the basis of sexual orientation or gender identity.

Richard J. Durbin, Tom Harkin, Jeff Merkley, Benjamin L. Cardin, Michael F. Bennet, Barbara Mikulski, Charles E. Schumer, Martin Heinrich, Patrick J. Leahy, Robert Menendez, Barbara Boxer, Kirsten E. Gillibrand, Mazie K. Hirono, Tammy Baldwin, Amy Klobuchar, Jack Reed, Harry Reid.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 357; that the nomination be confirmed; the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nomination; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF DEFENSE

Marcel J. Lettre II, of Maryland, to be a Principal Deputy Under Secretary of Defense.

Mr. REID. Mr. President, this is a fine young man. He worked for me, did my intelligence work. He is an outstanding person. We are so fortunate

that good people like him are in public service. He speaks well of everyone who is a public servant in our country.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that on Monday, November 4, 2013, at 5 p.m., the Senate proceed to executive session to consider the following nominations: Calendar Nos. 328, 329; that there be 30 minutes for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote, with no intervening action or debate, on the nominations in the order listed; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

WATER RESOURCES REFORM AND DEVELOPMENT ACT Of 2013

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to Calendar No. 224, H.R. 3080, that the substitute amendment, which is at the desk, which is the text of S. 601, as passed by the Senate, be inserted in lieu thereof; the bill, as amended, be read a third time and passed; the motions to reconsider be considered made and laid on the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses and the Chair be authorized to appoint conferees on part of the Senate with ratio of 5 to 3; all of the above without any action or debate.

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

The amendment (No. 2009) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment was ordered to be engrossed and the bill read a third time.

The bill (H.R. 3080), as amended, was read the third time and passed.

SCHOOL ACCESS TO EMERGENCY EPINEPHRINE ACT

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to Calendar No. 229.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2094) to amend the Public Health Service Act to increase the preference given, in awarding certain asthma-related grants, to certain States (those allowing trained school personnel to administer epinephrine and meeting other related requirements.)

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent the bill be read a third time, passed, the motion to reconsider be considered made and laid on the table, with no intervening action or debate.

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

The bill (H.R. 2094) was ordered to a third reading, was read the third time, and passed.

C.W. BILL YOUNG DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. REID. I ask unanimous consent the Veterans' Affairs Committee be discharged from further consideration of H.R. 3302 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3302) to name the Department of Veterans Affairs medical center in Bay Pines, Florida, as the ''C.W. Bill Young Department of Veterans Affairs Medical Center.''

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read three times, passed, and the motion to reconsider be laid on the table, with no intervening action or debate.

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

The bill (H.R. 3302) was ordered to a third reading, was read the third time, and passed.

COMMEMORATING THE TWENTIETH ANNIVERSARY OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to S. Res. 282, submitted earlier today by Senator NELSON.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 282) commemorating the 20th anniversary of the establishment of the Corporation for National and Community Service.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I further ask that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 282) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

MAJORITY COMMITTEE MEMBERSHIP FOR 113TH CONGRESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 283, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 283) to constitute the majority party's membership on certain committees for the One Hundred Thirteenth Congress, or until their successors are chosen.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 283) was agreed to.

(The resolution is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR MONDAY, NOVEMBER 4, 2013

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, November 4, 2013; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved until later in the day; that following any leader remarks, the Senate resume consideration of the motion to proceed to S. 815, the Employee Non-Discrimination Act; that at 5 p.m. the Senate proceed to executive session to consider Calendar Nos. 328 and 329, under the previous order; finally, that following disposition of the Brown nomination and when the Senate resumes legislative session, there be 2 minutes of debate equally divided and controlled in the usual form prior to the cloture vote on the motion to proceed to S. 815.

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

PROGRAM

Mr. REID. Mr. President, there will be up to three rollcall votes on Monday beginning at 5:30 p.m.

ADJOURNMENT UNTIL MONDAY, NOVEMBER 4, 2013, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 5:08 p.m., adjourned until Monday, November 4, 2013, at 2 p.m.

CONFIRMATION

Executive nomination confirmed by the Senate October 31, 2013:

DEPARTMENT OF DEFENSE

MARCEL J. LETTRE II, OF MARYLAND, TO BE A PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE.