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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable WILLIAM M. COWAN, a Senator from the Commonwealth of Massachusetts.

PRAYER

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

Let us pray.

Eternal God, the Heavens speak of Your wonders, and the skies declare what You have done. Let Your everlasting grace and compassion encompass our Senators today. Lord, give them such grace that they will be faithful in each task, striving to honor You in their work. May the work they do help provide for the security and well-being of our Nation and world. Protect them and those they love by the power of Your loving providence.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WILLIAM M. COWAN 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 15, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WILLIAM M. COWAN, a Senator from the Commonwealth of Massachusetts, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. COWAN 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 leader remarks the Senate will be in a period of morning business until 10:30 a.m. The Republicans will control the first half, the majority the final half. Following morning business the Senate will resume consideration of the Water Resources Development Act. There will be up to seven rollcall votes to complete action on this bill, and we will start the voting at about 10:30 this morning.

Mr. President, there is a lot going on here—committees meeting—but I want to alert all Senators, Democrats and Republicans, that we have a lot of votes to do and we are not going to wait around while someone strolls in. The first vote will be the regular 15-minute vote, and after that it will be 10 minutes. I am alerting everyone that we are going to close the votes as quickly as we can so we can finish.

The Republicans have an important meeting beginning before 1 p.m. today, so we will move through these votes as quickly as we can.

We also expect votes today on confirmation of Marilyn Tavenner to be Administrator of the Centers for Medicare and Medicaid Services, and we may get to see if we can finish the Orrick nomination to be a judge for the Northern District of California.

MEASURE PLACED ON THE CALENDAR—S. 953

Mr. REID. Mr. President, I am told that S. 953 is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 953) to amend the Higher Education Act of 1965 to extend the reduced interest rate for undergraduate Federal Direct Stafford Loans, to modify required distribution rules for pension plans, to limit earnings stripping by expatriated entities, to provide for modifications related to the Oil Spill Liability Trust Fund, and for other purposes.

Mr. REID. I object to any further proceedings on this bill at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

HEALTH CARE

Mr. REID. Mr. President, the great Albert Einstein defined insanity as follows: ''doing the same thing over and over again and expecting different results.'' That is what Albert Einstein said. If his definition is true—and I am not going to argue with Einstein—the House Republicans have truly lost their minds. This week the House of Representatives will vote for the 37th time—the 37th time—on exactly the same thing. What are they voting on? They are voting to repeal the landmark constitutional health care reform bill known now as ObamaCare—and I say that proudly.

After last year's election, Speaker BOEHNER conceded that ObamaCare is here to stay. Here is what he said:

It's pretty clear that the president was reelected. Obamacare is the law of the land.

I think that is a pretty fair statement. Again, the Speaker said it is pretty clear President Obama was reelected and ObamaCare is the law of the land. So no matter what he said then, this is now, and he has changed his mind. The House will waste yet another week on another dead-end repeal vote. Perhaps Republicans think the 37th time is the charm, but 37 times on the exact same thing?

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

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Tea party extremists bullied the Speaker into holding yet another vote to repeal the Affordable Care Act and roll back benefits for tens of millions of Americans.

This is what the Speaker said last week:

> We've got 70 new Members who have not had an opportunity to vote on the President's health care law. . . . Frankly, they've been asking for an opportunity to vote on it.

This political kabuki has tied up the floor of the House of Representatives for weeks and cost the American taxpayers $52.4 million and counting. These are figures compiled by CBS News of the time wasted on those 37 votes—all the House staff and all other personnel who have responsibilities for making sure that place runs as well as it does. That money—$52.4 million—is enough to restore funding for 19 million meals for homebound seniors or 6,900 children dropped from the Head Start Program.

But while the vote may be political theater, it does have one benefit: The American people will know where the freshman class of House Republicans stands. I think we know, but we will get another opportunity to see this. Do they stand with millions of Americans who are already benefiting from ObamaCare—we know that answer—or do they stand with insurance companies? We know that answer.

The insurance companies would like nothing better than to have things the way they used to be and to once again deny coverage to sick children, impose lifetime caps on care, and discriminate against those with preexisting conditions. Since President Obama signed the Affordable Care Act into law, insurance companies can no longer put profits ahead of people.

One of the provisions in this bill says that, of premiums paid to insurance companies for health care, 80 percent of those premiums must go to patients. No longer, as once happened, will 50 percent of the premiums go for salaries and bonuses and other perks for insurance executives—no longer. Insurance companies can no longer discriminate against children with preexisting conditions. They can no longer raise rates for no reason. They can no longer drop coverage if someone gets sick. But that is what happened. Yet this week, for the 37th time, House Republicans will try to change all that.

Here are a few of the other benefits already in effect that House Republicans would eliminate. In Nevada alone—and we are not a heavily populated State such as Massachusetts or California or New York, but we are getting bigger, we have about 3 million people—tens of thousands of seniors have saved tens of millions of dollars on medicines because the Affordable Care Act closed the gap on prescription drugs. That means millions of seniors across this country have more money in their pockets for food, gas, and electric bills.

More than 3 million young people, because of ObamaCare, including 33,000 young Nevadans, have benefited from a provision in the law that allows children to stay on their parents' health plans until they are 26 years old. That means no person will have to worry about getting sick while looking for a job that offers insurance or while they go to college.

In my little town of Searchlight, NV, a boy made a decision. Was he going to join the military—he was from a patriotic family—or was he going to go to college? He made the decision that he was going to go to college. His family was not one of means. His mom worked part time in a post office, and his dad worked at a powerplant about 40 miles from Searchlight. They were so happy that this boy was going to go to college. He was the first person in their family to go to college, and he did extremely well.

He finished his first year, and he was in his second year when he started feeling some discomfort. He had testicular cancer. At the time ObamaCare passed, he was 23 years old and no longer could he be on his parents' insurance. So they had no insurance to cover this cancer their son had—their youngest boy. They begged and borrowed and literally—well, I shouldn't say ''begged.'' They didn't do that. They had a very difficult time of it. He needed two surgeries.

Now I guess the Republicans in the House want to go back to that. Maybe the Republicans here—they love voting against ObamaCare provisions—want to go back to a time when that boy, Jeff, would no longer have insurance. That is what they want for these young men and women who are trying to go to college, to get a job—they want to go back to that time. He has 3 extra years now. That means a lot.

Under ObamaCare, hundreds of thousands of businesses that already offer their employees health insurance are getting tax credits for doing the right thing. That means small business owners can spend their capital on growing their firms instead of growing insurance premiums.

Thanks to the Affordable Care Act, insurance companies can no longer set arbitrary lifetime caps on benefits, as they once did. What does that mean? It means there was a provision hidden in that policy they sold you that stated that when your benefits reach $50,000, coverage stops. It didn't matter if you had been hurt in an automobile accident or you had cancer or some other dread disease; it used to stop. Not anymore. Because of the Affordable Care Act, millions of Americans are no longer one car accident or a heart attack away from bankruptcy.

Today, children can no longer be denied coverage because they are born with a disease or a disability—a protection that will soon be extended to all Americans. Soon, being a woman will no longer be a preexisting condition. I said that right, Mr. President. No longer will being a woman be a preexisting condition. My daughter has a preexisting condition. What is it? She is a woman. But no longer. In a few months, 129 million Americans with preexisting conditions, such as high blood pressure or epilepsy, can rest assured they will have access to affordable insurance and lifesaving care regardless of how much money they make or don't make. And soon 25 million more Americans who can't afford health insurance will have access to reasonably priced insurance and quality care. But if Republicans get their way, these benefits and more will disappear. There is going to be a vote in the House of Representatives to repeal everything I have talked about—not change it but repeal it.

President Obama led the charge here, and we were able to pass the Affordable Care Act—the most significant change in our health care delivery system since Medicare all those many, many years ago. It ensures access to quality affordable health care for every American. But Republicans would erase these gains and force millions of American families to once again rely on expensive emergency room care or go without care at all.

Fortunately, the Republicans' latest exercise in insanity, as described by Albert Einstein—that is, their latest repeal effort—is doomed to fail just as it did the previous 36 times.

RECOGNITION OF THE REPUBLICAN LEADER

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

THE IRS

Mr. MCCONNELL. Mr. President, it seems like, with each passing hour, the facts get more and more inconvenient for senior folks over at the IRS.

Yesterday, it was reported that the agency may have gone after a ministry founded by Billy Graham. We also learned that the very same IRS office that admitted to harassing conservative groups also released nine pending applications for tax-exempt status to the liberal investigative group ProPublica.

How did we find out? ProPublica revealed it.

Basically all we have gotten from the IRS, on the other hand, is an attempt to scapegoat some folks out in Cincinnati and a laughable attempt to move past this whole issue with a ridiculous op-ed claiming ''mistakes were made.''

Well, most folks don't think that ignoring the Constitution is simply a ''mistake.'' I like the fact that one group the IRS targeted, when asked by the agency to provide reading materials related to their mission, mailed them a copy of the Constitution.

Today, I would like to encourage every group that feels like it has been unjustly targeted to do the same. Maybe just underline the First Amendment before you put it in the envelope, because that is what this is all about.

But getting back to the latest news—the leak to ProPublica—let's be clear about what this means: the IRS is forbidden from providing that kind of information about groups that have not been approved. It is a bright line prohibition that even the lowliest staffers at the IRS surely should know about.

We intend to find out all the relevant details. Yesterday, I said the administration needs to comply fully with all congressional inquiries on the matter. This ProPublica leak will unquestionably be one of them. The administration needs to make witnesses available to testify on this and on any other incident of targeting the administration's ideological opponents, and to resist the temptation to stonewall or obfuscate what took place.

Today, other Senate Republicans are joining me in this call. More than 40 members have signed a letter demanding as much of the President.

If the President is truly concerned about this issue, as he claims, he will work openly and transparently with us to get to the bottom of what happened and people will be held accountable. These allegations are serious—that there was an effort to bring the power of the Federal Government to bear on those the administration disagreed with, in the middle of a heated national election. It actually could be criminal. And we are determined to get answers.

Again, let's not forget that we would not know any of this if congressional Republicans had not demanded better answers than the ones we were getting from the administration. When I and several of my colleagues wrote to the IRS last year seeking clarification on allegations that they were harassing conservative groups, the response we got was essentially: nothing to see here, move along.

When I pressed the issue in a speech last June, the left either ridiculed the suggestion or ignored it. When IRS officials were asked point blank in congressional hearings whether this was happening, they said point blank that it wasn't.

Of course it turns out it was.

By the way—you know who did not have trouble getting information out of the IRS? ProPublica, which was pushing an ideological agenda friendly to the administration. When they asked the IRS for information, they got it—in 12 days. Some of it was not even supposed to be released.

When I asked the IRS for information, when did I get it? Only when it was coming out anyway in an IG report.

So there are a lot—a lot—of unanswered questions that remain.

Which officials knew about this scandal?

When did they know about it?

What did they do about it when they found out?

Did they deliberately mislead Congress and the American people?

The number of officials involved continues to grow. And now, with this revelation from ProPublica, it appears that the campaign against conservative groups was of a broader scope than originally admitted. So it is no surprise that the American people are demanding more than just some half-hearted apology made under duress. As an activist from one of the targeted groups in Kentucky said yesterday, ''Apology not accepted.''

''There are many questions that still need to be asked,'' he said. ''There are many that remain unanswered.''

My constituent was absolutely right.

I ask unanimous consent the letter signed by my colleagues be printed in the RECORD.

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

UNITED STATES SENATE,
Washington, DC, May 14, 2013.
Hon. BARACK OBAMA,
Pennsylvania Avenue, NW.,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our grave concerns and deep disappointment about the revelations in a report by the Treasury Inspector General for Tax Administration (TIGTA) that the Internal Revenue Service (IRS) had specifically targeted certain organizations for extra scrutiny as part of their approval review of applications for tax-exempt 501(c)(4) status. This appears to be a wholly inappropriate action that threatens to silence political dissent and brings partisan politics into what used to be a nonpartisan, unbiased and fact-based review process. The public's confidence in the IRS relies on fair and apolitical application of the law. Actions such as these undermine taxpayers' ability to trust its government to fairly implement the law.

According to information given to Congress in a timeline provided by the Treasury Inspector General for Tax Administration (TIGTA), in early 2010 ''specialists had been asked to be on the lookout for Tea Party applications, and the IRS Determinations Unit had begun searching its database for applications with 'Tea Party,' 'Patriots,' or '9/12' in the organization's name.'' The report goes on to state that ''By June 2011, some IRS specialists were probing applications using the following criteria to identify tea-party cases, according to the Treasury inspector general findings: '''Tea Party,' 'Patriots' or '9/12 Project' is referenced in the case file; issues include government spending, government debt or taxes; education of the public by advocacy/lobbying to 'make America a better place to live'; statements in the case file criticize how the country is being run.''

We are deeply disturbed that agents of the government were directed to give greater scrutiny to groups engaged in conduct questioning the actions of their government. This type of purely political scrutiny being conducted by an Executive Branch Agency is yet another completely inexcusable attempt to chill the speech of political opponents and those who would question their government, consistent with a broader pattern of intimidation by arms of your administration to silence political dissent.

These disclosures are even more unsettling as they contradict prior statements made by representatives of the Administration on this matter. In response to questions raised in 2012 on this issue by Republican Senators, Steven T. Miller, the Deputy Commissioner for Services and Enforcement at the IRS, specifically (and falsely) stated that there was an unbiased, technical screening process used to determine which applications for 501(c)(4) organizations merited further review. In two separate letters to Finance Committee Ranking Member Orrin Hatch, Mr. Miller failed to note that explicitly political screens were used in reviewing applications, despite the fact the practice was apparently well known within the IRS as early as 2010.

Given these strong and clear statements by the Administration in 2012 that no such targeted review or specified politically motivated criteria existed, these revelations raise serious questions about the entire application review process, and the controls in place at the IRS to stop this sort of political interference once and for all. According to TIGTA these actions took place more than two years ago, yet without this information becoming public, there is no evidence that your administration would have done anything to make sure these abuses were brought to light and dealt with in a transparent way.

The American people deserve to know what actions will be taken to ensure those who made these policy decisions at the IRS are being held fully accountable and more importantly what is being done to ensure that this kind of raw partisanship is fully eliminated from these critically important nonpartisan government functions. As such, we demand that your Administration comply with all requests related to Congressional inquiries without any delay, including making available all IRS employees involved in designing and implementing these prohibited political screenings, so that the public has a full accounting of these actions. It is imperative that the Administration be fully forthcoming to ensure that we begin to restore the confidence of our fellow citizens after this blatant violation of their trust. We look forward to working on this critical issue with the Administration's full cooperation.

Sincerely,

Orrin Hatch, John Barrasso, Pat Toomey, Mitch McConnell, John Cornyn, Bob Corker, David Vitter, Marco Rubio, Mark Kirk, John Thune, John Hoeven, James Inhofe, Deb Fischer, James Risch, Mike Johanns, Johnny Isakson, Richard Shelby, Tom Coburn, John Boozman, Chuck Grassley, Rand Paul, Mike Crapo, Dan Coats, Kelly Ayotte, John McCain, Ted Cruz, Dean Heller, Richard Burr, Pat Roberts, Roger Wicker, Thad Cochran, Ron Johnson, Rob Portman, Michael B. Enzi, Jeff Flake, Susan Collins, Saxby Chambliss, Roy Blunt, Jeff Sessions, Lamar Alexander, Jerry Moran, Mike Lee, Lindsey Graham, Tim Scott, Lisa Murkowski.

NATIONAL POLICE WEEK 2013

Mr. MCCONNELL. Mr. President, this week we mark National Police Week 2013 as a time to pay tribute to the service and sacrifice of the many men and women in Federal, State, and local law enforcement across America. It is an appropriate time for those of us who benefit from their efforts—and that is all of us—to express our gratitude.

The Nation's Capital welcomes thousands of police officers who are gathering to celebrate National Police Week. They will honor their fallen fellow officers and rededicate themselves to their duties of defending the property, dignity, and lives of those who would fall prey to criminals outside the law.

I want to especially recognize the many men and women who work to enforce the law in my home State of Kentucky. Many of them have traveled to Washington this week, and today I will have the pleasure of meeting with some of Kentucky's finest. I want to personally thank them for bravely risking their lives in service of people across the Commonwealth.

Earlier this month in Richmond, Kentucky, a solemn ceremony was held at the Kentucky Law Enforcement Memorial on the campus of Eastern Kentucky University. This memorial lists the names of every known fallen peace officer in Kentucky history. Along the bottom of it are the words, ''Blessed Be the Peacekeepers.''

The ceremony was held to add the names of two law-enforcement officers from Kentucky who were killed in the line of duty in 2012. Hodgenville Police Officer Mark A. Taulbee was killed in a vehicle pursuit on September 16. Marion County Sheriff's Deputy Anthony Rakes was shot during a traffic stop on November 14.

I extend my sympathies to the families of Officer Taulbee and Deputy Rakes for their tragic loss.

Their names will be added, along with 6 other Kentucky peace officers whose names had not previously been on the memorial. There will be a total of 509 brave Kentuckians on that wall.

I know my colleagues in the U.S. Senate join me in holding the deepest admiration and respect for the many brave law-enforcement officers across Kentucky and the Nation. Theirs is both an honorable profession, and a dangerous one. It is also a necessary one, as the maintenance of peace and order in a civil society that we take for granted could not exist without them.

Kentucky is grateful to our law-enforcement officers and their families. And we are grateful for the sacrifice of Officer Mark A. Taulbee and Sheriff's Deputy Anthony Rakes to preserve the rule of law.

I ask unanimous consent that the names of the Commonwealth of Kentucky law-enforcement officers added to the Kentucky Law Enforcement Memorial this year be printed in the RECORD following my remarks.

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

Mark A. Taulbee; Hodgenville Police Department; End of Watch: September 16, 2012.

Anthony Rakes; Marion County Sheriff's Office; End of Watch: November 14, 2012.

Releigh Killion; U.S. Marshal; End of Watch: May 24, 1884.

Thomas D. Martin; Stanford Police Department; End of Watch: May 16, 1931.

Theo Madden; Knott County Sheriff's Office; End of Watch: March 10, 1933.

Vernon C. Snellen; Kentucky State Police; End of Watch: February 20, 1937.

Bill Baker; Perry County Sheriff's Office; End of Watch: March 11, 1950.

George Puckett; Perry County Sheriff's Office; End of Watch: April 26, 1950.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half.

The Republican whip.

OBAMA SCANDALS

Mr. CORNYN. Mr. President, like millions of Americans, the events of the last few days and the last few months have caused me to reflect on the nature of our Federal Government and our special system of federalism which delegates to the Federal Government certain powers but reserves to the States and the people those remaining powers. That is roughly what the 10th Amendment to the U.S. Constitution says.

I have also reflected a little bit on what some wise people have said over our history, and even before America was founded, about the nature of power, government power: Power corrupts and absolute power corrupts absolutely.

Our Founders pointed out in the Federalist Papers and elsewhere that the concentration of power in the hands of the few is the very definition of tyranny. We have learned from hard experience over the course of our Nation's history that when government thinks it knows best, particularly here in Washington, in a country as big and diverse as ours, the natural tendency then in Washington is to try to suppress the voices of those who see things differently, those who want to exercise their constitutional rights, particularly to free speech, freedom of association, and, yes, even freedom of the press.

It is not true to say we have not been warned about the dangers of concentration of power in the Federal Government, and big government, and the human frailties that follow. We have been warned time and time and time again. Now we have been reminded once again of the wisdom of our Founders and the wisdom of the structure of the U.S. Constitution.

Over the last week a series of events has highlighted the administration's massive credibility gap. First, we learned more details about the coordinated attempt to misrepresent the September 2012 terrorist attack in Benghazi, Libya. You may recall immediately after that attack the President was at a press conference, and he said later: Well, I said it was a terrorist attack then. That was reviewed by the Fact Checker in the Washington Post—hardly an unsympathetic newspaper editorially to the administration's point of view—and the Fact Checker gave the President of the United States four Pinocchios. Some ask why four Pinocchios? I think the true answer is because they never give five Pinocchios—maybe they do—but you get the point.

Of course we cannot escape the fact and we should not ignore the fact that this attack took four American lives.

Then we learned this last week that a senior IRS official had acknowledged that her agency deliberately targeted certain political speech and activity for harassment, using the instruments of power given to the Internal Revenue Service. Perhaps the most awesome, pervasive, and potentially intrusive power the Federal Government has is in the hands of that agency. Interestingly, the White House counsel said she learned about it in April. The President said he did not learn about it until later. An investigation needs to be undertaken, and I am happy Senator MAX BAUCUS, chairman of the Senate Finance Committee, and Senator ORRIN HATCH, the ranking member of the Finance Committee, have committed themselves to doing an investigation of the IRS and how this could possibly happen.

On top of all that, the top administrator of Health and Human Services, Secretary Kathleen Sebelius, has been soliciting funds from the very industries she regulates to help implement ObamaCare. It does not take a rocket scientist to imagine the potential for coercion by the government of these private sector industries because of their fear of retribution if they do not contribute to this effort—a huge conflict of interest, and perhaps illegal. We need to get to the bottom of that as well.

So whether the issue is terrorist attacks in Libya, political and partisan abuses by the IRS, or efforts by the Department of Health and Human Services to shake down the health insurance industry they regulate, it appears the birds the Founders warned us about have come home to roost.

The concentration of government power invariably leads to abuse of that power, and it is the same old story of human frailties over and over. It is no respecter of political parties; it has happened to both political parties. We should have been more careful, and we should have listened. We should not have persistently engaged in this power grab in Washington, DC, at the expense of individual liberty on the part of the American people.

What is the price to be paid by these scandals? The first price is a lack of credibility and public confidence in the most basic institutions that make up this government. The other damage is to the credibility of folks at the highest level of the administration. After all, if the administration is willing to prevaricate, mislead, and dissemble

about an al-Qaida-linked attack in Benghazi that cost the lives of four Americans, what else are they willing to prevaricate, mislead, and dissemble about? Can the public trust this administration and its government to provide accurate information about the war on terror or anything else?

Similarly, if IRS officials knew their agency was targeting certain political activity and failed then to hold anyone accountable, how can the American people ever trust the Internal Revenue Service or the Federal Government to be neutral and law abiding?

I heard the junior Senator from Virginia, Senator KAINE, on the radio as I came in this morning. I thought he asked a pretty good question. He said: What does it take to get fired in this town? What does it take to get fired in this administration for coverups and for misleading the American people?

If Secretary Sebelius is willing to strong-arm the very industry she regulates to fund the implementation of ObamaCare, can the American people trust her agency to be objective, even-handed, and fair-minded as a regulator?

All this boils down to a very sad statistic that demonstrates that the public's confidence in the Federal Government—and particularly in Congress—is at an all-time low.

This is not the end of the story, and it should not be the end of the story. That ought to be the beginning of a bipartisan effort to get to the bottom of these abuses and also to restore ourselves to the constitutional framework our Founding Fathers envisioned when this great experiment of democracy was created more than 200 years ago. It wasn't a national government that dictated to the rest of the country how we should run our lives and what choices we should make; it was a Federal system of separated powers with checks and balances, with authority given to the Federal Government to do things that individuals and the States could not do by themselves, such as national defense. We have gotten far afield from the Framers' vision of how our country should operate or from the constitutional system they created and which we celebrate.

Now, more than ever, Washington needs credibility. If we don't have the public's trust, how in the world will we gain their confidence that we are going to address the many challenges our country faces? I am not pessimistic about our future, I am optimistic about our future, but it will take a change of attitude.

We will need a change of behavior so we can, in some sense, return to the Founders' philosophy on the framework and the structure in which our government operates. The Federal Government has said for too long: We know best; if you don't like it, it is because we have not given you enough information to convince you to like it. We take policies that are unpopular and merely shove them down the throat of the American people and think we are doing our job.

We know we have huge challenges which call on us to work together on a bipartisan basis to regain the public's confidence. I know we can do it. It is a matter of whether we have the political courage and the will to do it.

Here are some of those challenges: The longest period of high unemployment since the Great Depression. We have the largest percentage of the American workforce that simply has given up and quit looking for jobs because the economy is so weak.

The second challenge is a woefully unpopular health care law that even some of the architects of that law now say they see a train wreck occurring in its implementation.

We know our world continues to be dangerous, as Benghazi reminds us, and as we see from murderers, such as Bashar al-Asad in Syria, and people who threaten the innocent. There are people who have chemical weapons. There are people who are fighting for their very lives in places like Syria. Iran is on the pathway to develop a nuclear weapon which will completely disrupt the balance of power in the Middle East and create an arms race, while other countries seek their own nuclear weapons.

Let's not forget Iran was the primary state sponsor of international terrorism with its support for Hezbollah, among others. We have seen in North Africa and elsewhere the proliferation of al-Qaida affiliates and allies. We also need to fix our broken immigration system.

None of these individually are easy things to do. All of them are hard, but they are not impossible if we will try to work hard to regain the public's credibility. We simply need to do our work and respect the wisdom of the ages when it comes to concentration of power and its impact on individual liberty.

We have to be aware of temptations. When power is absolute, we need to see that power is corrupt and be aware of the abuse of that power when it comes to dealing with the American people.

Unfortunately, so far, the Obama administration has valued its agenda more than its credibility. Without regaining credibility, we will never regain the public's trust, and without that trust it will be much harder to solve America's biggest problems. That is the biggest single challenge to President Obama's second-term agenda and to our ability as Americans to show that this 200-plus-year experiment in self-government actually works.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as if in morning business.

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

THE BUDGET

Mr. WYDEN. Mr. President, I am going to take a few minutes to talk about why the events of the last 24 hours drive home how valuable it would be to have a House-Senate budget conference begin to meet and to deal with the extraordinary set of fiscal challenges our country has in front of us.

As the President of the Senate knows, a number of Senators on our side have been trying to get a budget conference with the House. It has been several months since the budget resolutions in the respective bodies, in effect, have been set in motion. I want to talk about what has happened in the last 24 hours because it again drives home how valuable it would be for the Senate and the House to move to a budget conference at this time.

Yesterday the Congressional Budget Office—of course, our official arbiter of official numbers and trends—made public a new report showing there has been a significant reduction in the budget deficit. In fact, their analysis shows there has been something like a 24-percent reduction from what was estimated a few months ago.

If we couple that new evidence from the Congressional Budget Office with the fact that consumers continue to spend—which is certainly encouraging—the housing market coming back, employers adding 165,000 jobs in April, all of this drives home that in the short term the economy is picking up and we are making real progress.

The point of a budget resolution, on the other hand, is to give us a chance to look long term and look at the next 10 years how Democrats and Republicans can come together, for example, on the long-term challenge of holding down health care costs. We have certainly seen progress in the last few months on that.

There is a debate about why health costs have been moderating of late. I happen to think it is because providers and others are beginning to see what is ahead, but we can have that debate. Certainly there is a lot more to do in terms of holding down health care costs for the long term, and that is what I wish to see the Senate and House go to in terms of the budget resolution.

For example—and I think I have talked about this with the President of the Senate before—chronic care is where most of the Medicare money goes. Chronic care is for people with challenges with heart disease, stroke, and diabetes. We have some ideas we believe could be bipartisan, and would be exactly the kind of thing the House and Senate should take up in a conference on the budget, which we have been seeking for some time.

I only come to the floor today by way of trying to lay out why the events of the last few days dramatize how useful it would be for the Senate and the House to start thinking about what the country cares about, which is our long-term trends.

In fact, this morning I was struck by the fact that some economic theorists

say the Congress has, over the last few months, had it backwards. We have been consumed with everything short term when, in fact, we ought to say: Look at some of those positive developments I just cited—including the Congressional Budget Office numbers here recently—that would indicate maybe a little bit less of the back and forth. That is certainly what voters see as unduly partisan. We need to give way to some thoughtful, long-term efforts in perhaps a 10-year window, which is what is reflected on the budget side.

Some of the leading Republicans and some of the archconservatives with respect to economic analysis are all saying the same thing: We ought to be talking about long-term trends. I, as well as my fellow Democratic colleagues, have said that is one of the reasons for a budget conference. Glenn Hubbard, for example, one of the most respected of the conservatives, talks continually about the long-term challenge and the dangers of waiting.

Well, on this side of the aisle, we are saying we don't want to wait anymore in terms of getting to a budget conference. We want to be in a position to tackle some of these major kinds of questions: pro-growth tax reform—tax reform that can, again, generate revenue, and we have some ideas we would like to raise in a budget conference that we think would be attractive to the other side.

So I hope colleagues who have had questions about whether there ought to be a budget conference now—an actual budget conference between the Senate and the House—will look at these matters anew, given these kinds of trends. I would point out, to tell my colleagues the truth, I am encouraged on this point. We have heard colleagues over the last few days on the other side of the aisle say they too think this is the time for an actual budget conference between the House and the Senate. They have called for it for a long time. We now have a chance to not just call for it but actually do it. If anything, the economic news I have cited suggests some of the focus on these short-term trends ought to give way to more emphasis on bipartisan concern for the long-term trends, which are, in particular, going to revolve around health care, especially Medicare, and taxes where we have an opportunity to look at bipartisan approaches for tax reform.

I commend particularly Senator BAUCUS and Senator HATCH, our leadership on the Finance Committee on which I serve, who have been talking with Senators in weekly sessions they have pulled together on particularly the tax reform issue.

So we couple the opportunity for the long term, looking at things such as chronic health care which is where most of the Medicare dollars go. I think there are some good opportunities for protecting the rights of seniors while having quality care, holding costs down—those are the things we can look at in the longer term, which is what a budget resolution is all about.

So it has been 2 months since the House and Senate adopted their respective budget resolutions. I think, if anything, what we have learned in the last few days is yet more evidence of why Senators and House Members of good will who want to tackle the long-term economic challenge—which, if anything, becomes increasingly important day by day—ought to go to a budget conference and go forthwith to that effort in a bipartisan way.

Later on today I intend to propound a unanimous consent request to in fact go to that conference with the House on the budget, and I urge colleagues to join me—I know Senator COBURN is here, and I commend him because he has been one who has been interested in tackling long-term fiscal challenges. Long-term fiscal challenges, in a debate between the House and the Senate over the next 10 years and the future trends we are looking at, are going to be front and center. We can tackle those questions, particularly on health care and taxes, by going to a conference, as well as looking at the long term overall. We would also be, in my view, picking up on what economists and leaders in the private sector of both political parties are saying now, which is there should be a little bit less of a focus on short-term sparring about our economy and more of a focus on the long-term economic challenges, which is what a House-Senate budget conference, looking at 10 years ahead, could be all about.

With that, I yield the floor and I note the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. COBURN. 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.

WRDA AMENDMENTS

Mr. COBURN. Mr. President, we are still in morning business, and I will speak in morning business about two amendments I will call up when we leave morning business. One is amendment No. 815 on this bill, which is aimed at lessening State dependence on the Federal Government.

We have now, over the period of 50 years, helped with beach nourishment. In this bill is a section that extends from 50 to 65 years of government subsidization of beach nourishment. Really, if we look at the section, we see it is targeted toward a few States because they are running into the 50-year deadline. So all the amendment does is block it from going from 50 to 65 years.

The Clinton administration, the Bush administration, the Obama administration, the Obama fiscal commission, all recommended eliminating the Federal subsidization of beach nourishment projects. So we have great bipartisan leadership on both sides of the aisle to bring this back, put back to the States what is truly a State responsibility.

What we are doing in this bill is furthering the dependence of States for beach nourishment projects on the Federal Government. So I will call up that amendment.

The next amendment is amendment No. 816. This committee has done a great job in setting up a review board that can eliminate authorized projects that no longer make sense, but they have limited what they can look at. They are not letting them look at the whole of water resources projects; therefore, they limit those projects. All we are saying with this amendment is we ought to reopen it.

One of the criticisms of this amendment is that a project may be in the midst of completion and the review board might say we should eliminate it. It doesn't mean we will eliminate it because in the wisdom of the committee, they gave the opportunity for Congress to disallow any of this.

So I think what the committee has done is a great step forward in getting rid of projects that are no longer apropos to whatever the needs are: But my question is, Why did they limit it to such a narrow package when, in fact, they want this outside input to help guide us on what we should do?

So at the appropriate time, when we are out of morning business, I will call up those amendments. I will not speak further on them; I will just call them up so we can move ahead with the bill.

I see the chairman of the committee is here. Good morning to her, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, for the benefit of all Senators, we are moving forward today. I thank all colleagues on both sides of the aisle. Senator VITTER and I have tried to allow all kinds of amendments.

Unfortunately, yesterday there was an objection to one contentious amendment, and Senator LANDRIEU was—she took one for the team and withdrew her amendment because she wanted to make sure this WRDA bill moves forward. I appreciate that. It is a very important issue about flood issues and it is complicated and I know how strongly she feels about it. I know she will be back. So we have a number of amendments, and we will be debating them for 1 minute on each side.

I wish to address my friend from Oklahoma. Let me tell my colleagues, we have been on opposite sides on his amendments. I don't like that very much. When we do work together we win big; when we don't, then it doesn't work out well for either of us. So I am sorry to say I will have to oppose the two amendments of my friend from Oklahoma, and I want to lay out for the record in a little more than a minute why.

We do something important in this bill. We create a new infrastructure deauthorization commission to review the backlog of corps projects and develop a list of projects that will be deauthorized unless Congress passes a joint resolution opposing the commission's recommendation. It is kind of like the Base Closure Commission, where the Base Closure Commission comes forward and says these are the bases that will be closed.

It is a very cumbersome process to overturn the commission. We did that on purpose because we know politics plays a part in a lot of these things, and we want the commission to have power. I am sure my friend, the Senator from Oklahoma, is grateful we have set up this commission because what he is trying to do is cut out even more projects.

I just want to make the case that when we did this in the committee, we developed a careful balance and we give the infrastructure deauthorization committee a lot of authority. But this amendment removes the bill's limitations on what projects can be deauthorized. So this is in our bill. This is what we say to the commission. We give guidance to the commission. We say: These are the projects that can be deauthorized; in other words, stopped, because I share the view of my friend from Oklahoma. We don't want to keep projects going that are doomed and not going anywhere. It is a waste of taxpayer dollars and, frankly, it makes it very confusing for people back home because they don't understand why a project started in 1996 is still alive.

What we do is projects authorized or reauthorized after the enactment of the Water Resources Development Act of 1996, projects currently undergoing review by the corps, projects that have received appropriations in the last 10 years, projects that are more than 50 percent complete, and projects that have a viable, non-Federal sponsor would not be deauthorized. They would not be deauthorized.

So let me say it again. Projects that would not be deauthorized are projects authorized after 1996, projects currently undergoing review by the corps, projects that received appropriations in the last 10 years, projects that are more than 50 percent complete, projects that have a viable and non-Federal sponsor. So we do give guidance to the commission. We say other than that, go for it and deauthorize.

The provision Senator COBURN wants to strike was included to focus the attention of the commission on the older, truly inactive projects. That is what we are about. The Coburn amendment would give unlimited discretion to the commission to deauthorize a project even if it is in the middle of construction or it has an active non-Federal sponsor. Imagine we have a city or a county or even a private sector participant who is involved, and all of a sudden everything they have done is for naught.

I think what the amendment does is create havoc. I know my friend has the best of intentions. His point that we can overturn the commission is a valid point, but let's be clear. How many bills actually become a law around here these days? It is hard to even pass a resolution saying Happy Mother's Day. So we have a hard time. So to say the Congress could actually overturn the commission—we have never done it in the Base Closure Commission, and we wouldn't do it here.

States and local communities have invested millions of dollars in local cost-shares from project feasibility studies. It isn't fair to these communities that have committed significant resources to deauthorize a project that remained active and is moving forward.

So, in essence, this amendment would disrupt the new deauthorization process created in WRDA 2013, and I urge my colleagues to oppose that amendment.

Now I ask unanimous consent to have printed in the RECORD a letter from the National Construction Alliance. It reads: ''The National Construction Alliance strongly opposes the Coburn amendment.''

It says: ''Communities . . . cannot afford to have the rug pulled out from beneath them.''

I think it is important to note that they don't in any way chastise the committee for our work.

We also have opposition from the Road Builders.

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

NATIONAL CONSTRUCTION ALLIANCE II,
May 15, 2013.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Hart Senate Office Building, Washington, DC

DEAR MAJORITY LEADER REID: The National Construction Alliance II (NCA II) strongly opposes the Coburn Amendment #816 to the Water Resources Development Act of 2013, S. 601.

The NCA II—a partnership between two of the nation's leading construction unions, the International Union of Operating Engineers and the United Brotherhood of Carpenters and Joiners of America—appreciates the hard work of the Environment and Public Works Committee to establish the Infrastructure Deauthorization Commission contained in S. 601. Senator Coburn's amendment threatens the bipartisan, thoughtful process and criteria for reviewing the backlog of projects in the underlying bill.

Communities (non-federal entities) simply cannot afford to have the rug pulled out from underneath them when partnering with the Army Corps of Engineers on critical port, harbor or waterway projects. If the commission has broad authority to shut down projects, as envisioned by the Coburn Amendment, that is precisely what could occur.

The bipartisan EPW Committee-reported WRDA bill established criteria to guide the Commission's work and ensure that it focused on inactive and obsolete projects. The Coburn amendment would undermine this careful balance, eliminating important criteria for decommissioning projects and giving the unelected Infrastructure Deauthorization Commission simply too much power over the process of shutting down projects, with too little Congressional guidance.

Please oppose the Coburn Amendment #816 to the Water Resources Development Act of 2013. The amendment needlessly threatens the bipartisan agreement forged in the Environment and Public Works Committee on the issue of decommissioning of projects.

Thank you for your consideration.

Sincerely,

RAYMOND J. POUPORE,
Executive Vice President.

Mrs. BOXER. In my concluding moments, we also will have a Coburn amendment on striking section 2030 on the beach nourishment extension. I think it is very important that this be defeated because many of these existing projects provide critical storm damage protection for coastal communities which require periodic nourishment to maintain this protection. There are dozens of important shoreline protection projects around the country that it benefits that exceed the costs.

Hurricane Sandy demonstrated that Federal shoreline protection projects fared better against the storm surge than other areas impacted by the storm. We have seen this. Where there was beach nourishment, they had a lot less damage and people were spared.

So in our work on WRDA, the EPW Committee held hearings on the corps' flood and storm damage reduction projects. We received testimony from local communities such as Ocean City, MD, which highlighted the hundreds of millions of dollars in damages avoided by these projects.

Section 2030 in WRDA 2013 does not provide a blanket extension of all beach nourishment and shore protections. The section simply allows the corps to study projects and to make a recommendation to Congress. I don't know why we would want to stop this since we know, after Hurricane Sandy, some of these projects have cost-benefit for the people—for the taxpayers.

Before receiving an extension, a project has to go through a feasibility analysis to demonstrate that the project is in the national interest, it has to have a positive cost-benefit ratio, is technically feasible, and is environmentally acceptable.

The provision Senator COBURN is attempting to strike doesn't guarantee an extension, it just tells the corps to study the issue and come back with a recommendation.

I honestly believe blocking Federal investment in these projects will harm coastal communities, so I urge my colleagues to oppose this Coburn amendment. I know I speak for many, including Senator LAUTENBERG, who actually brought this issue to my attention years ago.

I yield the floor and note that the time has come to debate the Coburn amendment, 1 minute each side.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

WATER RESOURCES DEVELOPMENT ACT OF 2013

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 601, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 601) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

Pending:

Hoeven amendment No. 909, to restrict charges for certain surplus water.

AMENDMENT NO. 815

Mr. COBURN. Mr. President, I ask to set aside the pending amendment and call up amendment No. 815.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself, Mr. MCCAIN, and Mr. FLAKE, proposes an amendment numbered 815.

The amendment is as follows:

(Purpose: To stop Federal subsidies for ongoing beach renourishment from being extended to 65 years)

Strike section 2030.

AMENDMENT NO. 816

Mr. COBURN. Mr. President, I ask to set aside the pending amendment and call up amendment No. 816.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself, Mrs. MCCASKILL, and Mr. MCCAIN, proposes an amendment numbered 816.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To remove restrictions on projects the Infrastructure Deauthorization Commission may consider)

In section 2049(b)(5), strike subparagraph (C).

Mr. COBURN. Mr. President, I have a question for the chairman through the Chair, if I might.

Mrs. BOXER. Yes.

Mr. COBURN. My question on the deauthorizing commission would be why would they not take into consideration all of the things the Senator just mentioned before they would recommend deauthorizing a program, if, in fact, the only reason they would not deauthorize it was because it was spending money that is not going to have a positive purpose.

So my question is, you trust the deauthorizing committee for all these other areas, but you do not trust their judgment to look at projects that are ongoing. Why would we think they would not make a positive decision in the best interests of the country?

Mrs. BOXER. I would answer my friend in this way. This is a new commission. We set it up in the bill. It has never worked before. We do not know how it will work. So we thought, for starters, let's go after the older projects, see how it works, and any day we could come back and add more authority. But we think, if there are active projects, it sends a very confusing signal to the folks back home.

We think this is the way to start it. It is smart. We have never had this commission before. I am very proud that we have it in here. I know my colleague supports the commission. He is already wanting to expand it. But I think we start this way, and then if it looks like we can give them more authority, we can. By the way, any day of the week Congress could deauthorize as well.

Mr. COBURN. The point I would make is the following: The big problem with WRDA bills is they become parochial in nature. So what we have excluded is everything since 1996 forward, which actually includes the present Members of Congress in terms of projects, their parochial wishes. So what we have done is we have said: You may not be capable of defunding or deauthorizing something else, but if it is new, you do not have the opportunity to do that. So what we are doing is we are protecting interests.

I yield back.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mrs. BOXER. Mr. President, I very much respect my friend. I know his intention is the best. But I do have to say there is not one earmark in this bill. He should be so proud of both sides of the aisle in this committee—not one earmark—and we do not tell the commission what they can and cannot do. But we do set some parameters because we do believe, as we start this deauthorization commission, it ought to go after the older projects. But projects that are active, let them get a chance to move forward. There are no earmarks in this bill. I kind of resent it, in a nice way. I am not angry about it. But, believe me, there is no intention to protect earmarks here at all.

So I hope we will vote no. I think we are starting something new, something good. It is a huge reform. We have a deauthorization commission, but let's start them with the older projects. Let's track it. If we feel we should move forward with more reform, I am certainly open to it.

I yield the floor and hope for a ''no'' vote on this amendment.

Ms. MIKULSKI. Mr. President, I rise in strong opposition to Senator COBURN's amendment on beach renourishment. The Water Resources Development Act extends Federal funding for beach renourishment projects from 50 to 65 years. Senator COBURN's amendment would strike the new 15-year extension.

In my state of Maryland, we have a very successful beach renourishment project along the Atlantic coast in Ocean City. Ocean City is the beach destination for many in the Mid-Atlantic region. The purpose of this Army Corps of Engineers project is not to protect a recreational beach but to provide hurricane protection for citizens and for the billions of dollars in public and private infrastructure.

Following severe storms in the late 1980s and early 1990s, Ocean City's beach was severally eroded, threatening the homes and private businesses along the coastline and on the mainland. This is when the State of Maryland and the Army Corps of Engineers constructed the Atlantic Coast of Maryland Hurricane Shoreline Protection Project to provide an essential buffer that saves lives and protects communities.

The Army Corps of Engineers built a steel sheet pile bulkhead along the boardwalk. They placed sand along the coastline to widen and raise the beach and constructed a vegetated sand dune. Every 4 years, the Army Corps of Engineers must reinforce the beach barrier by replenishing sand.

Since its completion, the project has repeatedly demonstrated its value by preventing more than $240 million in damages. Most recently, this project successfully protected the residents of Ocean City and Worcester County from Superstorm Sandy. The project protected billions of dollars in public and private infrastructure and jobs.

Approximately $48 million of Federal funding has gone toward this project. This is a small investment considering the billions it would take to rebuild Ocean City's homes, businesses, and hotels along the Atlantic Ocean. I urge my colleagues to oppose Senator COBURN's amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 815.

Mr. COBURN. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Washington (Mrs. MURRAY), and the Senator from Florida (Mr. NELSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mr. NELSON) would vote ''nay.''

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

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

The result was announced—yeas 43, nays 53, as follows:

[Rollcall Vote No. 121 Leg.]

YEAS—43

Alexander	Boozman	Cornyn
Ayotte	Coats	Crapo
Barrasso	Coburn	Cruz
Bennet	Collins	Donnelly
Blunt	Corker	Enzi

Fischer	King	Roberts
Flake	Kirk	Rubio
Grassley	Klobuchar	Scott
Hatch	Lee	Sessions
Heinrich	McCain	Shelby
Heller	McConnell	Thune
Hoeven	Moran	Toomey
Inhofe	Paul	Whitehouse
Johanns	Portman	
Johnson (WI)	Risch	

NAYS—53

Baldwin	Gillibrand	Pryor
Baucus	Graham	Reed
Begich	Hagan	Reid
Blumenthal	Harkin	Rockefeller
Boxer	Heitkamp	Sanders
Brown	Hirono	Schatz
Burr	Isakson	Schumer
Cantwell	Johnson (SD)	Shaheen
Cardin	Kaine	Stabenow
Carper	Landrieu	Tester
Casey	Leahy	Udall (CO)
Chambliss	Levin	Udall (NM)
Cochran	Manchin	Vitter
Coons	McCaskill	Warner
Cowan	Menendez	Warren
Durbin	Merkley	Wicker
Feinstein	Mikulski	Wyden
Franken	Murphy	

NOT VOTING—4

Lautenberg	Murray
Murkowski	Nelson

The amendment (No. 815) was rejected.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 816 offered by the Senator from Oklahoma, Mr. COBURN.

Mr. COBURN. Madam President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mrs. BOXER. Madam President, I believe there is 2 minutes equally divided. Could I ask my friend if he wishes to make a statement.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Amendment No. 816 expands the review commission so that, in fact, it can look at everything. We have given them the responsibility.

What the bill does is a great first step, but it protects all the earmarks from 1996 forward, so we are not going to look at any of those. We are not going to allow the review commission, the deauthorizing commission, to make recommendations on everything. We are going to select what they will look at.

If we trust them to look at the other things, we ought to trust them to look at all of it. We do have an opportunity to turn them down if, in fact, they are trying to deauthorize something the Congress thinks shouldn't be deauthorized.

Mrs. BOXER. Madam President, I urge a ''no'' vote. Colleagues, please hear me out. This amendment would expand the authority of a newly created infrastructure deauthorization commission and allow projects in your State to be stopped midstream—active projects, projects that have local funds flowing into them and private funds flowing into them. This is a bridge too far.

I am very proud of the work Senator VITTER and I have done in setting up this commission. We have very clear rules about what the commission could look at, and we protect projects that are active. We say to them: Go after the inactive projects, stop them, and save taxpayer dollars.

Please, let's have a good ''no'' vote on this one.

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Idaho (Mr. RISCH).

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

The result was announced—yeas 35, nays 61, as follows:

[Rollcall Vote No. 122 Leg.]

YEAS—35

Ayotte	Flake	McCain
Blunt	Graham	McCaskill
Burr	Grassley	Moran
Chambliss	Hatch	Murphy
Coats	Heller	Paul
Coburn	Hoeven	Roberts
Corker	Isakson	Rubio
Cornyn	Johanns	Scott
Crapo	Johnson (WI)	Thune
Cruz	King	Toomey
Donnelly	Kirk	Whitehouse
Enzi	Lee	

NAYS—61

Alexander	Franken	Pryor
Baldwin	Gillibrand	Reed
Barrasso	Hagan	Reid
Baucus	Harkin	Rockefeller
Begich	Heinrich	Sanders
Bennet	Heitkamp	Schatz
Blumenthal	Hirono	Schumer
Boozman	Inhofe	Sessions
Boxer	Johnson (SD)	Shaheen
Brown	Kaine	Shelby
Cantwell	Klobuchar	Stabenow
Cardin	Landrieu	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Cochran	Manchin	Vitter
Collins	McConnell	Warner
Coons	Menendez	Warren
Cowan	Merkley	Wicker
Durbin	Mikulski	Wyden
Feinstein	Nelson	
Fischer	Portman	

NOT VOTING—4

Lautenberg	Murray
Murkowski	Risch

The amendment (No. 816) was rejected.

AMENDMENT NO. 822

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 822 offered by the Senator from Arkansas, Mr. BOOZMAN.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Before I turn to my colleague from Arkansas, I want to say that I support his amendment, and I believe he will be happy to have a voice vote. I hope that is OK with everyone. I think it is a very good amendment, and I ask him to explain it, if we could have order for him, please.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BOOZMAN. Madam President, this is a commonsense amendment. All it does is allow the Corps of Engineers to participate in the interagency America the Beautiful Pass Program. It just allows military families to participate in the same way they already do with the National Park Service, the Bureau of Land Management, the Fish and Wildlife Service, the Forest Service, and the Bureau of Reclamation.

Madam President, I call up the amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant bill clerk read as follows:

The Senator from Arkansas [Mr. BOOZMAN] proposes an amendment numbered 822.

The amendment is as follows:

(Purpose: To authorize the Secretary to participate in the America the Beautiful National Parks and Federal Recreational Lands Pass program)

At the end of the bill, add the following:

TITLE XII—MISCELLANEOUS

SEC. 12001. 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.

Mr. BOOZMAN. Again, ditto. This is a very commonsense amendment, and I think we can all agree to it.

The PRESIDING OFFICER. Who yields time in opposition?

Mrs. BOXER. We yield back all of our time, and we ask for a voice vote.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 822) was agreed to.

Mrs. BOXER. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 866

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 866, offered by the Senator from Oregon, Mr. MERKLEY.

Mrs. BOXER. Madam President, I support the Merkley amendment. I hope we will have an overwhelming vote on it, and I ask my colleague to take the remaining time.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, I call up amendment No. 866.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant bill clerk read as follows:

The Senator from Oregon [Mr. MERKLEY], for himself and Mr. BROWN, proposes an amendment numbered 866.

The amendment is as follows:

(Purpose: To require the use of American iron, steel, and manufactured good for innovative financing pilot projects)

At the end of title X, add the following:

SEC. 100___. 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.

Mr. MERKLEY. Madam President, we have long recognized the principle that when taxpayers are paying for public infrastructure projects, it makes sense for American business, for the American economy, for our workers to do as much of the work as possible to create that supply chain in America.

The ''Buy American'' rules we already have on the books provide the foundation for millions of miles of roads, bridges, light rail, and subways and millions of good-paying jobs. This amendment extends that concept with appropriate waivers for cost, for supply chain inadequacies, or for public interest.

With that, I turn this over to my colleague for this bipartisan amendment, and I ask for my colleagues' support.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I also strongly support the amendment. This is a commonsense ''Buy American'' provision, which is completely consistent with what we did on the recent highway bill in a bipartisan way which created no controversy, no debate at the time. I support the amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time in opposition?

The Senator from Utah.

Mr. LEE. Madam President, I speak in opposition to this amendment.

While I understand the concern underlying it, I also have significant concerns as to what this would do. In some circumstances, this could increase the cost of materials in some Federal projects by close to 25 percent. So if we are talking about $1 billion worth of materials, we are talking almost $250 million of increased cost for certain materials this could bring about.

I thank the Chair.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 866.

Mr. WICKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Washington (Mrs. MURRAY), and the Senator from Massachusetts (Mrs. WARREN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mrs. WARREN) would vote ''yea.''

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

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

The result was announced—yeas 60, nays 36, as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—60

Baldwin	Franken	Mikulski
Baucus	Gillibrand	Murphy
Begich	Graham	Nelson
Bennet	Hagan	Pryor
Blumenthal	Harkin	Reed
Boozman	Heinrich	Reid
Boxer	Heitkamp	Rockefeller
Brown	Hirono	Sanders
Burr	Johnson (SD)	Schatz
Cantwell	Kaine	Schumer
Cardin	King	Sessions
Carper	Kirk	Shaheen
Casey	Klobuchar	Shelby
Cochran	Landrieu	Stabenow
Collins	Leahy	Tester
Coons	Levin	Udall (CO)
Cowan	Manchin	Udall (NM)
Donnelly	McCaskill	Vitter
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NAYS—36

Alexander	Fischer	McConnell
Ayotte	Flake	Moran
Barrasso	Grassley	Paul
Blunt	Hatch	Portman
Chambliss	Heller	Risch
Coats	Hoeven	Roberts
Coburn	Inhofe	Rubio
Corker	Isakson	Scott
Cornyn	Johanns	Thune
Crapo	Johnson (WI)	Toomey
Cruz	Lee	Warner
Enzi	McCain	Wicker

NOT VOTING—4

Lautenberg	Murray
Murkowski	Warren

The amendment (No. 866) was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Madam President, my amendment would sunset the so-called project acceleration provisions in 5 years. These provisions are untested. They were not the subject of any hearings of our committee. They were added at the last minute, before the markup, and they changed what I think is the bedrock National Environmental Policy Act. They set arbitrary deadlines. Rushed decisions lead to delays later and mistakes in litigation. Haste makes waste, both for taxpayer dollars and for natural resources.

The administration doesn't want these changes. Yesterday, the chairwoman heeded our call and changed the bill. The provisions will now sunset in 10 years. I believe this is a step in the right direction, but make no mistake, these provisions are still a very risky move. If this gets worse, these provisions could risk a Presidential veto.

I know the chairwoman has committed to me that we could have a hearing on the provisions that are in the law, the MA–21 provisions; that EPA—I ask for 30 seconds.

Mrs. BOXER. I ask the Senator have 30 seconds more.

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

Mr. UDALL of New Mexico. The chairwoman committed the relevant Federal resource agencies on MAP–21 that have similar provisions here. They are in the law. The resource agencies can come before our committee. We can have questioning. The chairwoman will be there. We can have the CEQ or whomever be a part of that.

I very much appreciate the chairwoman working with me. Because she is working with me, I am not going to move forward. I am not going to offer the amendment at this time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I ask unanimous consent that I have a minute and a half.

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

Mrs. BOXER. Madam President, I thank my colleague for not offering his amendment. He and I see this very differently. But first I wish to say I have committed to a hearing. I told my colleague he can get as much time as he wants, but I have to correct the record.

My colleague said this project delivery reform was a last minute addition. Project delivery reform was in the bill as it was voted out of committee, without a dissenting vote.

Let me reiterate: This is not a last minute issue. Project delivery reform was in the bill when it got voted out. Here is why—two reasons. One is projects are being delayed—environmental projects, flood control projects; they are being delayed. Some delay is necessary—when there is new information—and they could still have a delay.

What we do in this bill—and it has been changed for the better, I think my

colleague is right on that—is we sunset the provision in 10 years.

For the first time in history, the resource agencies my friend and I care so much about, such as Fish and Wildlife, EPA, and all the rest, will be in the room with the corps setting the deadlines. It is very important that we get our job done. Bureaucratic agencies have to get the work done as well.

I think this reform is one we will be proud of, and I look forward to those hearings.

I thank my colleague. We will get on with this and make sure this reform works the way we anticipate it will.

I yield the floor.

AMENDMENT NO. 909, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 909, offered by the Senator from North Dakota.

The Senator from North Dakota.

Mr. HOEVEN. Madam President, I understand that my amendment has already been handed in. I will point out that I have a modification at the desk.

This is a very simple amendment. It provides that the Corps of Engineers cannot charge a State or a tribe or municipality—

Mrs. BOXER. Madam President, the Senate is not in order. I believe this is our last amendment, and this is an important amendment to my friend. It is also important to many States. It would be nice if we could show the Senator some courtesy.

The PRESIDING OFFICER. The Senate will be in order.

Mr. HOEVEN. Madam President, I thank my colleague from California.

I would also like to thank both Senator BOXER and Senator VITTER for their work on this amendment. I appreciate it very much.

This is a very simple amendment. It says that the Corps of Engineers cannot charge a State fees for water when it violates the State's water rights. It affects municipalities and tribes as well. We have made sure it does not score under the CBO rules.

This amendment has strong bipartisan support—Senator THUNE, Senator HEITKAMP, Senator BAUCUS, and Senator JOHNSON. This does not affect the master manual on the Missouri River or any of the authorized uses, and I wanted to emphasize that.

Again, this is a very simple amendment. It ensures that States rights are properly protected, and I encourage a ''yes'' vote.

The PRESIDING OFFICER. Without objection, the amendment has been modified.

The amendment (No. 909), as modified, is as follows:

(Purpose: To restrict charges for certain surplus water)

On page 190, after line 23, add the following:

SEC. 2060. 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.

Mrs. BOXER. Madam President, if I could be heard on this amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I am supporting this amendment. It is important to the States that are affected, and there are several States that are affected. The fact is that we don't want to see the corps start a water war, and the Presiding Officer has discussed that with me. I am very grateful to her and Senator HOEVEN for explaining this matter. The tribes were involved as well. We don't want to see them get in trouble. I think the corps has to respect the fact that there are these water rights in place.

I will be supporting this amendment.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Louisiana.

Mr. VITTER. Madam President, if I could ask unanimous consent to speak for 10 seconds.

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

Mr. VITTER. Madam President, I also strongly support this amendment. I think it is a very reasonable, commonsense amendment.

Mr. HOEVEN. Madam Chair, I ask for a voice vote.

The PRESIDING OFFICER. Is there further debate on this amendment? If not, the question is on agreeing to the amendment as modified.

The amendment (No. 909), as modified, was agreed to.

Mr. HOEVEN. Madam President, again, I thank both of the managers of this bill.

The PRESIDING OFFICER. Under the previous order, the cloture motion is withdrawn and the clerk will read the title of the bill for the third time.

The bill was ordered to be engrossed for a third reading and was read the third time.

WATER SUPPLY

Mrs. BOXER. Madam President, I want to take this opportunity to address one of the provisions of this bill relating to water supply. Section 2015, which originally had a much broader impact, now expresses the sense of the committee related to a particular dispute between States, and expresses a concern on the part of members of the Committee on Environment and Public Works regarding the ongoing interstate water disputes among the States of Alabama, Florida, and Georgia. I would like to yield to the Committee's Ranking Republican, Senator VITTER, for his remarks about this provision, but I would note that it is the strong desire of the Committee that this dispute be resolved amicably through water compacts that ensure the availability of water to meet all necessary human and environmental needs. Senator VITTER, can you elaborate on the intent of Section 2015?

Mr. VITTER. I thank the chairman for including this provision, and I would note that the Corps of Engineers has long worked to ensure the Apalachicola-Chattahoochee-Flint, ACF, River Basin and Alabama-Coosa-Tallapoosa, ACT, River Basins are able to meet the demands of users in Georgia, Alabama and Florida through its operation of dams and reservoirs, and performs an important role in regulating the flow of surface water in these basins. Further, it is the intent of WRDA Section 2015 to recognize that role and to assist the States' efforts to reach an end to their disputes. While the committee does not intend to express any opinion about reallocations under the existing authority of the Water Supply Act and its application to these basins, we do believe these States should work to come to an agreement. Additionally, the Chairman and I intend to express these same sentiments to the Corps of Engineers through a letter that will be submitted into the RECORD soon after passage of this bill.

Mrs BOXER. I thank the Senator. That's correct. And as this new language clearly states, ''this subsection does not alter existing rights or obligations under law.'' So to reiterate, it is not the intention of Section 2015 to alter the Corps' existing legal authority to reallocate storage, to express any view on whether current or projected future levels of storage for water supply exceed the Corps' existing legal authority, or to prohibit or interfere with the Corps' ongoing efforts to update its water control plans and manuals for the ACF and ACT Basins. Further, it is not the intention to preclude the Corps from taking action consistent with its existing legal authority to study and implement reallocations of reservoir storage to meet municipal and industrial water supply needs.

Mr. VITTER. I thank the chairman for her assistance with this provision.

HARBOR MAINTENANCE TAXES

Mrs. FEINSTEIN. Madam President, in fiscal year 2011, approximately $1.4 billion in harbor maintenance taxes, HMT, was collected nationally. Of this, over $430 million, nearly 32 percent, was collected in California, with nearly $363 million generated by the ports of Los Angeles and Long Beach. Of the amounts collected, nearly $677 million was allocated to coastal operations and maintenance budgets nationwide annually over the past 3 years. California's share of this funding is approximately $54 million, only 13 percent of what was collected in its ports. Put another way,

California contributes 32 percent of the whole HMT but is receiving only 8 percent of what is allocated nationwide.

Section 8004 of the bill establishes a path whereby HMT funds could be used on expanded uses to address the critical maintenance needs of California's ports. I want to clarify that the amendment submitted by the Senator from Michigan, No. 893, does not preclude or unnecessarily delay the use of HMT funds in California's largest ports. Is it your understanding that this amendment, submitted by the Senator from Michigan, will not preclude or impact funding for expanded uses under Section 8004 (b) of the bill?

Mrs. BOXER. That is my understanding. The additional uses authorized by WRDA 2013 are important for many parts of the country, including California, and are clearly an eligible use of the harbor maintenance trust fund.

Mr. SCHUMER. Madam President, I would like to engage in a colloquy with the Senator from California, the chair of the Committee on Environment and Public Works, as well as the Senators from New Jersey, Senators LAUTENBERG and MENENDEZ, and my colleague from New York, Senator GILLIBRAND.

I thank the chair for her leadership in bringing the Water Resources Development Act to the Senate floor to address the urgent need for investment in our Nation's waterways, port infrastructure, and for coastal flood protection. It is my hope that this bill will be passed quickly. The Sandy relief bill provided over $5 billion for the Army Corps of Engineers to construct and repair authorized hurricane protection projects in States devastated by Superstorm Sandy. A $20 million comprehensive study was included in order to analyze the flood risks of the east coast with the congressional intent and authority for the corps to move to specific feasibility studies. However, it is currently our understanding that the Corps of Engineers does not intend to provide specific project recommendations in this study that will result in feasibility studies. I am pleased that I was able to work with you, Chairman BOXER, and my colleagues from the affected States, to add language to this bill that addresses this issue. I would like to clarify the intent of the language.

Will the language in section 3004 of the water resources development bill result in specific project recommendations for the Corps study?

Mrs. BOXER. I appreciate the Senator from New York raising this issue. I also know that my good friend from New York and I agree on the need to enhance the resiliency of the east coast in the wake of the devastation caused by Superstorm Sandy. Section 3004 states that, with respect to the corps study for flood and storm damage reduction which was authorized by the Sandy relief bill, the Secretary shall include specific project recommendations. The bill also includes a new provision to prioritize hurricane protection studies, section 2044, that would give the Secretary the authority to quickly move feasibility studies developed through the comprehensive hurricane study.

Mr. MENENDEZ. I thank the chairman for her remarks. If I may, I would like to further clarify the language and purpose of section 3004. Post-Sandy, there is an acute need for an assessment of the northeast region's storm-protection infrastructure needs. Is it correct that section 3004 gives the Corps of Engineers the power to conduct feasibility studies on specific projects?

Mrs. BOXER. I thank the Senator from New Jersey for raising this concern. He is correct that the language of section 3004 authorizes and directs the corps to conduct feasibility studies for the specific projects it identifies in the regional study.

Mr. LAUTENBERG. I thank the chairman for making this clarification. I agree completely with my colleagues concerning the need for section 3004. Could the language in section 3004 about inclusion of specific project recommendations and feasibility studies somehow hurt or take money away from the comprehensive regional study?

Mrs. BOXER. I thank the Senator from New Jersey for raising this concern. While section 3004 does state that the Secretary shall include project recommendations, it does not add funding, so such recommendations or feasibility studies would only be possible if monies are available after the regional study is complete.

Mrs. GILLIBRAND. I agree completely with my colleagues' interpretation of section 3004 and for the necessity of the section in question. When we added the provision in the Sandy relief bill for a $20 million comprehensive study to address flood risks on the east coast, we intended for this study to produce specific and actionable recommendations for hurricane protection. I thank my colleagues for their work and Chairman BOXER for her leadership.

GREAT LAKES NAVIGATION FUNDING

Mr. LEVIN: Madam President, this water resources bill includes important provisions for our shipping infrastructure, including the Great Lakes Navigation System, which carries over 160 million tons of cargo annually. I am pleased the bill would prioritize funding for the Great Lakes Navigation System, which has suffered from historically low water levels, closed harbors, and light loaded vessels. The bill allocates 20 percent of priority funds for the Great Lakes Navigation System, which is equal to the Great Lakes portion of high-use deep draft projects nationwide. I am glad that the 20 percent of priority funds for the Great Lakes is intended to be above and beyond what projects in the Great Lakes Navigation System would receive under the baseline funding. I also want to highlight the rationale for identifying the Great Lakes as a single system. A freighter is restricted to loading its vessel based on the shallowest segment of its route. So a freighter that begins at a port that is adequately maintained, then passes through a channel or proceeds to a harbor that is not adequately maintained, that freighter will not be able to fully load, reducing the efficiency of the navigation system and reducing our economic competitiveness. The Army Corps of Engineers should manage all of the individual harbor projects in the Great Lakes Navigation System as a single system, recognizing the interconnectedness among the projects. Chairman Boxer, is the interconnected nature of the Great Lakes system one of the reasons the bill distinguishes Great Lakes projects from the other harbor and port projects?

Mrs. BOXER. The unique nature of the Great Lakes Navigation System is one of the reasons we do not include Great Lakes projects in the definition of high-use deep draft harbors and instead include the Great Lakes in a separate group for the prioritized funding.

Mr. SCHUMER. I am pleased that this matter concerning the additional funds for the Great Lakes has been clarified. The chairman has gone to great lengths to address important national priorities in this bill, including providing funding for our high-use, deep draft ports—like those in New York, Los Angeles/Long Beach and Oakland—and supporting unique commercial navigation systems like the Great Lakes. I also want to make sure that these funds are distributed to harbors in the Great Lakes that have been ignored by the corps over the years. Chairman Boxer, is that the intent of the language in section 8004 of the bill, that additional priority funds could be used for any Great Lakes navigation project, including those that handle lower levels of freight, measured by tonnage?

Mrs. BOXER. Yes, that is correct. The funding could be used for any project in the Great Lakes Navigation System.

Mr. SCHUMER. Thank the Senator for clarifying this matter, and I thank her for her work on this important legislation.

Mrs. KLOBUCHAR. I am also pleased to hear this discussion to clarify how the additional funding for the Great Lakes is to be interpreted and applied. I want to ensure the entire Great Lakes system functions effectively, and that means properly dredging the harbors in Minnesota so ships carrying iron ore, coal, limestone, and other commodities can fully load their vessels. It is critical that high-use ports like Duluth and Two Harbors in Minnesota get dredged, but for ships to carry goods at full capacity, it is also vital that their trading partners throughout the Great Lakes system are fully dredged. This agreement will go a long way toward increasing the efficiency of shipping across the Great

Lakes system, which will strengthen the economic standing of our agriculture, mining, manufacturing and other industries on which the Great Lakes region depends. I would like to thank Chairman BOXER and Senator VITTER, for their work to address our concerns, and I would especially like to acknowledge the leadership of Senator LEVIN on this issue and Great Lakes matters across the board.

Mr. LEVIN. I thank Senator KLOBUCHAR for adding that important point regarding the interconnected nature of the Great Lakes Navigation System. And thank you, Chairman BOXER, for working us to begin to improve the maintenance of the Great Lakes Navigation System, which is critical to our economy and jobs and to our global competitiveness.

HARBOR MAINTENANCE TAX AND HARBOR MAINTENANCE TRUST FUND

Mrs. MURRAY. Madam President, I rise to address the Water Resources Development Act that we passed today.

This important legislation authorizes Army Corp of Engineers projects that provide flood control, ensure navigation to get our goods to market, and help restore our ecosystems and environment. One component of this bill deals with the Harbor Maintenance Trust Fund.

Shippers pay a Harbor Maintenance Tax, which goes into the Harbor Maintenance Trust Fund and is then appropriated for operations and maintenance at ports throughout our country.

Now, although this legislation does not address the Harbor Maintenance Tax, I want to take a moment to talk about it. Because unfortunately, this policy is encouraging cargo diversion from our ports.

A Federal Maritime Commission report released last year, which I requested with Senator CANTWELL, indicated that cargo coming into U.S. ports cost, on average, an additional $109 due to the Harbor Maintenance Tax.

I find this report extremely troubling.

While this bill does not address the tax, it does address the Harbor Maintenance Trust Fund. The bill sets goals for additional expenditures from the Harbor Maintenance Trust Fund, and it includes a provision that I worked on closely with Chairman BOXER and Senator CANTWELL.

This provision will allow our ports to be more competitive internationally by providing payments to shippers entering or transporting cargo through an eligible donor port—one that takes in significantly more in Harbor Maintenance Taxes than it receives back for operations and maintenance, like the Port of Seattle or the Port of Tacoma.

It is meant to reduce cargo diversion from United States ports to international ports, but not to induce cargo diversion within the United States.

I appreciate the hard work by Chairman BOXER to include this provision in the manager's amendment and to keep the provision intact throughout consideration of the Water Resources Development Act.

This provision is a step in the right direction.

But we can do more, and we must.

That is why I'm working on legislation that will comprehensively reform the Harbor Maintenance Tax and the Harbor Maintenance Trust Fund.

It will ensure full spend out of the Harbor Maintenance Trust Fund and ensure all cargo is treated equally as it moves through the supply chain.

My goals are to increase our international competitiveness, ensure we are getting our goods to market, and provide good, family-wage jobs.

I have been working with ports in Washington state and the Northwest, and I plan to introduce this legislation soon.

I look forward to working with my colleagues on these important issues.

Mrs. BOXER. Mr. President, I ask unanimous consent that a letter dated May 15, 2013, be printed in the RECORD.

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

Hon. JO-ELLEN DARCY,
Assistant Secretary of the Army for Civil Works, U.S. Army Corps of Engineers, Army Pentagon, Washington, DC.

DEAR ASSISTANT SECRETARY DARCY: We are writing regarding recent efforts in our committee to address concerns with the Water Supply Act of 1958 (WSA), 43 U.S.C. 390b. These concerns have arisen most prominently with respect to the U.S. Army Corps of Engineers' management of federal reservoirs in the Apalachicola-Chattahoochee-Flint (ACF) River System and the Alabama-Coosa-Tallapoosa (ACT) River System, where the States of Alabama, Georgia, and Florida have been engaged in a decades-long conflict over the use of water resources in their region.

As committee leadership with jurisdiction over these matters, we believe in the principle that water resources conflicts of this nature should be resolved through negotiated interstate water compacts whenever possible. State-level agreements are better able to take into consideration the concerns of all affected States and stakeholders, including impacts to other authorized uses of the projects (such as hydropower or navigation), water supply for communities and major cities in the region, fisheries management issues, water quality, freshwater flows to communities, rivers, lakes, estuaries, and bays located downstream of projects, agricultural uses, economic development, and other appropriate concerns.

As you are aware, the Senate Committee on Environment and Public Works unanimously reported the Water Resources Development Act of 2013 (S. 601), as amended, on March 20, 2013. Section 2015 of this bill, as reported by our committee, sought to clarify the authority of the Army Corps under Section 301 of the WSA in at least two respects. First, Section 2015 would have amended the WSA to reiterate that federal agencies must consider new WSA allocations ''cumulatively'' with all previous allocations at the reservoir. This was intended to make clear that the Army Corps cannot circumvent the intent of the WSA through gradual allocations. Second, Section 2015, as reported, sought to amend the WSA by setting a more specific threshold when congressional approval is required. We worked in good faith with our committee member, Senator Jeff Sessions of Alabama, to ensure that concerns he had. expressed in committee, both last year and during the current Congress, were addressed.

Today, the Senate passed the WRDA bill and, after significant discussions with several members of the Senate, we have reached an agreement to modify Section 2015. The new language for Section 2015 does not alter existing rights or obligations under law, but it does seek to make clear that the committee remains very concerned about the operation of ACF and ACT projects, and that absent action by the states to resolve these issues, the committee should consider appropriate legislation including any necessary clarifications to the Water Supply Act of 1958 or other law.

Accordingly, we strongly urge your personal and direct involvement in fostering efforts to enable the States of Alabama, Georgia, and Florida to reach an amicable and reasonable water compact as soon as possible. We believe that it is essential that the Army Corps not take actions that favor the position of any of the three States, but rather the Army Corps should serve as a neutral facilitator of a negotiated solution.

Thank you for your kind attention to these matters. Our committee will be following this issue closely.

Very truly yours,

BARBARA BOXER,
Chairman.
DAVID VITTER,
Ranking Member.

HARBOR MAINTENANCE TAX

Ms. CANTWELL. Madam President, I would like to thank Chairman BAUCUS and Senator MURRAY for their support and resolve to work to address the issue of cargo diversion posed by the harbor maintenance tax.

The Water Resources Development Act that we are discussing here today is an important bill that works to ensure the economic success of our Nation's waterways. The language we were able to include in this bill is just the start of our effort to address the serious issue of cargo diversion and international competition. It gives deepwater ports the ability to more cost-effectively utilize the funds raised by the harbor maintenance tax to keep competitive with their Canadian and Mexican counterparts.

Over the past decade, we have seen increasing competition for the market share of U.S.-bound goods from ports beyond our border to the north and to the south. These diversions can be partially attributed to the added cost of paying the harbor maintenance tax at U.S. ports. In fact, among the top 25 North American ports, the fastest growing in 2012 were the Port of Prince Rupert in Canada and the Port of Lazaro Cardenas in Mexico. Instead of U.S.-bound cargo creating growth of U.S. ports, we are witnessing this cargo, previously shipped through our west coast ports, contributing to the growth of Canadian and Mexican ports. The loss of cargo shipments through American ports leads to decreased port activity and export capacity, and it

erodes the harbor maintenance trust fund, which means fewer direct and indirect American jobs supporting U.S. international commerce. More than 200,000 jobs are tied to the activities at the ports of Seattle and Tacoma, and with nearly 27 percent of international container cargo potentially at risk of moving to Canada from west voast ports, this could result in significant job losses.

Cargo diversion is not my only concern with the harbor maintenance tax. I also am concerned by the poor utilization of the funds collected and the disparate distribution of the funds that are allocated. As of 2011, the balance of the harbor maintenance trust fund has built up to more than $6.4 billion. We should be investing this balance for its designed purpose of improving the ability of our ports to move goods. Furthermore, the harbor maintenance trust fund balance is rarely spent on operations and maintenance at west coast ports, where a significant amount of the tax revenue is generated. Our two largest ports in Washington Seattle and Tacoma generate, on average, close to 7 percent of the funding for the HMTF, but each received just over a penny for every dollar collected from shippers who pay the HMT in Seattle and Tacoma.

To remain competitive in an international marketplace, we need a long-term plan for how to grow and support infrastructure development and that must include reform of the harbor maintenance tax. Essential to remaining competitive is the ability of our ports to shorten the time it takes to get goods to consumers. This means we must invest in the infrastructure of our ports and freight corridors something that I have worked with Transportation Secretary Ray LaHood on to more quickly deliver the goods from our ports to the rest of the Nation. If we don't make these infrastructure investments, America will face major opportunity costs. We are seeing this already with the cargo diversion to Canada from the Pacific Northwest. But I must warn my colleagues that the competition is only increasing and will spread throughout the country with major ports planned or coming online in Canada and Mexico on both coasts, as well as the forthcoming expansion of the Panama Canal. Now is the time to address the harbor maintenance tax and reverse cargo diversion by reforming this tax and better utilizing the money it generates.

Today Chairman BAUCUS is proposing that we work together to address the competitive imbalances created by the harbor maintenance tax. While we acknowledge the work done to improve the spending out of the harbor maintenance trust fund collections in the Water Resources Development Act, we believe the efforts are just a starting point. Many of the underlying tax and trade issues cannot be addressed in this legislation. We believe it is important to clarify our intent to move on comprehensive reforms the harbor maintenance tax on the next available and appropriate legislative vehicle.

Mrs. MURRAY. Mr. President, I thank Senator CANTWELL and Chairman BAUCUS for coming down here today to discuss port competitiveness, infrastructure, and American jobs, issues which are close to my heart. I believe these are important issues to be addressed, which is why I have been working on this issue throughout my Senate tenure and why Senator CANTWELL and I introduced the U.S. Port Opportunity and Revitalizing Trade Act in 2002.

We appreciate that the legislation before us today, the Water Resources Development Act, works to improve expenditures from the harbor maintenance trust fund and that it includes provisions we championed to begin to address the competitive issues our ports face. I would like to say thank you to Chairwoman BOXER, who included a provision in the managers' amendment that would authorize payments to ''donor'' ports those ports that contribute a significant amount of funds, but receive less than 25 percent of the benefit that can be used to offset the cost of the HMT being paid by shippers.

The language in the managers' amendment does not mean that the job is done. We do not believe this language will fully correct the challenges U.S. ports face now and will continue to face in the future. Rather, we believe this is an interim solution that will help until we can work together to find a larger, more permanent solution addressing cargo diversion. Senator CANTWELL and I look forward to working with the Chairman BAUCUS to address comprehensive reform of the harbor maintenance tax.

Mr. BAUCUS. Mr. President, I thank Senator CANTWELL and Senator MURRAY for their work to reform the harbor maintenance tax in order to keep our ports competitive. As chairman of the Finance Committee, I believe it is important that we work to improve our Nation's tax policy to make our Nation more globally competitive. I am committed to finding solutions to ensure that the harbor maintenance tax is reformed, to ensure U.S. tax policy does not disadvantage U.S. ports but also to improve our nation's infrastructure. Port improvement is imperative to our ability to conduct both domestic and international commerce. Many of my home State goods are exported through west coast ports in the Puget Sound and on the Columbia River, so I understand the broad impact of the ports and the need for continued attention. If we want to continue to compete both now and in the future we must ensure that we have the right policies in place, and that means reforming outdated policies to address the evolving needs of both the market and our Nation. I look forward to continuing to work with Senator CANTWELL and Senator MURRAY to find an appropriate fix and find an appropriate legislative vehicle for comprehensive reform.

Mr. WHITEHOUSE. Madam President, I rise today to speak in support of the Water Resources Development Act, the main vehicle for authorizing vital water projects developed by the U.S. Army Corps of Engineers and for setting Army Corps water resource policies. Water resource and flood control projects spur economic growth and create jobs. They fortify communities against storms and floods. They maintain our water and waste water systems. They help maintain our favorite outdoor recreational destinations. And they can protect America's cherished and economically important—fish and wildlife.

Unfortunately, in Rhode Island and across the country, aging water infrastructure is rapidly approaching the end of its useful life, and funding available for upgrades is far outpaced by the need. This bill will increase the Army Corps' capacity to address the dismal state of our water infrastructure while improving the agency's operations.

I want to express my gratitude to our chairman on the Environment and Public Works Committee, Senator BOXER, as well as our ranking member, Senator VITTER, for their hard work in drafting a bill that addresses a number of national and regional priorities in a bipartisan fashion.

I particularly appreciate the inclusion of several provisions designed to clean up the process at the Army Corps, to clear the backlog of construction and maintenance projects, to improve transparency in developing and carrying out civil works projects, and to give local communities a better chance to understand what to expect.

According the Office of Management and Budget, ''The Corps' enormous backlog of ongoing civil works construction represents a significant source of unrealized economic and environmental benefits. . . . This growth trend in the construction backlog unfairly penalizes both taxpayers and project sponsors.''

The bill before us establishes an independent commission to work through an estimated $62 billion backlog of projects and sets a timetable for downsizing the corps' burdensome to-do list. My colleagues on both sides of the aisle should appreciate the responsible use of corps resources and of taxpayer dollars.

This bill also makes the corps more responsive to communities and businesses, requiring the corps to make more information available to the public about projects under its Continuing Authorities Program, including available funding, cost estimates, and the criteria used to prioritize projects. States like mine and our communities and companies can't plan around water resource projects because they are so often left in the dark.

For example, Hope Global has manufactured textiles in Rhode Island since 1883. Today it makes fabrics that are

used in everything from cars to parachutes to construction. During the historic 2010 floods in our State that clobbered Hope Global, I literally entered the building through the shipping bay in a boat. Hope Global survived, thanks to the dedication and quick thinking of its CEO and employees, but the risk of future flooding along the Blackstone River looms over this business and many others in the area.

The corps has partnered with the State of Rhode Island to conduct a feasibility study for flooding mitigation on the Blackstone River. The State used its limited resources to fund the study, hoping to solve the flooding problems once and for all. Three years later, due to lack of transparency in the corps budget, we still don't know where this project stands. This bill will change that, so communities like those in my State can make informed decisions about their future.

Episodes like the 2010 floods and, more recently, Superstorm Sandy underscore the need to keep communities safe in the face of a changing climate. The Army Corps of Engineers helps communities prepare for extreme weather events and addresses flood control hazards. In many places, these twin objectives can be pursued through the restoration of natural ecosystems. This reauthorization places greater emphasis on natural defenses like the wetlands and dunes that have protected our coastlines for millennia.

Coastal and freshwater wetlands act like sponges during floods, absorbing water and dissipating the impact of wave energy and storm surge. Shoreline vegetation, natural dune formations, and barrier islands do the same. This draft recognizes the benefits of natural resiliency.

This bill also reauthorizes the National Dam Safety Program, which is vitally important to my small State. Rhode Island has about 700 dams, some dating back to the colonial era. One hundred seventy-nine are rated a ''high'' or ''significant risk.'' Nationally, America's dams received a grade of ''D'' on the American Society of Civil Engineers 2013 Report Card. The Society cited more than 4,000 deficient dams, including more than 2,000 that would result in loss of life if they failed. The Dam Safety Program helps States monitor for deteriorating dam conditions that put communities in danger.

This legislation is not without its detractors, but I think it is important to recognize that both sides have had to make compromises to get this bill to where it is today. That is the hallmark of our legislative process.

For example, this reauthorization contains new measures to ensure the timely completion of environmental impact studies and reviews required under the National Environmental Policy Act, or NEPA. While this has raised concerns from some, ensuring prompt environmental review of projects does not mean we are disregarding these reviews entirely. Comprehensive environmental review of federal projects remains critical to protecting the environment and public health from harm, and this bill includes provisions that will prevent harmful projects from being expedited.

WRDA supports projects that protect communities and their water resources. I would have preferred to leave NEPA requirements unaltered; however, I believe the compromise the chair and ranking member negotiated on this issue was worth the price of being able to implement long-overdue improvements to our nation's water resources infrastructure.

As we grapple with the mounting effects of a changing climate, our towns, our rivers and ports, our beaches and bays rely on the safety and efficiency of modern and resilient water infrastructure. The Water Resources Development Act of 2013 gives the Army Corps of Engineers and its public and private sector partners the tools to provide and maintain that infrastructure. I urge my colleagues to support this important, bipartisan legislation.

Ms. CANTWELL. Madam President, as we consider S. 601, the Water Resources Development Act, specifically amendment No. 903, I want to highlight critical emerging needs in our Nation's arctic.

The arctic is opening at an alarming rate, which creates a number of economic opportunities for the Nation. This accessibility also creates new requirements for the U.S. Coast Guard and the Navy. Multiple bipartisan Presidential directives call for increased arctic presence to meet national security and homeland security needs; to facilitate safe, secure, and reliable navigation; to protect maritime commerce; and to protect the environment as resource development increases.

With new shipping lanes and opportunities to obtain and transport natural resources, the arctic has become a new frontier. We need to have arctic infrastructure ready to accommodate this increase in commerce.

That is why I have worked closely with Senator BEGICH to fight for heavy-duty icebreakers and other arctic infrastructure. We need to make sure the Coast Guard acquires the tools they need to fulfill their missions in the arctic.

In fact, the Army Corps of Engineers is in the final phase of a study which assesses feasibility of deep draft ports in the arctic. The corps assessed over 3,000 miles of Alaskan coastline and identified a shortlist of two possible deep draft ports in Nome and Port Clarence.

The U.S. Department of the Interior released a report on emerging Federal management needs in the arctic in March 2013. The report, titled ''Managing for the Future in a Rapidly Changing Environment,'' found that the U.S. arctic habitat encompasses St. Lawrence Island Northward, based on physical oceanography, seasonal sea ice, and other ecosystem characteristics. These northern seas are vastly different and require unique infrastructure compared to the majority of the Bering Sea, Alaska.

It is the intent of this bill that these arctic deep draft ports are present in the arctic. And while there has been some dispute on how the U.S. arctic is defined, both the Army Corps study and the Department of the Interior report indicate the importance of deep draft ports in close proximity to the Arctic Circle, 66 degrees North. This is where ports of refuge, natural resource shipping, oilspill response, commercial shipping, and other commercial opportunities require a deep draft port.

These key findings identify ports that must be prioritized when considering deep water draft port development in the arctic, where the Federal Government has a role including technical assistance outlined in amendment 903.

Mr. LEVIN. Madam President, Michigan is a water State. The State is surrounded by water on three of its sides. We depend on our vital water resources for drinking water and commerce. Water provides opportunities for recreation, rest, and reflection. Our waters define us. It has been 6 years since the last Water Resources Development Act was passed. This bill includes several provisions that will improve the management of Michigan's water resources, such as critical harbor maintenance, upgrades to drinking and wastewater systems, flood control projects, and restoration of aquatic resources, and I will support its passage.

This bill makes some progress toward improving the Great Lakes Navigation System, and I am pleased that the Senate Environment and Public Works Committee worked with us to address concerns with the reported bill. The bill would increase authorized appropriations for harbor maintenance, beginning with $1 billion in fiscal year 2014 and increasing every year thereafter by $100 million through fiscal year 2019. In fiscal year 2020 and beyond, the bill would require that total budget resources for harbor maintenance equal the full amount of funds collected for that purpose. Currently, only about half of the funds collected from shippers for harbor maintenance are used for harbor maintenance. The harbor maintenance trust fund, into which the fees from shippers are collected, has a balance of over $7 billion.

Great Lakes harbors and channels are in great need of dredging. A backlog of dredging projects forces vessels to carry less than their capacity, threatens to close harbors and increases the risk of vessel groundings. These funds need to be used for harbor maintenance instead of for other purposes. I have been fighting to free these funds and worked with the EPW Committee to incorporate the text of the Harbor Maintenance Act of 2013, which I introduced earlier this year in February, into the committee-reported

bill. While the point of order enforcement language of my bill that would have required full funding immediately for harbor maintenance was not included in the final version, the compromise language that would phase in the increased funding still represents progress. The next step in the dredging battle will be to work with appropriators so that funding is provided at the authorized levels.

I am also pleased that the EPW Committee responded to my concerns regarding how harbor maintenance funding was prioritized. I had written a letter to EPW that was signed by 10 other Great Lakes Senators expressing our concerns, and EPW responded by including a provision in the bill that would prioritize 20 percent of harbor maintenance funds in excess of fiscal year 2012 levels for the Great Lakes. This setaside represents real progress, and I hope appropriators will provide funding in accordance with this directive in the bill.

I am also pleased that my amendment concerning other uses of the harbor maintenance trust fund was agreed to by the full Senate. That amendment, which was cosponsored by Senator STABENOW, makes clear that the primary use of the harbor maintenance trust fund is for maintaining the constructed widths and depths of ports and harbors and that those functions should be given first consideration in the budgeting of harbor maintenance trust fund allocations. I fought for this language because the bill includes a new authorization for other uses of the trust fund, and I wanted to make sure that harbor maintenance, including that of the Great Lakes, has a higher claim for these funds than the other new uses.

In addition to the beneficial harbor maintenance provisions, the bill also includes a number of other provisions that could benefit Michigan. A new pilot program, called the Water Infrastructure Financing and Innovation Act, is included in the bill, and it would increase options for financing our nation's water and wastewater infrastructure by providing loan guarantees and low interest loans with flexible repayment terms. WIFIA is a positive provision for Michigan and the Nation that will help to address the ongoing problems we face with aging and outdated infrastructure.

As Michigan and much of the Midwest recover from damaging flooding, I am pleased to see an authorization for the National Levee Safety Program and the establishment of a National Levee Safety Advisory Board. The board will provide technical assistance to States and tribes on levee safety and facilitate the development of levee safety programs through a Federal grant program. Levees are an essential part of our flood protection infrastructure. This provision will hopefully ensure our levees are constructed and maintained using sound science and the best available information.

The bill also includes a provision on dam safety that is critical to Michigan communities. The Dam Safety Program provides grant assistance to States for the training of dam safety staff and for the development of safety monitoring programs. This bill also helps us in the Asian carp fight. I worked with Senator GILLIBRAND to include a provision that would authorize the Army Corps of Engineers to implement emergency measures to prevent Asian carp and other invasive species from getting into the Great Lakes. That language is based on a provision I was able to get included in an appropriations bill for fiscal year 2012, and including it in the WRDA bill would make the authority permanent.

I also want to mention the shadow that hangs over this legislation and all the other legislation before us. That shadow is sequestration, and until we lift that shadow, it will erode the good we seek to accomplish with this legislation and everything else we do.

The projects authorized in this bill will touch every State in our Nation, put Americans to work, help American companies sell their goods here and around the world, improve our navigation systems, and provide clean drinking water for our homes and businesses. But authorizing these projects is not enough. We also need to appropriate the money to execute these projects. And so long as sequestration remains in effect, so long as we continue to view our fiscal challenges as exclusively a matter of cutting budgets, so long as we ignore the desires of the American public and the realities of budget math and refuse to adopt a balanced approach to deficit reduction—so long as all that continues, those appropriations will be reduced. As a result, water projects will suffer, health and education programs will suffer, law enforcement, border security, food inspections and more will suffer. The Speaker of the House said not long ago, ''We can't cut our way to prosperity.'' He's right. We can't cut our way to clean water or operable harbors either. We need to keep that in mind as we consider budget solutions going forward.

Despite the challenge of sequestration and continued fiscal pressures, the bill before us represents progress for America's waterways and the people who depend on them and in particular for the precious waters of my State of Michigan. I urge my colleagues to support this much-needed legislation.

Mr. HARKIN. Madam President, our inland waterways are a large and crucial part of our Nation's transportation system and facilitate billions of dollars of economic activity each year. In Iowa, agricultural producers as well as other shippers depend upon transportation along the Mississippi River and Missouri River to gain access to markets throughout the country and the world. The channels, locks, and dams throughout our inland waterways system are the infrastructural elements that allow the system to safely and efficiently support this activity. Without sustained financing through the inland waterways trust fund, this infrastructure cannot be properly maintained.

Today I want to bring my colleagues' attention to an amendment offered by Senator CASEY to S. 601, the Water Resources Development Act. Senator CASEY's amendment No. 854 takes an important step toward ensuring that the inland waterways trust fund can meet current and future infrastructure needs. While demands on the trust fund have greatly increased in recent years, the financing mechanism, a $0.20-per-gallon barge fuel tax, has not been raised since 1994. Senator CASEY's amendment would strengthen the trust fund by raising the tax to $0.29. Many locks are already in such disrepair that catastrophic failure could occur in the near future. A lock failure would cause a loss of navigation along the system above that point, incurring serious economic losses. Not only is this fuel tax increase badly needed, it is widely supported by industries dependent upon our inland waterways, including the barge operating industry, which is directly impacted by the tax.

While it is unfortunate that Senator CASEY's amendment could not be brought up for consideration, I hope its substance can become law in the coming months.

Mr. DURBIN. Madam President, today the Senate will pass a Water Resources Development Act, or WRDA, for the first time since 2007. I thank my colleagues, chairman BARBARA BOXER and ranking member DAVID VITTER of the Environment and Public Works Committee, for working together to move a bipartisan bill out of committee and to the floor.

I know it wasn't easy, and compromises were made. But water resources development bills are important to the commerce that moves by river and sea, to those communities and towns that rely on the Corps of Engineers to protect them from flooding and other storm damage, and to maintaining the precious natural resources that our rivers, streams, and wetlands represent.

We have an infrastructure problem in this country. The American Society of Civil Engineers estimates that we need $3.6 trillion investment in our failing infrastructure. I say failing not only because its literally crumbling but because the American Society of Civil Engineers 2013 Infrastructure Report Card gave America's infrastructure a ''D-plus.'' But for our inland waterways, levees, and ports that grade is a ''D-minus.''

As an example, consider the locks and dams on the Mississippi and Illinois Rivers. These two rivers are important economic arteries, transporting millions of tons of product each year. The locks and dams that allow barges to move these goods were built in the 1930s and 1940s.

They are aging, and the risk of failure grows by the day. Back in March, a

miter gate at the Marseilles Lock and Dam failed and was closed for 7 days. During that time, more than 50,000 tons of petroleum products came to a halt. That was a 7 day closure—can you imagine the economic impact of a catastrophic failure of one of these locks?

But we also must face reality that we passed this bill in a time of budget caps. This bill tries to update some of the funding mechanisms and processes we use to maintain and build locks dams, levees, and harbors.

With such great need and limited resources, my colleague Senator MARK KIRK and I introduced the Water Infrastructure Now Public Private Partnership Act, or WIN P3. I am pleased that the Senate-passed WRDA includes a major provision of our bill.

The provision adds a new element to a pilot program that allows for public private agreements between the Corps of Engineers and private entities. The pilot would allow the corps to expedite construction by bringing in private entities that have enough of a stake in completing infrastructure projects quickly that they could bring in private resources to help complete the work. The new language ensures that projects that have not received Federal funds would qualify for the program—projects like lock and dam modernization on the Mississippi and Illinois Rivers.

Currently those upgrades aren't projected to be complete until 2090. With this new program, I am hopeful new ways to fund and deliver big projects like these will be developed and help Illinois upgrade our water infrastructure more quickly.

This bill includes many provisions that could greatly benefit my home State of Illinois. It would keep up the fight against the spread of Asian carp. We must keep this invasive species from damaging the ecosystem of Lake Michigan.

The bill would also implement a National Levee Safety Program to establish safety standards and provide assistance to locals whose levees require rehabilitation. Many communities in Illinois find themselves in the difficult situation of having their levees decertified but without the funds to make the necessary repairs. I am hopeful that this bill could help at least some of them.

I am pleased that the bill addresses extreme weather. No matter why you think it is happening, it is clear that extreme weather events are becoming more severe and more frequent.

Consider the last year: The two costliest natural disasters in the world occurred in the United States—the Midwest drought and Hurricane Sandy, costing $100 billion. We can't ignore the reality that weather events like these are the new normal.

This bill would initiate studies by the National Academy of Sciences and GAO to evaluate how we respond to and mitigate extreme weather events. It would also give the corps greater authority to learn from and prepare for extreme weather events.

We have certainly seen our fair share of extreme weather in the Midwest and along the Mississippi River lately. Right now in Illinois and the Midwest, we are recovering from major floods. But it was only 5 months ago that the drought that sapped the Midwest caused record low water levels on the Mississippi—levels not seen since World War II.

I traveled to see it. The corps and Coast Guard took me out on an observation boat. When we got to the center of the channel, the corps commander said, ''Imagine water ten feet over your head right now, that's where the water levels should be.''

The water was so low it threatened to stop navigation on America's great commercial artery. Every few days barge operators and shippers were faced with the difficult question of whether there would be enough water for them to safely transit the Mississippi River. We are talking billions of dollars in goods from nearly every sector imaginable—agriculture, energy, dry goods, bulk goods.

During the crisis, some recommended it could all be solved if we simply allowed more water to flow from the Missouri River into the Mississippi. Some even called on the President to declare a disaster and mandate the water be taken from the Missouri River.

I said, ''Let's hold on a minute, we are all in this together.'' What happens on the Missouri affects the Mississippi, and the commerce on the Mississippi clearly benefits the Missouri River States.

Instead of draining the Missouri River for the benefit of the Mississippi, we pushed the corps to expedite removal of rock pinnacles that obstructed navigation. With that, along with some needed rain and creative management by the corps, we were able to maintain navigation without doing any harm to the Missouri River.

In my view, that was a fair and responsible outcome. Equally fair and responsible, now that we are through the crisis, is doing everything we can to learn from what happened and work to ensure we are better prepared if it happens again.

I introduced legislation to do that—the Mississippi River Navigation Sustainment Act. I am pleased that legislation is part of the Senate-passed bill.

It will improve forecasting capabilities and technology on the Mississippi River, give the corps greater flexibility to operate outside of the navigation channel, and create an environmental management pilot program for the Middle Mississippi.

Also included from my bill is a provision that would create a greater Mississippi River Basin severe flooding and drought management study. It will for the first time look at the entire Mississippi River Basin, which covers 40 percent of the United States and is the third largest river basin in the world. The study will help us better understand how the basin functions as a system and how we can best manage it to maintain safe and reliable navigation and protect lives and property—especially during times of extreme flooding and drought.

This provision was added to the bill as an amendment that I introduced with Senator ROY BLUNT and others. That amendment was a compromise between Missouri River Senators and Mississippi River Senators.

I thank my colleagues, including Senator BAUCUS, for working with me to come up with acceptable language. With this agreement, hopefully we can start to get beyond the parochial wars of the past. It is clear those of us on the Missouri River and the Mississippi River have a new common enemy that isn't going anywhere soon extreme weather.

I am encouraged that the Senate has come together in a bipartisan way on this bill. I now hope the House will pass legislation that makes needed investments in the waterways that are so important to the flow of commerce and upholds the environmental protections that keep America's waterways healthy.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, if I could be heard for less than a minute, I would like to thank every single Senator here. I think we have literally worked with every one of the Senators on this bill.

Senator VITTER and I have our differences in a number of areas, but when it comes to the infrastructure of our country, we worked very well together, as I did with Senator INHOFE.

The committee voted this bill out unanimously, and we made it better on this floor. Senators came to us with amendments that made this a better bill.

Also, I have to praise our staffs. They are unbelievable. I am not going to name names now, but later I will put them in the RECORD. Senator VITTER's and my chief of staff, as well as their teams, worked seamlessly in the most wonderful and cooperative fashion.

I want everyone to know that this bill is about 500,000 jobs, thousands of businesses, critical flood control, environmental restoration projects, harbor maintenance, inland waterways, and we have adopted dozens and dozens of amendments.

We are very excited about this vote. We hope everyone will vote yea. It would be a wonderful signal to the House so they can get on with this work as well.

I yield to my friend.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I join in all of the comments of the distinguished chairman of the committee, and I strongly support this bill as well.

This is a jobs bill as well as a water maritime infrastructure bill that is

good for the economy, and it does it in a way that doesn't increase the deficit a penny. This bill contains no earmarks. It institutes important reforms to deauthorize projects that are not moving forward, so it should even be authorization net neutral. It provides reforms which are needed in terms of the Corps of Engineers.

This is a very strong bipartisan bill. I hope it is also some little suggestion of how we can move forward in this body, work in a bipartisan way, and have real debate, amendments, and votes on the floor, which is another whole aspect of this experience that has been very positive.

I urge a ''yes'' vote.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. MENENDEZ. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

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

The result was announced—yeas 83, nays 14, as follows:

[Rollcall Vote No. 124 Leg.]

YEAS—83

Alexander	Franken	Murphy
Baldwin	Gillibrand	Nelson
Barrasso	Graham	Portman
Baucus	Grassley	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Blumenthal	Hatch	Risch
Blunt	Heinrich	Roberts
Boozman	Heitkamp	Rockefeller
Boxer	Hirono	Sanders
Brown	Hoeven	Schatz
Cantwell	Inhofe	Schumer
Cardin	Isakson	Sessions
Carper	Johanns	Shaheen
Casey	Johnson (SD)	Shelby
Chambliss	Kaine	Stabenow
Coats	King	Tester
Cochran	Kirk	Thune
Collins	Klobuchar	Toomey
Coons	Landrieu	Udall (CO)
Corker	Levin	Udall (NM)
Cowan	Manchin	Vitter
Crapo	McCaskill	Warner
Donnelly	McConnell	Warren
Durbin	Menendez	Whitehouse
Enzi	Merkley	Wicker
Feinstein	Mikulski	Wyden
Fischer	Moran	

NAYS—14

Ayotte	Flake	McCain
Burr	Heller	Paul
Coburn	Johnson (WI)	Rubio
Cornyn	Leahy	Scott
Cruz	Lee	

NOT VOTING—3

Lautenberg	Murkowski	Murray

The bill (S. 601), as amended, was passed, as follows:

S. 601

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

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

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE NOMINATION

Mr. REID. I now ask unanimous consent that at 2 p.m., the Senate proceed to executive session to consider Calendar Nos. 40 and 92 en bloc; that the time until 4:30 p.m. be equally divided in the usual form, with Senator BAUCUS controlling the time from 4:15 to 4:30; that upon the use or yielding back of time the Senate proceed to vote without intervening action or debate on the nominations in the order listed, with 2 minutes for debate between the votes; and that the second vote be 10 minutes in length; 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 to the nominations; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I yield to my friend from Oregon.

UNANIMOUS CONSENT REQUEST—H. CON. RES. 25

Mr. WYDEN. Madam President, I appreciate Senator REID yielding me this time and Senator MCCONNELL being on the floor for this, and I will be brief.

As I discussed earlier this morning, yesterday's new report from the Congressional Budget Office highlights why it would be so important to have a conference committee between the House and the Senate go to work on the budget. What the Congressional Budget Office reported yesterday was a 24-percent reduction in the budget deficit—quite a remarkable projection. That, coupled with the improving jobs and housing numbers, we now have economic experts across the political spectrum—for example, people such as Glenn Hubbard, a leading Republican economist—saying it is important for the Congress to look at these long-term economic challenges. In fact, we have economic experts of both political parties saying Washington ought to be doing more about the long-term economic challenges and not just have the day-to-day battling.

Going to a budget conference will give us that opportunity. It will give us the opportunity to look at the 10-year budget window and particularly issues such as health care and taxes.

So in the name of dealing with the long-term economic challenges highlighted by yesterday's projections, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 33, H. Con. Res. 25; that the amendment which is at the desk, the text of S. Con. Res. 8, the budget resolution passed by the Senate, be inserted in lieu thereof; that H. Con. Res. 25, as amended, be agreed to; the motion to reconsider be considered made and laid upon 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 the part of the Senate; all with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object, I ask unanimous consent that the Senator modify his request that it not be in order for the Senate to consider a conference report that includes tax increases or reconciliation instructions to increase taxes or raise the debt limit.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. WYDEN. I do not. The point I have tried to make is the Congressional Budget Office didn't talk about the Senate relitigating past discussions.

Mr. MCCONNELL. Madam President, I have a parliamentary inquiry: Is that an objection?

The PRESIDING OFFICER. Does the Senator object to the modification?

Mr. WYDEN. I do.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the original request of the Senator from Oregon?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oregon.

Mr. WYDEN. If I could be recognized for another brief moment this highlights how unfortunate it is that we don't look to the future as the Congressional Budget Office projections laid out for us yesterday. The Congressional Budget Office didn't talk about relitigating past votes here in the Senate. They said specifically the deficit was significantly lower than earlier projected, and, on the basis of what I have cited, economic experts of both political parties are saying it is time to look to the long-term challenges, particularly Medicare and taxes. I came today to say that a budget conference would provide that kind of window: the opportunity to look particularly at long-term health care challenges such as chronic care and Medicare.

I see my colleague from the Senate Finance Committee, who knows we have been talking about tax reform, Democrats and Republicans; again, a bipartisan opportunity we could achieve through a conference. I proposed that today, based on the new evidence from yesterday. Regrettably, we can't go to conference because it seems the leader on the other side will only go to conference if we can relitigate the stuff that happened in the Senate which he lost.

I hope colleagues will look at that new Congressional Budget Office report. I hope they will look at the jobs picture, the housing starts, all of which seem to be improving in the short term. I hope they will pay more attention to what economic experts of both political parties are saying, which is we ought to be looking to our long-term challenges—particularly in health care and taxes—with the budget conference between the House and the Senate providing an opportunity to look at that 10-year window. We could do exactly what economic experts of both political parties are talking about. I think it is unfortunate we have not been given that opportunity today and I hope we will be given it in the days ahead.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, first, I thank my colleague from Oregon for offering his proposal and am sorry it was rejected. We should be going to conference on the budget, there is no question about it. It is hard for us to understand how, on the other side, people have been railing for 4 years: You do not have a budget. And now we have a budget and they do not want to move forward. But that is not what I rose to speak about today.

FLOOD INSURANCE

Mr. SCHUMER. Madam President, first, I also want to say to the Senator from California and the Senator from Louisiana, job well done. The WRDA bill is a very good bill, and it will help both the port of New York City—one of the great ports of the world—as well as our Great Lakes ports, which are having their own troubles in terms of dredging.

But there was an extreme disappointment in the bill—no fault of my colleague from California. I am extremely disappointed at the objection some of my colleagues raised to even allowing a vote on the Landrieu amendment to the WRDA bill, and I, along with Senator LANDRIEU and others, will keep fighting until this commonsense amendment passes. I am speaking of amendment No. 888. I was proud to cosponsor it. Very simply, it would delay for 5 years any premium increases resulting from revised flood maps. The purpose of the amendment was to provide FEMA enough time to complete the study it was required to complete over a month ago on the affordability of increased premiums.

Senator TOOMEY is right that we passed a flood insurance reauthorization bill just 10 months ago, but it was always the intent—and many of us worked hard on that—under Biggert-Waters that FEMA would conduct an affordability study before higher premiums would go into effect. That way Congress could review the findings and recommendations and address important issues relating to affordability and neighborhood sustainability.

Senator LANDRIEU's amendment was carefully crafted to give FEMA time to complete its study, then allow Congress 6 months to respond. For technical reasons, she amended it to a straight 5-year delay—I thought that was better—but the purpose was the same. The logic is irrefutable: Why bother to do the study at all if we are going to allow FEMA to charge ahead and start raising premiums all over the country?

I say this to my colleagues—the Senator from Louisiana knows it well, and we know it well in New York—you are going to be finding out across the country that flood insurance premiums are going to rise so high that they will be unaffordable to average middle-class people.

What do you say to the homeowner who is forced into the choice of either paying crushing flood premiums or leaving their home and their neighborhood? Do we say to them: Sorry, we just couldn't get around to thinking about difficult cases like yours just yet.

That is not going to stand. That is not fair. It is not acceptable.

I note for my colleagues who might think this is just a Hurricane Sandy-related issue, it is not. New Yorkers are facing this situation because our flood maps are being revised—a process that was well underway before Sandy. So the increased premiums many New Yorkers could well face will face all of your constituents. As FEMA starts revising flood maps—and they are increasing the number of homes included and increasing the level at which homeowners have to pay—every one of you is going to be facing the same problem we are facing in New York.

Madam President, $9,500 for flood insurance for someone who makes $40,000 or $50,000 and lives in a modest home? Forget it. We cannot have that, and I will tell FEMA right now that will not stand. Something will give because the situation is untenable.

The original bill provided for a study, and then Congress could act on that study and modify the bill. But now we are moving forward without even the study being done. In fact, people in some States are already seeing their premiums rise up to 25 percent a year, and many more States will be covered over the next 2 years.

If you think it is just coastal States, such as my State of New York and the State of Louisiana, it is not. In fact, according to FEMA, my friend Senator TOOMEY's home State is one of the States that rely most heavily on flood insurance. Pennsylvania ranks seventh in the total amount of NFIP payouts, seventh in the number of claims filed since the program began.

So we all have an interest to get this right, that we proceed with eyes wide open in attempts to bring the Flood Insurance Program onto sounder financial footing; that we have the benefit of all the data and analysis we need. My prediction: If we do not change this, there will be no flood insurance or at the very minimum we will let it be optional for everybody and let people decide because to force people between paying an amount they cannot afford and forcing people to leave their homes is a choice this Congress will ultimately not abide for.

It is important to remember that if people cannot afford flood insurance, they are going to drop out of the program. Their communities might not adopt new flood maps when proposed because they know the cost is prohibitive. When future disasters hit, these families and communities will be entirely dependent on Federal aid to help them rebuild, and that will cost the taxpayers even more.

So it is important that we ensure the program is both financially sound and accessible to ordinary middle-class families. Something is very wrong with a program that requires middle-class families to pay over $10,000 a year for a policy with coverage that is capped at $250,000.

You may ask why I am so passionate about this issue. Because I have visited too many families, too many communities in New York City and in upstate New York where the prospect of higher premiums is causing residents to rethink whether they can even afford to remain in the homes in which they have lived, many of them, for their whole lives, whether they can afford to live in the neighborhoods in which they grew up, where their families and friends live, where their children go to school. Families are being forced to make this choice in neighborhoods from Staten Island to the Rockaways to Massapequa and east and upstate in places such as Schoharie County and in the southern tier counties such as Broome and Tioga and in north country counties such as Essex. It would be a shame if we allowed this to happen—all because FEMA did not get around to studying the impact of higher flood rates and Congress did not have a chance to respond.

So I hope that by the time New York's maps are completed and New Yorkers have completed the process of rebuilding in the wake of Sandy, fears of $10,000 flood insurance premiums for middle-class homes will prove to have been incorrect. But right now those fears are very real, and they are putting the future of some of New York's most tightly knit middle-class neighborhoods at risk.

As I noted previously, New York's flood maps were in the process of being revised before Sandy hit. But in the wake of Sandy, it adds insult to injury when families who are spending their entire savings to repair their homes are told that in a year or two they may not be able to afford to live there.

In conclusion, I am disappointed that we did not get a vote on this issue, but I will keep pushing and pushing until this awful situation is rectified. I know Senator LANDRIEU will. I know Senator VITTER will. The issue is too important to too many New Yorkers and too many Americans, and I will not stop until we get a vote and until we ultimately succeed.

I am confident many more of my colleagues will begin to hear from their constituents about the challenges they are facing as flood premiums are increased, and they will see the wisdom of Senator LANDRIEU's amendment and Congress will ultimately act to fix this problem once and for all.

With that, I appreciate my colleagues giving me time, and I yield the floor.

The PRESIDING OFFICER. The Senator from California.

WATER RESOURCES DEVELOPMENT ACT

Mrs. BOXER. Madam President, I think the Senator from New York is

pointing out an issue Senator VITTER and I agree with, which is that we should have had a vote on the Landrieu-Vitter amendment, which would have definitely moved in the direction of ensuring that people's insurance rates for flood protection do not go through the roof.

It was very disappointing that the Senator from Pennsylvania Mr. TOOMEY opposed having even a vote on this. But you know what, we will have other days in the Sun, I say to my friend, where we will deal with this issue because it is too important to too many people across the Nation.

But I do not want that to dim what just happened in the Senate. I do not want the fact that there was one disappointment to take away from what just happened in the Senate. What just happened is that 83 colleagues—83 strong—voted for the Water Resources Development Act that came out of the Environment and Public Works Committee with a very strong unanimous vote and that Senator VITTER and I, working together for the first time on a big bill such as this, were able to put aside other differences and come together in an area where we both agree; that is, it is essential to have a strong infrastructure in the greatest Nation in the world and in our States. It is essential that people not be worried that bridges will fall; that they will not have good roads; that they will not have their ports deepened so they can accept these big ships that go in and out; that they will be vulnerable to flooding; and that they will not be able to restore wetlands, which are so critical to preventing floods.

This bill is so critical to the infrastructure and to the environment. Anyone who has been to the Everglades knows how critical it is to make sure the Everglades remain. It is a gift from God, and we have the responsibility. Anyone who knows the Chesapeake Bay knows how important it is to ensure it is healthy. We do that in this bill. And we do our best to ensure that the types of flooding we saw in Katrina will be minimized. We made many, many reforms, and I feel good about them.

I really have to say that without the staff, none of this would be possible. Senator VITTER and I are so blessed to have the kinds of staffs we have. They are dedicated. The hours they work have no bounds. The other night we were talking at 11 o'clock. My staff was there. This type of a bill is not easy to get through because every State has its own needs, every State has its own challenges, every State has its own problems. We were able, because of our staffs working endlessly, to meet the needs, I believe, of the whole country, and that is why we have votes from the entire country. We have votes from so many States because this bill is truly reflective of the needs of our communities.

I want to say to Bettina Poirier, my chief of staff and chief counsel, you certainly know how to get a bill through. You certainly know how to manage a staff. And you certainly have made wise decisions in terms of your staff. We have Jason Albritton and Ted Illston and Tyler Rushforth and David Napoliello and Andrew Dohrmann.

These are only 1, 2, 3, 4, 5—6 names that I mentioned, and they handled this bill from, essentially, 100 different Senators pounding on their doors, including this Senator, saying: What and why and how? And you answered it.

I also want to close by thanking some other wonderful staffers of Senator REID: Gary Myrick, Tim Mitchell, Bill Dauster, Alex McDonough, and, I have to say, Tyler Kruzich of the Budget Committee, who helped us, and Reema Dodin, who came in and really helped us make sure we had the votes when we needed the votes.

And I am going to make one thank-you. I know Senator VITTER is going to name his staff. I am not going to mention their names, but he speaks for me when he thanks them. But there is one person, and that is Neil Chatterjee, and I hope I do not ruin his career by thanking him. He works for Senator MCCONNELL. He helped us greatly just to know the lay of the land. He said: This is where we have problems. This is where we can come together.

And I will tell you something. Managing these bills, you just need to know how you stand, and you need to know where you are. So having the support of both Senator REID and Senator MCCONNELL and their staffs has made our world a lot easier.

So we say to the House: This is your chance. Step to the plate. I know Chairman SHUSTER over there really wants a bill. We stand ready to work with him. I think our bill provides a roadmap.

With that, I want to again say to Senator VITTER, it has been terrific to work with him, and I look forward to continuing our collaboration anytime and anyplace we can come together.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I stand to echo all of those thoughts.

Let me start with a lot of overdue thanks. First of all, let me thank a great partner in Chairman BOXER. As she said many times, we do not agree about a lot, including important issues within the jurisdiction of our committee, but we can come together constructively, really productively, on the infrastructure side of our committee—both highway infrastructure and water infrastructure. And that is what we wanted to do from the very beginning on this bill.

The crucial element to any success is the will and the determination to do it. We both had that, but I really thank her for her leadership in that regard and being a great partner.

I certainly echo all of her thoughts about the staff work. I am deeply indebted to all of the staff work, particularly on my side, that went into this bill. The chair and I personally dealt with probably a couple dozen issues and semicrises that would crop up over time.

But if we did that with a couple of dozen, our staffs did that with hundreds and solved those problems to the satisfaction of a huge number of Members. That was reflected in the vote. I thank both staffs, but I am particularly indebted to my staff for all of that hard work, particularly Zak Baig, Charles Brittingham, Chris Tomassi, Sarah Veatch, Rebecca Louviere, Jill Landry, Luke Bolar, and Cheyenne Steel. They all put in enormous hours—of course, Charles much more than anyone else, but they all put in enormous hours. I thank them for their excellent work.

I also want to emphasize what a positive bill this is. I talked a few minutes ago, right before the vote, about the strengths of the bill from a national point of view: jobs, waterborne commerce, reform of the Corps of Engineers. This bill is also very important for my home State of Louisiana. I just want to underscore that in closing.

In three areas it is particularly important. First of all, we have a lot of important flood control, hurricane protection projects. This bill moves a number of those projects forward in a crucial way; projects such as the Louisiana Coastal Area Ecosystem Project, Morganza to the Gulf, which is vitally important to the protection of Lafourche and Terrebonne Parishes and surrounding areas, also the West Shore Hurricane Protection Project. That is right in the middle of where Hurricane Isaac hit. We need to get that done. It is now moving forward, the Southwest Louisiana Coastal Hurricane Protection Study.

Finally, although it is not as far along, there is very important work with regard to Saint Tammany and other coastal parishes achieving flood protection, including a barrier at the lake or near Lake Pontchartrain for Saint Tammany. That concept will move forward because of this bill.

The second big category in the bill is Corps of Engineers reform and accountability. Those of us who lived through Hurricane Katrina saw some of the best and, unfortunately, some of the worst of what the Federal Government has to offer. On the side that needs improvement, we need streamlining and reform at certain agencies, including the Corps of Engineers.

This bill brings that reform to the Corps of Engineers in a number of important areas, such as the proposal Senator NELSON of Florida and I have. It also streamlines and expedites the process, particularly with regard to environmental review. That is very important.

Third, and finally, this bill advances waterborne commerce by dredging our harbors and ports and rivers, and getting that work done, which is vital, which is necessary, if marathon commerce is going to move forward and

help drive the engine of our economy. We have major reforms in this bill with regard to the Harbor Maintenance Trust Fund, major reforms in the bill with regard to the Inland Waterway Trust Fund, dredging what we need to dredge, moving forward on key harbors and ports and waterways. That is important for our Louisiana maritime sector, which is a big part of the national economy.

So there are a lot of positives to this bill. That is why I was proud to help develop it and support it. That is why I am very pleased today that it got overwhelming bipartisan support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

DISAPPEARING MIDDLE CLASS

Mr. SANDERS. Madam President, yesterday the nonpartisan Congressional Budget Office, the CBO, estimated that this year's budget deficit will be 24 percent lower than it was projected just a few months ago. That is very good news for our country. Let's not forget that just 5 or so years ago when President Obama came into office in January 2009, he inherited a $1.4 trillion deficit—$1.4 trillion. This was as a result of two unpaid-for wars, huge tax breaks for the wealthy and large corporations, an unfunded Medicare Part D prescription drug program written by the drug and insurance companies and, of course, the terrible recession, which resulted in less revenue coming into the Federal Government.

We experienced 4 straight years of deficits above $1 trillion. This year the CBO projects the deficit will just be $642 billion. Now, $642 billion is a lot of money. It is a large deficit. We have to continue working on that issue. But, clearly, for a variety of reasons we have made substantial progress, and we should be proud of that.

By 2015, the CBO is projecting that Federal deficit will total just 2.1 percent of GDP, exactly what those folks involved with Simpson and Bowles told us we needed to achieve in order to be fiscally sustainable over the long term.

So the good news is that we have made significant progress on deficit reduction. We should be proud of that. However, we must be cognizant that we do not place ourselves in a situation in which the operation was a success but the patient died. The patient I am talking about, of course, is the disappearing middle class, the backbone of this great country.

In other words, while a lot of attention has been focused on deficit reduction, which is important, it is high time we started focusing on what is happening to tens of millions of working families, people who are unemployed, people who are working at very low wage jobs, elderly people who cannot afford their prescription drugs, families who cannot afford to send their kids to college or provide childcare for their young ones.

My main point today is, let's start focusing on the issue of most importance to the vast majority of the American people; that is, creating the millions of jobs we desperately need and making sure people have income they can afford to live on with dignity.

The sad reality is—and we need to focus on these issues—poverty is increasing and in many ways the great middle class of this country, once the envy of the world, is disappearing. Sadly, the gap between the very, very wealthy and everyone else is growing wider and wider.

We must not have an economy where just the people on top, just the multinational corporations do extremely well, while the vast majority of the people are struggling to make ends meet.

Since 1999 the average middle-class family has seen its income go down by nearly $5,000 after adjusting for inflation. Median family income today is lower than it was in 1996. So all over this country people get up in the morning, often husbands and wives, work long hours, and they come back and they find out that they are worse off financially than they were 10 or 15 years ago.

When you ask people, why, what direction, how is the country doing, they think the country is moving in the wrong direction. That is precisely the reason: people are working long hard hours, and they are falling further and further behind.

I understand when we pick up the newspapers they tell us unemployment is 7.5 percent. That is one way of looking at unemployment. But if we look at it in a more accurate way, including those people who have given up looking for work, people who are working part time when they want to work full time, real unemployment in this Nation today is 13.9 percent. It is high time this Congress began addressing that issue. In fact, more than 20 million Americans today do not have a full-time job when they want to be working full time.

Another issue that has not received the attention that it deserves is youth unemployment. Youth unemployment is especially painful because we have young people graduating high school, graduating college, wanting to go out and begin their careers, begin their adult lives, and they cannot find a job. In some cases if they graduate college, they are finding a job which does not require a college degree.

The youth unemployment rate for 16- to 24-year-old workers is 16.2 percent—16.2 percent. For teenagers the overall unemployment rate is 25.1 percent. For African-American teens, the number is 43.1 percent.

Believe it or not, the United States has now surpassed much of Europe in the percentage of young adults without jobs, according to a recent article in the New York Times. We have done well for a variety of reasons in dealing with deficit reduction, but now it is time to turn to those young people throughout this country, kids who are looking forward to getting out on their own, earning a living, and help them get the kind of jobs they need to succeed in life and to start their adult life off in a good direction.

Each and every year when we talk about young people, we should understand that another real tragedy is taking place, and that is because of the disappearing middle class and the high cost of college education. Some 400,000 high school graduates do not go to college, not because they are unqualified but because they cannot afford it. What a tragedy that is, to waste all of that intellectual capital. Who knows what those kids might do if they are able to get a college degree. But now, because of declining incomes for their families and the high cost of college education, they are unable to do it. This is an issue on which we must also focus.

From 1969 to 2009, median earnings for male high school graduates plummeted by almost 50 percent after adjusting for inflation. Let me repeat that. From 1969 to 2009, median earnings for male high school graduates plummeted by almost 50 percent after adjusting for inflation. Men without a high school education have fared even worse. Their inflation-adjusted median earnings have shrunk by nearly two-thirds over the past four decades.

What is that about? Well, what that is about is at one time in this country, when people did not have even a high school degree or just a high school degree, they could go out and get a job. Maybe that job was in a factory. Maybe it was not the greatest job in the world, but if they worked in a factory, and especially if they had a union job in that factory, they could make a decent wage. They could make it into the middle class. But, sadly, those jobs have, to a very significant degree, disappeared. We have lost over 50,000 factories in this country in the last 10 years millions of decent-paying jobs.

What opportunities are there now available for young people who just graduate high school or may not even graduate high school? At best, at best, they are going to work at McDonald's or work at Wal-Mart for inadequate wages. But the truth is that many of those young people are finding it difficult to obtain any kind of job.

There is another issue on which we must focus, and that is distribution of wealth because at the end of the game, the end of the game of economics, we want to know who wins and who loses. Clearly, what has been going on in this country in recent years is the people on top are doing phenomenally well while the middle class is shrinking and poverty is at a very high rate.

According to a report that came out on April 23, 2013, a couple of weeks ago, from the Pew Research Center, all of the new wealth generated in this country from 2009 to 2011 went to the top 7 percent of American households, while

the bottom 93 percent of Americans saw a net reduction in their wealth.

All of the new wealth, from 2009 to 2011, went to the top 7 percent. Today, the wealthiest 400 individuals in this country own more wealth than the bottom half of America, 150 million people—400 people here, 150 million there. That is not what this great country was supposed to be about.

Today, one family, the Walton family, the owners of Walmart, is worth $100 billion. That is more wealth than the bottom 40 percent of the American people. One family owns more wealth than the bottom 40 percent of the American people.

Today the top 1 percent owns 38 percent of all financial wealth, while the bottom 60 percent owns 2.3 percent. In case people didn't hear that correctly—maybe they are scratching their heads—let me say it again. The top 1 percent owns 38 percent of all financial wealth in this country, while the bottom 60 percent owns 2.3 percent. That gap between the billionaires and everybody else is getting wider and wider and wider. In fact, as Warren Buffett has pointed out, we are seeing a massive shift of wealth from the middle class to the billionaire class.

Warren Buffett pointed out recently that the 400 wealthiest Americans are now worth a recordbreaking $1.7 trillion, more than five times what they were worth two decades ago.

Meanwhile, according to a June 2012 study from the Federal Reserve, median net worth of middle-class families dropped by nearly 40 percent from 2007 to 2010. What we are seeing is a massive shifting of wealth from the middle class, from the working class of this country, to the people on top. That gap between the very wealthy and everybody else is now wider than it has been since the 1920s and wider than any major country on Earth.

What is my point? My point is that deficit reduction is important. We must continue to focus on it. We cannot forget about the economic reality facing the men, women, and children of this country, facing senior citizens of this country. It is high time we began to address some of the major economic problems we face.

In terms of job creation, most economists will tell you the fastest way to create jobs is to put Americans back to work rebuilding our crumbling infrastructure. In my State of Vermont and in States all over this country, there is a desperate need to repair and rebuild our roads, bridges, dams, culverts, sewers, schools, and affordable housing. If we do this, if we start investing in our infrastructure, making sure broadband is accessible in every area in this country, cell phone service is available in every area of this country, rebuilding our roads, bridges, rail, we will make this Nation more productive. At the same time we can put millions of people back to work at all kinds of work.

The American Society of Civil Engineers has graded America's roads, public transit, and aviation infrastructure with a D-plus. They say we must invest $1.6 trillion more than we are currently planning to spend on infrastructure over the next 7 years just to get a passable condition. When we make that investment, we improve life in America. People do not have to go over potholes. Bridges do not have to be closed. We can develop a first-rate rail system to compete with Europe, Japan, China, and we can create jobs doing that.

The second point, in terms of job creation, is we can create significant numbers of jobs transforming our energy system away from fossil fuel, into energy efficiency, and such sustainable energies as wind, solar, geothermal, and biomass. When we do that we begin to start addressing the planetary crisis of global warming, we begin to cut back on greenhouse gas emissions, and we create good-paying jobs.

Thirdly, we have got to take a hard look at our disastrous trade policy, which for many years has been corporate America's policy, and a policy of Republicans and Democrats alike. Despite all of the evidence that unfettered free trade has resulted in the loss of millions of decent-paying jobs in this country, as corporations shut down here, move to China, Vietnam, and other low-wage countries, we still have Democrats and Republicans coming forward doing the bidding of corporate America so these companies can get cheap labor abroad while increasing unemployment in this country. We have got to take a hard look at our trade policies.

I know every election campaign, 2 weeks before the election, all the candidates have ads on television bashing China and ads on television talking about trade policy. Somehow the day after the election everybody forgets it. Whether it is a Democratic President, whether it is a Republican President, whether it is a Republican House or whether it is a Democratic Senate, we still continue moving down the road of these disastrous trade policies. That means NAFTA, CAFTA, and permanent normal trade relations with China. We have to take a hard look and rethink those policies.

The last point I want to make is that while making progress on deficit reduction, we have got to be appreciative that some of the people on whom we have balanced the budget are some of the most vulnerable people in this country. While one out of four major corporations pays nothing in taxes, while corporations are stashing their money in the Cayman Islands, Bermuda, and other tax havens, we have made devastating cuts in programs that people can ill afford. As a result of sequestration, this is what is happening in the real world. At a time when over 20 million Americans are unemployed or underemployed, unemployment insurance checks, which average about $300 a week—try living on $300 a week—are being cut by 10.7 percent. In other words, those who are out of work, through no fault of their own, are having their unemployment benefits reduced by more than $32 a week on average. Now $32 here is what people spend for lunch. If you are a working family and you are unemployed, $32 is a question of whether you buy food for the kids. We have got to replace that loss.

At a time when early childhood education is more important than ever, when we do an abysmal job in terms of childcare and preschool education already, as a result of sequestration 70,000 kids are losing access to Head Start and Early Head Start Programs. That is unacceptable.

I am chairman of the subcommittee which deals with aging, and I can tell you that millions of seniors right now are struggling, figuring out how to pay their food bills, buy their prescription drugs, and keep warm in the wintertime. At a time when food insecurity is skyrocketing as a result of sequestration, tens of thousands of senior citizens have been denied access to the Meals On Wheels Program. Meals On Wheels is a program that goes to the weakest, most fragile, most vulnerable people in this country, elderly people who cannot get out of their homes. Meals are delivered to them. For these people, this is a question of life or death, whether they are going to live with a modicum of dignity. Those programs have been cut as a result of sequestration.

At a time when millions of Americans cannot afford the cost of housing, 140,000 low-income families, primarily seniors with disabilities and families with kids, are losing rental assistance because of cuts to the section 202 elderly housing program, the section 811 disabled housing program, and a number of other affordable housing programs.

At a time when the cost of a college education is becoming increasingly out of reach for working families, 70,000 college students, as a result of sequestration, are losing Federal work-study grants. Some of them will not be able to stay in college.

At a time when 45,000 Americans will die this year because they don't have access to health care, sequestration has forced doctors in cancer clinics to deny chemotherapy treatments to thousands of patients because of a 2-percent cut to Medicare providers.

LIHEAP, which is the Low Income Heating Energy Assistance Program, very important to the State of Vermont, is being cut by $180 million, meaning people will go cold next winter.

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

Mr. SANDERS. Let me conclude by saying we have made progress on deficit reduction, and that is good. Now it is time to pay attention to the needs of working families all over this country and put people back to work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Madam President, may I inquire as to how much time I am allowed on morning business?

The PRESIDING OFFICER. There are 10-minute allotments for the Senators.

THE IRS

Mr. COATS. Madam President, Thomas Jefferson once said:

> The majority, oppressing an individual, is guilty of a crime, abuses its strength, and by acting on the law of the strongest breaks up the foundations of society.

The foundation of this society, this great society based on democracy, is the principle of self-determination and the belief that every American is equal under the law and guaranteed liberty. This principle is ingrained in the character of our Nation, and it is enshrined in our Constitution.

Of the many things that set us apart from other nations, there is none greater than the First Amendment to the Constitution—the freedom of religion, the freedom of the press, freedom to assemble and to petition our government, and the freedom of speech.

Under the First Amendment, Americans have the right to organize around the issues and values they believe in, and they have the right to disagree with their government. This liberty is part of what energizes our democracy, and it is essential if this democracy is to prevail.

That freedom has come under attack recently by our very own government when the Internal Revenue Service targeted conservative groups, including at least one in my home State of Indiana, for extra scrutiny based on their political leanings. The IRS must be nonpartisan. It has to be. It is not a partisan watchdog.

Why did the enforcers of our Tax Code target groups with applications that included the words ''tea party,'' ''patriots,'' or ''9/12 Project''? Why did it single out applications of groups focusing on issues such as government spending, government debt and taxes, to educate the public by advocacy to ''make America a better place to live,'' or those who sought to educate Americans about our Constitution? The IRS singled out a group formed to better educate Americans about our Constitution. What, are they afraid they are going to read it? The IRS targeted a group that wants to make America a better place to live. They are afraid that these groups are going to succeed by questioning the policies of this administration and perhaps suggesting a different course.

This is outrageous, this targeting. The inspector general issued a report yesterday saying these are very serious allegations, and they reveal an effort to misuse government power to unfairly scrutinize those who simply disagree with the policies of this administration. Remember the timing. All of this took place during a national election.

I have met with tea party groups all across the State of Indiana. Unlike the characterization that is made by some, these are honest, law-abiding citizens who are deeply concerned about the future of their country. They are deeply concerned about our nation's plunge into deficit spending and debt that may never be able to be repaid and may be dumped in the laps of our children and our grandchildren. They want to do something about it, and they are deeply concerned about abuses of the rights guaranteed under the Constitution. They said one of the first things they do is suggest why don't we read the Constitution and better understand the Constitution.

I think that is a good idea, because I think some of the things we are doing raise the question of whether they are constitutional. To form a group for the purpose of addressing concerns about the national debt, which is running out of control, about a government that is spending like a drunken sailor, about a government that refuses to do what just about every business in America and every family in America has had to do during this time of downturn and recession—that is to tighten their belts and spend more wisely—only the Federal Government doesn't do this and hasn't done this successfully. So they get targeted by an agency that oversees their taxes and intimidates them or fails to give a rational evaluation of their application for tax exempt status? This targeting is not only inappropriate, it is outrageous and it is disgraceful. It is a despicable abuse of power and a direct assault on our Constitution. It is exactly the type of thing that makes Americans further distrust their government.

Earlier this year, the Pew Research Center released a poll revealing that 73 percent of Americans distrust their government. In other words, only 3 out of every 10 Americans have faith in the Federal Government. This trust deficit is something we should not ignore. It is an alarming indication of how the American people view their government—one that continues to overreach. Those of us who are trying to assure our constituents that we are doing everything we can to keep this government from overreaching, who know we need to restore this trust, we are now hit with something like this.

The IRS is given the responsibility of carrying out the law. It should never use its powers for partisan purposes—ever. Violating that standard destroys the integrity of our government and further erodes the trust of the American people. Neither those of us who make the laws nor those who enforce the laws can be above the law, but the IRS believed it was above the law when it targeted conservative groups for scrutiny. Make no mistake, it is the IRS that will be under scrutiny because of their own abuse, and so will every other agency of government because we are beginning to discover a disturbing pattern of politically motivated abuse.

Sometimes I think we are beginning to hear the echoes of Watergate whispering through this town and through the residence at 1600 Pennsylvania Avenue.

I have a hard time believing their apology and explanation that this was simply a misguided effort by low-level bureaucrats attempting to organize applications for tax exempt status. Where have we heard that before? Oh, yes, Benghazi—these were some low-level bureaucrats who made the wrong decision.

Where does the buck stop in this town? It doesn't stop at the President's desk or at the desk of the Secretary of State. It seems to be pushed down to the ''low-level bureaucrats'' who should have been supervised better. These people went off and did their own thing so let's just dismiss it, push it to the side. So, yes, we lost an ambassador—that was a tragic situation—and three others who were there trying to protect him, but what is the big deal? It is over with. It was a mistake, so let's move on.

It is just like this pathetically weak statement from our President who said if this turns out to be the case, then, of course, we will need to do something about it. It is real. It is there. It has to be addressed.

While an apology from the IRS is necessary, it is not enough to just simply say it is an inappropriate act. The targeting of these groups, which was confirmed by, as I said, the inspector general, is a very serious allegation and reveals an effort to misuse government power to unfairly scrutinize those who disagree with the administration. The actions of the IRS to target groups based on political viewpoints is outrageous and disgraceful. It is an abuse of power and a direct assault on our Constitution.

Madam President, there must be accountability and responsibility from top leadership, and that includes the White House. The American people deserve answers. How could this clearly unconstitutional action have occurred? Who was involved and who else was aware of this deliberate targeting? What steps will be taken to ensure this doesn't happen again?

Today, I have joined all of my Senate Republican colleagues in sending the President a letter demanding the administration comply fully with all congressional inquiries on this matter. No more avoiding, no more delaying, no more stonewalling, no more inappropriate responses. It is time for the administration to start answering some questions for the American people.

This scandal has left a stain on the IRS that I believe cannot be repaired under current leadership. The head of the IRS, as well as every supervisor involved, should be removed from their posts.

We will not tolerate the intimidation and silencing of Americans simply for exercising their First Amendment rights.

Let me conclude by repeating Thomas Jefferson's warning:

We must not allow this abuse of fundamental constitutional rights to break up the very foundations of society.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

HEALTH CARE

Mr. BARRASSO. Madam President, as I come to the floor today Americans all across the country are paying very close attention to the multiple scandals surrounding the Obama administration—one of the scandals my colleague and friend from Indiana has just so eloquently discussed.

We are seeing headlines all across the country. Today my hometown newspaper, the Casper Star Tribune, had the headline ''Trio of Troubles'' relating to the Obama administration.

What the American people are seeing from the Obama administration is a high level of incompetence and a very low level of transparency.

Here are just a few of the headlines today in the Washington Post: ''Criminal Probe of IRS launched.'' Criminal probe of IRS launched. Just below that, ''Leak Probe. Phone-records uproar ends Holder's respite.'' That has to do with the Justice Department's secret gathering of records from the Associated Press.

Inside the paper, open it, and there is much more. ''Media outlets condemn agency,'' ''Justice Department, IRS scandals challenge Obama's civil liberties credibility.''

Other articles in today's paper note the ongoing scandal over the administration's handling of the attack on our consulate in Benghazi. The Washington Post Fact Checker recently gave the President four Pinocchios for his attempt to mislead the public on the issue. The only reason they didn't give him five Pinocchios is you can't get five. Four is the highest rating you can get for misleading and inaccurate information.

Well, we need more details about the Benghazi coverup, the IRS targeting of conservatives, and the Justice Department's decision to monitor members of the media.

Today, though, I want to talk about another important story that raises serious questions about this administration's actions. Of course, I am referring to the abuse of power that I call ''the Sebelius shakedown.''

This scandal was first reported by the Washington Post on its front page last weekend. Here is the headline. ''HHS asking firms for money for ObamaCare.'' The article goes on to say:

Health and Human Services Secretary, Kathleen Sebelius, has gone hat in hand to health industry officials, asking them to make large financial donations to help with the effort to implement President Obama's landmark health care law.

The article goes on to say:

Over the past 3 months, Sebelius has made multiple phone calls to health industry executives, to community organizations, and to church groups, and asked that they contribute whatever they can to nonprofit groups that are working to enroll uninsured Americans and increase awareness of the law.

Madam President, these are very serious allegations against the Secretary of Health and Human Services. The President's health care law is a disaster that threatens American jobs, threatens American paychecks, and threatens Americans' health care. Instead of facing the reality, though, Secretary Sebelius has called on the exact same companies she regulates—the companies she regulates—to make financial donations to organizations that are trying to make this awful law look better than it is.

Well, the Sebelius shakedown is outrageous. She is the Secretary of Health and Human Services for the country. She holds tremendous power and influence over these companies she regulates. Her words and her requests matter. One industry official with direct knowledge of the Secretary's funding request was quoted in the Washington Post as saying there was a clear insinuation by the administration that insurers should give financially to this effort.

This would be like your boss coming in and standing by your desk and then asking you how many boxes of Girl Scout cookies you plan to buy from the boss's daughter that year.

This kind of conflict of interest would be disturbing even if this were just a minor agency with limited power, but Health and Human Services is not a minor agency. It is one of the most powerful and influential bureaucracies in all of Washington. President Obama's health care law gave Secretary Sebelius unprecedented power to regulate a very large portion of the U.S. economy. She controls a budget of nearly $1 trillion and oversees health care industries ranging from insurance companies to hospitals.

On top of that, Health and Human Services is currently negotiating with health plans to set premium rates. It is also setting up the government-run health care exchanges and confirming which companies will get to participate in those. That raises the stakes dramatically for these companies, and it puts a tremendous amount of pressure on them to keep the Secretary happy.

Private companies and other organizations should never be put in a position where they could fear for their future based upon their response to inappropriate requests from a member of the President's Cabinet. The American people should never have to wonder if their government is shaking down the very businesses they regulate.

At best, asking health care industry executives to donate money for the administration's health care law enrollment efforts is a blatant conflict of interest. At worst, the Secretary may have violated the law by increasing Federal spending without congressional authorization. As Congress begins investigating Secretary Sebelius's actions, the American people deserve answers to a number of important questions.

For starters, the American people would like to know who exactly the Secretary called. What did she ask? What specific legal authority permits the Secretary or any other HHS employee to solicit financial donations to implement the health care law? Which HHS officials participated in the decision to ask for these donations? Did anyone else at HHS ask for donations from outside groups and businesses? Did any other Obama administration officials make similar solicitations? What specific steps has Health and Human Services taken to ensure the Obama administration will not favor businesses and organizations that gave money or punish those that did not donate?

Secretary Sebelius had a history of questionable decisions even prior to her latest efforts to shake down the health industry. Back in September 2010, health insurance companies started informing their customers how much the President's health care law would increase the premiums of these individuals. So the Secretary responded by warning insurers the administration would be keeping track of their actions, and that some companies might be ''excluded'' from health insurance exchanges in 2014.

That was not an idle threat. Medicare's Chief Actuary had predicted in the future that essentially all Americans would buy health insurance through the government exchange. So the Secretary seemed to be threatening that any insurers telling customers the reason behind premium increases—which, of course, would be the President's health care law—could be put out of business.

Most recently, last fall the U.S. Office of Special Counsel concluded that Secretary Sebelius violated the Hatch Act. She did this when campaigning for President Obama when traveling on official government business. Federal workers who violate the Hatch Act are often fired, but Secretary Sebelius was not punished at all.

There are already enough concerns about how the President's health care law will harm the American people. We cannot afford unresolved questions about whether a Cabinet Secretary pressured businesses that she regulates to make donations.

A lot of media attention on these scandals has focused on the political fallout. The politics is not the real issue. The real issue is that the American people need to know their government is not a thug. The real interest of the American people is in knowing they have confidence that their government will act in the people's best interests, not just in President Obama's best interest.

The American people need confidence that the administration is not favoring or punishing the people it regulates based upon their support for the administration's pet causes.

When it comes to these disturbing allegations about Secretary Sebelius and all of the other recent scandals, the American people deserve to know what happened. Yesterday Secretary Sebelius had an opportunity to answer questions. She did not. Today, again Secretary Sebelius had an opportunity to answer questions. Again, according to press reports, she refused to do so.

The American people want answers. Members of the Congress want answers. There are many more questions to be asked.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

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

TRIBUTE TO SARAH NEIMEYER

Mr. DURBIN. Madam President, once in a while you are lucky enough to meet someone who is down to Earth but uncompromising in their idealism. I met someone just like that in the year 2007, and I hired her for my staff. It was a great decision.

For the better part of 6 years, Sarah Neimeyer has been a senior member of my staff, and this week she left my office for a new adventure which she started today, working with the new Secretary at the Department of the Interior. I am sorry to lose her, but I wish her well.

Sarah comes by her idealism honestly. She grew up in a family of progressives in rural Minnesota. Her dad practiced law and her mom raised honey bees and grew her own vegetables.

From her parents Sarah inherited progressive ideals, practical Midwestern values and a deep love of the land.

During college, she spent her summers leading canoe trips through the Boundary Waters Wilderness in northern Minnesota and Ontario, Canada.

Her first boss in the Senate was a dear friend and one of my personal heroes, Paul Wellstone. Sarah worked for Paul for 10 years. After he passed away, she left Capitol Hill and worked as an advocate for land conservation and wilderness preservation.

Illinois has benefited from Sarah's passion, her practicality and her incredibly hard work.

Lake Michigan is one of Illinois' most beloved treasures. As a member of my staff, Sarah has fought many battles to protect the Lake from threats from toxic dumping to invasive Asian carp.

She has worked alongside energy companies in Illinois that are cleaning up the way energy is produced.

Whenever safe water, clean air and healthy lands are at stake, you can be pretty sure Sarah Neimeyer is close by. She is committed and tenacious. And she usually wins.

There is one cause which is even dearer to Sarah and that is her family—her husband, Joe Warren, and their teenage sons, Will and Harry. As accomplished as Sarah is in her professional life, if you ask her what she is proudest of, she will tell you in an instant: it's her boys.

Paul Wellstone had a great definition for politics. He used to say:

''In the last analysis, politics is not predictions and politics is not observations. Politics is what we do. Politics is what we do, politics is what we create, by what we work for, by what we hope for and what we dare to imagine.''

Paul Wellstone was right. That is politics at its finest. That is the kind of public service Sarah Neimeyer has performed for me and for the people of Illinois for the last nearly 6 years and I am grateful to her.

I want to thank Joe, Will and Harry, first of all, for sharing Sarah with us. And I want to thank Sarah for helping to protect and preserve some of my State and our Nation's greatest natural treasures.

I wish her continued joy and success as she gets back on the ''green bus'' to begin her next professional challenge.

CONTINUING GUN VIOLENCE

Mr. DURBIN. I rise to talk about the continuing toll of gun violence on America and my home State of Illinois. For several months now, New York Times columnist Joe Nocera has published what he calls ''The Gun Report.'' It is a daily compilation of stories about shootings across America. This report, posted online on the New York Times Web site, is startling.

It is one thing when you hear the dry numbers about 87 Americans killed, 200 wounded every day by gun violence, but Joe Nocera's report goes beyond the numbers. It shares some of the details from the news reports of these shootings.

For example, Mr. Nocera's report for Monday describes shootings that took place over this last weekend. The tally of shootings in America goes on to fill 19 paragraphs. Let me read just some of the descriptions of the shootings that took place over this last weekend right here in our beloved country:

A 12-year-old boy was accidentally shot in the face by his 11-year-old friend Friday morning in Camden, NJ.

Two Minneapolis, Minn. police officers were shot and wounded at a traffic stop in the Uptown district Friday afternoon.

Avery Williams, 22, and Jamario Troutman, 24, died and a third man is in serious condition after a Friday afternoon shooting in West Palm Beach, Fla.

Tamara Logan, 44, teacher's aide was shot multiple times in the head area outside McKinley Elementary School in east Erie, Pa., Friday morning.

46-Year-old Bruce Byrd shot and killed his wife, 44-year-old Stephanie Byrd, and then turned the gun on himself in a Lawrenceville, Pa. home Friday.

Those are just a few of the shootings that were reported on Friday. There are dozens more stories from Saturday and Sunday, including a fatal road rage shooting in Arkansas; a convicted felon who shot and killed his son in Missouri; four people found shot to death in a home in Waynesville, NC; and at least 19 people shot during a Mother's Day parade in New Orleans.

Sadly, there were multiple shootings from my home State of Illinois in Mr. Nocera's report, including a Saturday night shooting in Rockford and at least nine people shot over the weekend in the Chicago area, three of them fatally.

It is hard to read Mr. Nocera's report and not feel that something is terribly wrong with this level of gun violence. Have we heard it so often that we reach the point it has no impact? I think most Americans will look at this report and agree that we should take steps to reduce this massive toll of gun violence.

Several weeks ago, on April 17, on this floor of the Senate, we fell short of the 60 votes needed to break a Republican filibuster. It was a filibuster against commonsense gun reform and gun safety. We did not get 60 votes for commonsense steps such as closing gaps in the gun background check system and cracking down on straw purchasers who supply criminals and gangs with guns.

JOE MANCHIN is a Senator from West Virginia. He is a Democrat. He may be one of the most conservative Democrats on the floor of the Senate. PATRICK TOOMEY is a Republican from Pennsylvania, arguably the most conservative Republican on the floor of the Senate. JOE MANCHIN and PATRICK TOOMEY, a Democrat and Republican, sat down and said: Can we find some way to reduce gun violence in America in a bipartisan way? Two conservatives? Two gun owners? And they did.

They came up with a proposal that would call for universal background checks. Today up to 40 percent of the guns sold in America are sold to people not subject to a background check. How important is that? What if you got on an airplane and before it took off the flight attendant said: Welcome to this flight. We want you to know that 60 percent of you have gone through TSA screening to see if you are carrying a weapon or bomb; 40 percent we did not check. Would you get on the airplane? Would you want your family on that airplane?

That is the situation in America today when it comes to the sale of firearms. So JOE MANCHIN and PATRICK TOOMEY said let's close the problems we have, the gaps in the law, and make sure everyone, virtually everyone is subject to a background check, particularly those who buy guns through newspapers or over the Internet. Let's make sure those who go to gun shows to buy guns, that at least we check their background.

Why do we want to check? The law says you have a right under the Second

Amendment to legally own and responsibly use a firearm in America. I understand that, and I will fight to protect it. But the law also says if you are a convicted felon or someone so mentally unstable you should not own a firearm, you cannot buy one, not legally, in this country.

There are a lot of sportsmen and hunters in my home State of Illinois. I know many of them. They are in my family. I have met them, I have talked to them. They get it. They want their Second Amendment rights protected, but they do not want to believe for a minute that a firearm is going to be sold to someone who is going to use it in a crime or to someone who is so mentally unstable that they cannot handle it. That is what the Manchin-Toomey amendment was all about. We needed 60 votes, we got 55.

We lost four votes on this side of the aisle, the Democratic side. We picked up four votes on the other side of the aisle. Let me commend my colleague, my Republican colleague, MARK KIRK, who joined me in voting for this measure. It was truly a bipartisan effort from those Senators who crafted the bill and voted for it, but we fell five votes short of breaking a Republican filibuster.

The issue of gun violence is not going to go away. We are losing more Americans every day to this gun violence. Just this morning, the Chicago Tribune reported that 2 people were killed and 11 wounded in shootings last night in Chicago.

Chicago is a wonderful city; it is a great city. I am proud to represent it and proud to spend much of my time there. But I am saddened by the gun violence that takes place there and in all the major cities across America.

Since 26 schoolchildren and 6 teachers were killed in Newtown, CT, on December 14, America has been fixed on gun violence. Just the images of those beautiful little boys and girls from their first grade class, killed in their school by a man firing away repeatedly with a weapon—it is just heartbreaking. I met some of those parents. They have come by my office. They showed me the pictures of their kids. There was not a dry eye in the room—beautiful little boys and girls, gone.

We have to ask the question: Can we do anything about it? Should we do anything about it? Will we do anything about it?

The sad reality is, since that day, that horrible day in Newtown, CT, when that massacre occurred, more than 4,000 Americans have been killed by guns. Think about that. More than 4,000 Americans have been killed by guns. If you read Mr. Nocera's report in the New York Times, you can see the devastating loss our Nation suffers every single day.

Sadly, America just about leads the world when it comes to gun violence and gun death. It does not have to be that way. This past weekend the Chicago Tribune published an article looking at the problem of straw purchasing. That is one of the main ways that convicted felons and gang members get their guns in Chicago.

The article said many straw purchasers see the opportunity as easy money and a victimless paperwork crime. In fact, straw purchases lead to serious crimes and killings. They are the primary factor behind gun violence in the city of Chicago.

What is a straw purchase? That is when a person who can legally purchase a gun buys one to either give it or sell it to a person who is going to use it in the commission of a crime. It happens a lot. Almost 10 percent of all the firearms confiscated in the commission of a crime in Chicago over the last 10 years—almost 10 percent of those guns came from the State of Mississippi. Mississippi. Why? It is because you can show a driver's license in Mississippi and buy a gun. In fact, you can buy a trunk full of guns and you can head out on the interstate, headed for some alleyway or crackhouse in or near Chicago, make your sale that night, and come away with a lot of money. That is what straw purchasing is all about.

One of the provisions in the law which I cosponsored, which was a bipartisan provision, along with Senator PATRICK LEAHY, Democrat of Vermont; Senator SUSAN COLLINS, Republican of Maine; Senator GILLIBRAND of New York, and myself, as well as my colleague, Senator MARK KIRK, Republican colleague—we made this a bipartisan effort to say if you are going to buy a gun to give it or sell it to someone who is going to commit a crime, you are going to commit a Federal crime yourself if you do it, with up to 15 years in prison, real hard time for a real crime. It was defeated. The gun lobby opposed it. Why? Was it to sell more guns? This doesn't help a sportsman or a hunter, for someone to buy a gun so someone else can commit a crime with it, and yet they defeated it. That is the reality of what we are up against, but it is a reality that can change.

Senator KIRK named this provision in the bill after a recent gun victim in Chicago, 15-year-old Hadiya Pendleton. She was a beautiful little girl who came out for the time of her life to be at President Obama's inauguration in January. She went back to Chicago, and a couple of weeks later she was gunned down while standing at a bus stop outside of her school.

I cannot believe people voted against the measure to stop straw purchasing and to make these people who buy these guns and put them into the flow of deadly crime across America accountable.

Well, people are speaking out now in a way they never have before. Mothers, doctors, mayors, law enforcement, and family members of victims are no longer going to sit down and be quiet; they are going to speak up. This coalition has been turning up the heat on Members of Congress, and I know it has received a lot of publicity.

In a democracy, elections count. We have to make sure the people who are elected want to have gun safety in this Nation. We need real reform when it comes to gun violence and gun safety. We cannot just walk away from the daily toll of shootings across America. Instead, we need five more votes on the floor of the Senate.

People say: Well, the House of Representatives will never consider this measure.

Well, maybe they won't, and maybe the people who believe this is important for the future of their families and our country will remember that in the next election. That is what democracy is all about.

Some Senators have claimed they voted for an alternative—the so-called Grassley alternative—and therefore they are really for gun safety. Make no mistake about it—that Grassley amendment would have actually removed tens of thousands of mental illness records from background check databases, and it would have made it nearly impossible to convict straw purchasers. Only the gun lobby would call that an improvement to the current system.

There is no piece of legislation, no bill or law that can end every act of violence. We are duty and morally bound to do everything in our power to keep America safe. When we think of the tragedy in Newtown and the tragedy that affected 4,000 gun victims since Newtown, we have no choice but to move forward as a nation in a sensible way. We need to protect Second Amendment rights, but we also need to keep guns out of the hands of convicted felons and mentally unstable people.

I want to close by extending my sympathies to the victims and family members in Illinois and across the Nation who suffered from gun violence. I am sorry this continues. It is time for Congress to act and act quickly.

SEXUAL ASSAULT IN THE MILITARY

Mr. DURBIN. Madam President, about an hour ago I was on the telephone with Secretary of Defense Chuck Hagel. It was a somber conversation. We were talking about the most recent disclosure yesterday of sexual assault in the military. The Secretary said he was beside himself with the knowledge that this continues and that he was going to do something about it. I trust that he will.

Last night we learned of the latest and most reprehensible incident. The Army is investigating a sexual assault prevention and response coordinator at Fort Hood, TX, for being engaged in abusive sexual contact and other abusive crimes.

Secretary Hagel has directed rescreening and retraining of all sexual assault prevention coordinators and military recruiters. I know he is upset

about this; I could hear it in his voice. I join him in that response. He understands this is a pervasive crisis that threatens the moral underpinnings of our military. At risk are core values of trust, discipline, and respect that every one of our servicemembers expects and deserves to protect each other and ultimately to protect America.

Next Wednesday the Army will appear before my Appropriations Subcommittee on Defense. We will be asking some hard questions: What has gone wrong? Why are so many men and women charged with stopping sexual assault being found guilty of it themselves? This is a serious issue.

According to the Pentagon survey, there were 26,000 sexual assaults in the U.S. military last year. That is a 35-percent increase since 2010. That is more than 70 service women and men sexually assaulted every single day in our military, and that is unacceptable. We also know that only a fraction of those incidents are reported. Fewer than 3,400 incidents a year, in fact, are reported to authorities. In nearly 800 of those instances, the victim seeks help but declines to file a formal complaint.

I commend every one of those men and women who had the courage to come forward and name their accused. It is an unimaginably tough thing to do, but it is the right thing for them and it is the right thing for our military. Nevertheless, we have very far to go before we can say with confidence that the system is working to prevent these incidents, protect the victims, and prosecute the perpetrators. For instance, last month a U.S. commanding general based in Italy overturned a military jury's conviction of an officer charged with aggravated sexual assault—overturned it. That sent a chill through the ranks and caused increasing fear among victims that when they had the courage to step forward, ultimately nothing would happen.

I appreciated that Secretary Hagel immediately called for a change in the Uniform Code of Military Justice. I know that Senator CARL LEVIN, Senator JIM INHOFE, and the Armed Services Committee are working to act swiftly on those recommended reforms. They have my full support.

I also wish to commend some of my colleagues who have really stepped up on this issue. Senator KIRSTEN GILLIBRAND of New York, a member of the Armed Services Committee, has shown real leadership, as have Senator PATTY MURRAY, chairman of the Budget Committee, and Senator KELLY AYOTTE. They came together to introduce a bill I support, S. 871, the Combating Military Sexual Assault Act. I also commend Senator CLAIRE MCCASKILL, who has been outspoken in the Senate Armed Services Committee on this issue.

The bill I am talking about would provide victims with a special victims' counsel to assist them through the process, and it would strengthen the military prosecution system and ensure that the Guard and Reserve have response coordinators available at all times regardless of their duty status. We also have to ensure that each service has a robust investigative team with real expertise when it comes to sexual assault.

These are just some of the many reforms the Pentagon must work on with Congress to make a difference. I am committed to working with Secretary Hagel and the entire Pentagon leadership to ensure that every servicemember can serve free of incidents of violence and trauma like the one that was reported this week. I urge all of my colleagues to support these reforms for our servicemembers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent to speak as if in morning business for up to 15 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WHITEHOUSE. Madam President, I wish to thank the distinguished Senator from Illinois for his statement. We serve together on the Judiciary Committee. I hope that in that committee as well we can work on ways to improve the prosecution—particularly of rape offenses—within the military by the Department of Justice.

We need to break through the agreement that now prevents the Department of Justice from prosecuting those crimes for the crimes they are simply because they take place in the military.

THE IRS

Mr. WHITEHOUSE. Madam President, I am here to speak today because Washington, DC, and the rightwing outrage machine are all abuzz about the scandal that the IRS appears to have targeted organizations for inquiry based on tea party affiliation. Obviously, that is wrong, but let's not forget that is not the only IRS scandal—that is not the only scandal in town. There are two IRS scandals. The other is the IRS allowing big, shadowy forces to meddle in elections anonymously through front groups that file false statements with the IRS.

Let's go through this. Let's begin with the principle that it is pretty clear that Americans have a strong democratic interest in knowing who is trying to influence their vote in elections. That is kind of democracy 101.

Even the Supreme Court, which can hardly agree 8 to 1 on what time it is, agreed 8 to 1 that knowing who is trying to influence our votes is really important. Here is what they said: ''Effective disclosure'' would ''provide shareholders and citizens with the information needed to hold corporations and elected officials accountable for their positions and supporters.'' That is very much a part of the democratic process.

Some folks don't want us to know who they are when they meddle in our politics, such as big companies taking positions that would annoy their shareholders or their customers and secretive billionaires who want influence without accountability. They want to pull the strings behind the scenes. It also includes polluters, Wall Street, Big Oil, and other folks the public is fed up with. They all have lots of reasons for wanting to stay secret.

The law in America requires lots of disclosure, and the Supreme Court has emphasized the importance of lots of disclosure.

What is a company or a billionaire trying to hide their influence-seeking going to do? How does the secret money get in? Well, it is easy. They create a front organization, usually with a phony-baloney happy name, and hide behind that—except it is not quite that easy. There are not that many types of organizations that can hide their donors that way. The most commonly used is called a 501(c)(4), which is a tax-exempt, nonprofit form of corporation that is regulated by—guess who—the IRS.

There is one big problem for people wanting that secret influence in politics; that is, that kind of organization, the 501(c)(4), needs to be set up under the law ''for the promotion of social welfare''—indeed, the law says ''exclusively'' for the promotion of social welfare. According to the IRS's own regulations, ''The promotion of social welfare does not include direct or indirect participation or intervention in political campaigns on behalf of or in opposition to any candidate for public office.'' So that is a problem.

Well, the first kind of miniscandal is that the IRS has decided that an organization is organized exclusively for the promotion of social welfare if it is primarily engaged in social welfare activities. By ''primarily,'' they mean 51 percent, so the other 49 percent can be purely political. So ''does not include direct or indirect participation in political activity'' has been turned into ''actually does include but up to 49 percent,'' which is nonsensical. As I said, that is a miniscandal of its own.

Let's go on. The IRS allowing a bunch of political operatives to form nonprofit groups that don't disclose their donors and then collect millions of dollars and spend them on elections in contravention of a clear statute and seemingly in violation of their own rules also requires that they usually make some false statements. That is where the scandal really worsens.

There is a form called the 1024 form that is the application form for 501(c)(4) status. If we go to that form, we will see question 15. Question 15 asks:

> Has the organization spent or does it plan to spend any money attempting to influence the selection, nomination, election or appointment of any person to any Federal, state, or local public office or to an office in a political organization?

That is the question on the form, and it has to be answered under oath.

A considerable number of groups appear to have lied on their applications for nonprofit status as well as on their returns, and they have lied with absolutely no consequences.

There is a Pulitzer Prize-winning, nonpartisan investigative group called ProPublica. ProPublica has investigated these 501(c)(4) filings. As part of their investigation, they looked at 104 different organizations that had reported to the Federal Election Commission or to the State equivalent Federal elective bodies—104 organizations that reported electioneering activity, that they were involved in trying to elect candidates. In those filings to the Federal and State election boards, they said: Here is what we spent on influencing those elections.

ProPublica cross-checked those 104 that had filed statements saying how much they had spent to influence elections and 32 of them—32 of them—told the IRS they spent no money to influence elections, either directly or indirectly. Both statements cannot be true. An organization cannot tell one Federal agency how much they spent to influence elections and tell another Federal agency they spent no money to influence elections and have both statements be true.

Then we look at these organizations' behavior and the false statements look even worse. One organization said it would spend 50 percent of its effort on a Web site and 30 percent on conferences. The investigation showed its Web site consisted of one photograph and one paragraph; no sign of any conference. The same group declared it would take contributions ''from individuals only'' and then took $2 million from PhRMA, the pharmaceutical lobby.

Another declared to the IRS it had spent $5 million on political activities, but it told the Federal Election Commission it had spent $19 million on political advertisements.

Another pledged its political spending would be ''limited in amount and will not constitute the organization's primary purpose.'' Then that organization went out and spent $70 million on ads and robocalls in one election season. It is almost funny it is so bad.

But there is nothing funny about making a material false statement to a Federal agency. That is not just bad behavior, it is a crime. It is a statutory offense under 18 U.S. Code section 1001. The Department of Justice indicts and prosecutes violations of this statute all the time, but they never do for this. Never. Why? It appears there is a bad agreement between the Department of Justice and the Internal Revenue Service that the Department of Justice will not prosecute false statements if they are made on this form unless the case has been referred to them by the IRS.

So that is really scandal two right there. No matter how flagrant the false statement, no matter how great the discrepancy between the statements filed with the IRS under oath and the statements also filed with the Federal and State election agencies, no matter how baldly the organization in practice contradicts how it answered IRS questions about political activity, the IRS never makes a referral to the Department of Justice. Thirty-two flagrantly false statements and, as far as anyone knows, not one referral to the Department of Justice as a false statement. It is a mockery of the law and it is a mockery of the truth.

There is an easy solution. The Department of Justice prosecutes these false statements in lots of other instances. Prosecute these. Juries are good at sorting out what is a lie and what is not.

Investigations, interviews, statements, and subpoenas can look behind what appears to be a false statement, and prosecutors can get a full sense of the case, in a grand jury, before any charges are finalized. But they can't if they don't even look.

Right now, multiple organizations lie with impunity and in large numbers. It is indeed a scandal that the IRS will not even make a referral. Frankly, it is no great credit to the Department of Justice that the Department will not act on its own with all of this so public and so plain. Hiding behind their agreement with the IRS, on these facts, is not that great Department's finest hour.

So it is very wrong. It is very wrong that the IRS required additional information from a number of organizations—mostly small organizations—based on a screen that incorporates those organizations' tea party orientation. But it is also very wrong that the IRS goes AWOL when wealthy and powerful forces want to break the law in order to hide their wrongful efforts at secret political influence. Picking on the little guy is a pretty lousy thing to do; rolling over for the powerful and letting them file false statements is pretty lousy too. Two scandals. Let's not let one drown out the other.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Are we in morning business?

The PRESIDING OFFICER. Yes, we are.

Mr. RUBIO. I don't anticipate using it all, but I ask unanimous consent to be recognized for up to 15 minutes.

The PRESIDING OFFICER. Without objection.

THE ROLE OF GOVERNMENT

Mr. RUBIO. Thank you. Madam President, I wanted to come to the floor to address the news of the last 4 days which I think has shocked the American people in the wake of a series of revelations made across news agencies about the role our Federal Government has played and the way it has used its power to intimidate those who they believe are not doing what they want them to do.

For example, we learned last week from testimony in the House of Representatives that there were employees of the State Department who disagreed with the direction and the way the government was handling the Benghazi situation and the word that was being put out by the State Department. They disagreed with it. They didn't like it. They testified last week they were made to feel threatened, and the message was sent to them very clearly from the highest levels of the State Department that they should not be talking or saying the things they were saying. That concerned a lot of people.

Unfortunately, on Friday of last week, in what I think was an attempt to bury a story—and there was no way they were going to bury this one—they put it out on Friday, which is notoriously known as the slowest news day of the week because it goes into the weekend and people forget it and move on, but this one was not easy to forget. On Friday, we learned the Internal Revenue Service had specifically targeted organizations in this country because of their political leanings and affiliation.

I understand this is not something new. People have been complaining about this for a couple of years; anecdotally, from organizations across the country, people coming to us and saying: We got this weird request from the IRS asking us for all sorts of things. We started to hear that everywhere. We still, I think to some level, have confidence and hope, have the best hopes of the Federal Government and the people who work within it. As we started to hear that more and more, people became concerned.

So Members of this body wrote letters inquiring of the IRS: Is this going on? Are groups being targeted because they are a tea party member or because they are a 9/12 group? Of course, the answer they gave was: No, that is just not true; that is absolutely false.

We know it wasn't false.

Then the IRS said: But it was just this group of employees in Cincinnati. As it turns out, that is not true either. It was widespread. It was an effort throughout the IRS to specifically target groups because they were called tea party or liberty groups or groups organized to defend the scope of government, groups that are critical of decisions being made by the government. This is chilling. This was discovered last Friday and it has only gotten worse. Every day that goes on we get more and more information in that regard.

Then the revelation on Monday that the Justice Department of the United States—think about that, the chief law enforcement agency of the country—had issued this blanket search of the phone records of I think the Nation's largest reporting group, the Associated Press. I understand if they were going after a leak that endangered America

and security; that is one thing. We can have a debate about that. But they went much further than that. It was a blanket request of all of these phone calls, including the switchboard. Pretty outrageous.

So in the span of 4 days, there were three major revelations about the use of government power to intimidate those who are doing things the government doesn't like.

These are the tactics of the Third World. These are the tactics of places that don't have the freedoms and the independence we have in this country, and it is shocking to Americans that this would come to light in the way it has.

I submit to my colleagues, however, that none of this is new; that what we see emerging is a pattern: a culture of intimidation, of hardball politics that we saw both on the campaign trail and now through the apparatus of government. I don't have enough time in 10 or 15 minutes in morning business to cite them all, but I will cite a few that have already been discussed.

Let me tell my colleagues about the case of a gentleman named Frank VanderSloot. He was a couple of things. Mr. VanderSloot was the national cochair of Mitt Romney's Presidential campaign. He was also a major donor to a super-PAC that was supportive of Governor Romney's campaign.

In April of 2012, President Obama's reelection campaign posted on the Web a list of eight ''wealthy individuals'' with less than reputable records who were contributing to Mitt Romney. It was a series called ''Behind the curtain: A brief history of Romney donors.'' It described Mr. VanderSloot as litigious, combative, and a bitter foe for the gay rights movement. Curiously enough, within a few weeks, Mr. VanderSloot was the subject of not just one but two IRS audits, one for his personal life and one for his business. Coincidence? Maybe we should find out through an investigation.

Then we get word of something else. This is even more—well, equally—outrageous. That is the case of this organization called ProPublica, which was mentioned a moment ago in relation to another discussion. I wish to get the facts exactly right about this. Basically, as it turns out, the IRS—someone in the IRS—released nine pending confidential applications of conservative groups to the so-called investigative reporting agency, this so-called not-for-profit, impartial—we can have that debate later, but I don't want to be guilty of doing to the donors of that group what the Obama campaign did to the donors of Mr. Romney. So let me just say in response, they sent out information that was confidential, that was not public, illegally. They leaked from the IRS information on nine of these groups that was then reported on by this organization, which admitted that it came from the IRS. Coincidence?

It doesn't end there, by the way. This is not just limited to the IRS. This is a culture of intimidation, a willingness to play hardball politics against political opponents.

Let's not forget about the case of Boeing in South Carolina. Boeing decided to relocate, as any business has a right to do. In the United States of America, a business should have the right to locate its operations in any State it wants. When Boeing decided to relocate from Washington State to South Carolina, the NLRB came after them in a complaint which they claim was on the merits, but it was very straightforward. They were going after them because the union in Washington State was upset about the move. In fact, the case was dropped, partially because of political pressure but, interestingly enough, the effort was only abandoned after they negotiated a contract deal with the union.

I can be up here all day, and I intend to keep coming back to the floor and citing examples. But the point is, we have going on now a culture of hardball politics and intimidation, which is unacceptable and should be chilling to every Member of this body, Republican and Democrat.

This is unacceptable behavior. But this is what we get when an administration is all about politics. This administration is a 365-day-a-year, yearround political campaign. Every issue is a political campaign. Leading up to the election, and even now, every issue is a wedge. Few times in the history of this country has anyone used this office to drive more wedges among the American people than this President and this administration. So, yes, this is the culture that has been created: They are bad and we are good. Our enemies are bad people. The people who disagree with us on policy are bad people. If you don't support us on gun, you don't care about children and families. If you don't support some measure against religious liberty, you are waging a war on women. On issue after issue—a deliberate attempt to divide the American people against each other for the purposes of winning an election.

That is the culture that has been created, and that culture leads to this kind of behavior. Whether it was directed or not, we do not know that. I am not saying someone picked up the phone in the White House and said: Do these audits. Leak this information. I am saying when you create a culture where what is rewarded is political advantage, when you create a culture in your administration where everything is politics 24 hours, 7 days a week, when you create a culture where every issue that comes before the Congress is used to divide people against each other to see who can get the 51 percent of the next election, when you create a culture like that, it leads to this kind of behavior throughout your administration.

In the days to come, we will hear more about this. We have a nominee right now to the Labor Department, who has an admirable personal story which I admire and applaud, but who has a history of using the government and his position in government to intimidate people to do what he wants them to do. I would submit to you that Mr. Perez's nomination is bad for the country in any time, but in this administration, in this political culture, after what we have learned in the last few days, even more so. I hate to single him out, but that is one of the pending nominations that is before us. The point is, my friends, this is what we are dealing with and a cautionary tale about expanding the scope and power of government. Because this same IRS that was willing to do this—this same IRS that was willing to target groups because of their political leanings, this same IRS that audited Mr. VanderSloot after he happened to appear on the Obama enemy list—this same IRS will now have unfettered power to come after every American and ensure that either you are buying insurance or you are paying them a tax—every American business.

The front lines of enforcing ObamaCare fall to the IRS. That is what happens when you expand the scope and power of government. It is always sold as a noble concept. It is always offered as we are going to give government more power so they can do good things for us. But the history of mankind proves that every time government gets too much power, it almost always ends up using it in destructive ways against the personal liberties of individuals.

That is why the Framers of our Constitution were so wise to impose real constitutional limits on the power of our government, because they knew from history that this was the case. That is why our Constitution says that unless government at the Federal level is specifically given a power, it does not have it. That is why it says that. That is why you see people stand up here on the floor and fight to protect the Constitution. That is why these groups were formed around the country—everyday Americans from all walks of life; people, some of whom had never been involved in politics before, who joined the tea party movement or a 9/12 movement—because they feared the direction our country was going, and so they stood up and said: This is wrong.

This is why this adherence to the Constitution. Because the Constitution was based on the simple truth that if government has too much power, it almost always ends up destructive.

Our Framers knew better than to rely on ''good people'' being in government to take care of us. They understood that government's power, in order for us to have freedom and prosperity, necessarily had to be limited—not because we are antigovernment. Of course we need a government. Who provides for our national defense? Who is supposed to secure our borders? We are

having this immigration debate. These are important things our government needs to do. But if you give it too much power, it leads to these abuses.

This is why the Constitution was so wise to limit the power of the Federal Government to its enumerated powers and leave to the government closest to the people most of the powers.

I think we should re-examine all these decisions that have been made that have expanded the scope and power of our government.

I do not know how many people are aware of this, but early next year every single one of you is going to have to buy insurance, health insurance that the government says is good enough—maybe not the insurance you are getting today that you are happy with—and if you do not buy that insurance, you are going to owe the IRS some money. That is a tax to me. The same IRS that has shown a propensity to target people based on their political leanings—this is who we have empowered through ObamaCare.

This is what is going on here. It is not just one scandal at the IRS. It is about a culture of hardball politics. I think in the days to come we are going to learn a lot more about it, and we are not going to like what we learn.

For example, you think about some of our most precious freedoms—the First Amendment right to free speech. Think about if you are a reporter at the Associated Press. Think about if you are a source—unrelated to national security—to the Associated Press. Think about if you are a whistleblower, someone who is blowing the whistle on government activity because you work in the government and you think what the government is doing is wrong. Think about that for a second.

Now, all of a sudden, what are you afraid of? I am not calling that reporter back because their phone might be tapped, my number might show up on their records, because the Justice Department has just shown they are willing to do that. Think about the chilling effect that sends up and down the government.

If there is wrongdoing somewhere in the government right now, people are probably afraid to blow the whistle because they are afraid they are being surveilled by the Justice Department or that the person they are talking to is being surveilled. That is how outrageous this is.

Think about people who are thinking about getting involved in the political process, contributing to a group or speaking out, donating to a campaign or a candidate, as they are allowed to do under the Constitution. They do not want to be the next VanderSloot. They do not want to be the next guy being targeted. They do not want to be the next person being smeared on a Web site.

This is unacceptable. This is outrage. And every single Member of this body should be outraged by this behavior. This culture of intimidation, these hardball politics tactics we cannot stand for. I hope we will be united in condemning this and ensuring we get to the bottom of this with significant investigations and hearings from the committees in the Senate that have jurisdiction on the matter.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HEINRICH). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

NOMINATION OF WILLIAM H. ORRICK, III, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA

NOMINATION OF MARILYN B. TAVENNER TO BE ADMINISTRATOR OF THE CENTERS FOR MEDICARE AND MEDICAID SERVICES

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and consider the following nominations, which the clerk will report.

The legislative clerk read the nominations of William H. Orrick, III, of the District of Columbia, to be United States District Judge for the Northern District of California; and Department of Health and Human Services, Marilyn B. Tavenner, of Virginia, to be Administrator of the Centers for Medicare and Medicaid Services.

Mrs. BOXER. Mr. President, what is the order in terms of the time for the votes?

The PRESIDING OFFICER. Time is held until 4:30 and is equally divided.

Mrs. BOXER. Will there be a vote at 4:30?

The PRESIDING OFFICER. There will.

Mrs. BOXER. Thank you very much. There will be two votes, I understand.

Mr. LEAHY. Mr. President, I noted last week that Senate Republicans who have taken such pride in the number of judicial nominees being confirmed this year ignore how many were needlessly delayed from confirmation last year. There were 11 nominees left pending on the Senate floor, and another four nominees who had had hearings and could have been expedited, as we had done for many of President Bush's nominees, and all could and should have been confirmed before the end of last year. Instead, all had to be renominated, and we are still working through the resulting backlog. We are halfway through May, and the Senate has still not completed action on 4 of the 15 nominees who could and should have been confirmed last year.

William Orrick, who the Senate will finally consider today, is one of those nominees. He has now been reported twice with bipartisan support, and he has spent over 225 days waiting for his final, Senate confirmation vote. He was first reported last August. There was no reason he could not have been confirmed last year, especially considering that he is nominated to fill a judicial emergency vacancy.

William Orrick is currently Special Counsel at the law firm Coblentz, Patch, Duffy & Bass, LLP, where he previously served as a partner for over two decades. From 2009 to 2012, he served in the Department of Justice's Civil Division, first as Counselor, and subsequently, as Deputy Assistant Attorney General. The ABA Standing Committee on the Federal Judiciary unanimously rated William Orrick ''well qualified,'' its highest rating. He has the strong support of his home State Senators, Senator FEINSTEIN and Senator BOXER.

Regretably, Senate Republicans have broken from our traditions and have taken to opposing judicial nominees based on those nominees' efforts on behalf of clients. They did this when opposing nominees like Jeffrey Helmick, Paul Watford, and, most recently, Caitlin Halligan, and they are doing it, again, with William Orrick. They are opposing William Orrick because he worked on behalf of his client—the United States Government—on cases dealing with Federal preemption in immigration.

The criticisms of his supervision and advocacy on these immigration cases on behalf of the United States are unwarranted and, again, reflect a fundamental misunderstanding of our legal system. I have repeatedly noted that from John Adams to Chief Justice Roberts, that has never before been the standard by which we consider judicial nominees. Senate Republicans have adopted another double standard when it comes to President Obama's nominees.

Further, having reviewed his responses, I believe that the nominee has more than adequately responded to the questions presented to him. It is time to vote on his nomination and allow him to work on behalf of the American people in a judicial emergency district where the judges have been overwhelmed with cases.

Because Senate Republicans have delayed the confirmations of well-qualified nominees like William Orrick, we remain 20 confirmations behind the pace we set for President Bush's circuit and district nominees, and vacancies remain nearly twice as high as they were at this point during President Bush's second term. For all their self-congratulatory statements, they cannot refute the following: We are not even keeping up with attrition. Vacancies have increased, not decreased, since the start of this year.

President Obama's judicial nominees have faced unprecedented delays and obstruction by Senate Republicans. We have yet to finish the work that could and should have been completed last year. There are still 10 judicial nominees with bipartisan support being denied confirmation.

It is true that some vacancies do not have nominees. I wish Republican home State Senators would work with President Obama to fill these vacancies. As I stated last week when this issue arose in the Judiciary Committee, I am more than willing to work with Republican Senators and the administration to consider nominees for these vacancies. But it is disingenuous of Republican Senators not to work with President Obama to pick nominees and then blame the President for the lack of nominees. If Senators want new judgeships in their States, they should be working especially hard to ensure that all existing ones are filled. I take very seriously my responsibility to make recommendations when we have vacancies in Vermont, whether the President is a Democrat or a Republican, and I would hope that other Senators would do the same. After all, if there are not enough judges in our home States, it is our own constituents who suffer.

It is not enough for Senators to say that they are working on getting recommendations or they have appointed a commission to give them recommendations. Senators have to lead this effort in their home States, set firm deadlines, and get the President recommendations to fill these vacancies. In some places Federal judgeships have been vacant for 500 days or 1000 days or more without a recommendation.

I was interested to hear Senate Republicans argue that if Senators do not get recommendations in ''expeditiously enough,'' the President ''has the prerogative to nominate someone and then we have the responsibility to act on it.'' Before President Obama had made a single judicial nomination, all Senate Republicans sent him a letter threatening to filibuster his nominees if he did not consult Republican home State Senators. So the recent statement was a either complete reversal in position, or baiting a trap to then filibuster any nominees the President sends to us.

Moreover, the failure of some Republican Senators to help fill vacancies in their own States does not excuse their unwillingness to complete action on the consensus judicial nominees who are ready to be confirmed but whose confirmations are being needlessly delayed. Mark Barnett, Claire Kelly, William Orrick, Sheri Chappell, Michael McShane, Nitza Quinones Alejandro, Luis Restrepo, Jeffrey Schmehl, Kenneth Gonzales, and Gregory Phillips are awaiting confirmation and Sri Srinivasan, Ray Chen, and Jennifer Dorsey could have been reported to the Senate last week. So long as there is a backlog of nominees before the Senate, the fault for failing to confirm these nominees lies with Senate Republicans.

The Judicial Conference recently released their judgeship recommendations. Based upon the caseloads of our Federal courts, the Conference recommended the creation of 91 new judgeships. That is in addition to the 85 judgeships that are currently vacant. This means that the effective vacancy rate on the Federal bench is over 18 percent. A vacancy rate this high is harmful to the individuals and businesses that depend on our courts for speedy justice. The damage is even more acute in the busiest district courts, such as those in border states that have heavy immigration-related caseloads. Unfortunately, several of those district courts also have significant numbers of judicial vacancies, and I hope that Senators are working to find good nominees to fill those vacancies.

Senate Republicans have a long way to go to match the record of cooperation on consensus nominees that Senate Democrats established during the Bush administration. After today's votes, 9 more judicial nominees remain pending, and all were reported unanimously. All Senate Democrats are ready to vote to allow them all to get to work for the American people without further delay. We can make real progress if Senate Republicans would join us.

Mrs. FEINSTEIN. Mr. President, I rise today to strongly support the nomination of Bill Orrick to the Northern District of California.

Bill Orrick was raised in San Francisco, where his family has a long and distinguished pedigree in the legal community. I happen to have known the nominee's father, William Orrick, Jr., who was a highly-respected Federal judge in San Francisco. The firm Orrick, Herrington, & Sutcliffe—which his grandfather founded—is pristine in San Francisco. I strongly urge my colleagues to support Bill Orrick's nomination. He has proven throughout his career that he has the intellect, skill, and temperament to do an outstanding job on the Federal bench in San Francisco.

Mr. Orrick earned his bachelor's degree from Yale and his law degree from Boston College. He then represented low-income clients in Georgia for five years. After that, he came home to San Francisco, where he practiced commercial litigation for 25 years at Coblentz, Patch, Duffy, & Bass. He primarily practiced in the field of employment defense.

In 2009, he joined the Justice Department, where he worked in the Civil Division and oversaw the Office of Immigration Litigation. As an attorney at the Justice Department, Mr. Orrick's job has been to represent his client zealously and professionally—and he has done so.

The Office of Immigration Litigation is in the business of defending the government's position in cases in which an alien is seeking to prevent removal from this country. The office also defends the government in cases when an alien brings a challenge to the length or conditions of detention. That means that Orrick's primary task was to litigate against aliens in Federal court.

Mr. Orrick has also been called upon to represent the Department of Justice in other cases, including those challenging state immigration laws like those in Arizona and Alabama on Federal preemption grounds. In these cases and others, Mr. Orrick dutifully and faithfully executed his duty to advance the position of the United States Government.

Mr. Orrick's record speaks for itself. He is seasoned. He has over three decades of experience in legal practice, faithfully representing his private and governmental clients. He has been rated ''well qualified'' by the American Bar Association.

I will close with a few remarks on the confirmation process. Mr. Orrick's confirmation is a long time coming. He was first nominated nearly a year ago, and first approved by the Judiciary Committee on August 2, 2012 with the support of Senators KYL and GRAHAM.

When the 112th Congress recessed, other nominees who were reported by the Judiciary Committee before the August recess were confirmed. Not Mr. Orrick. He had to be renominated. His nomination had to be reported by the Judiciary Committee again. His nomination has only now come to the floor—nearly a year after his first nomination.

This is a real shame. The Northern District of California is in a judicial emergency, as declared by the Judiciary Conference of the United States, as are all judicial districts in California. The Northern District has 675 weighted filings per judgeship, making its caseload 30 percent above the national average. A civil case takes nearly 3 years to get to trial—up nearly 50 percent from a year ago.

When well-qualified nominees like Bill Orrick are held up, judicial emergencies like those California continues to face year after year are only exacerbated.

I am very pleased Bill Orrick will be confirmed, and I thank my colleagues on the Republican side for agreeing to schedule a vote on his nomination. I simply believe—strongly—that he could and should have been confirmed sooner by this body.

I yield the floor.

Mrs. BOXER. This is a very good day for me because we not only had a great vote on our water resources bill, which is so important to this economy, to jobs, and businesses all across this great Nation, but finally we are getting a vote on an excellent nominee to be the U.S. district judge for the Northern District of California, William H. Orrick, III.

Mr. Orrick was approved by the Senate Judiciary Committee with bipartisan support, and his appointment to

the Northern District would fill a seat in an emergency district. We need to move on this nomination, and I am most grateful for getting this opportunity today.

The caseload in the Northern District is 24 percent above the national average, at 631 weighted filings per judgeship. Civil cases that go to trial in the Northern District now take over 34 months to get to trial, up from 21 months just a year ago. We know justice delayed is justice denied, so this is justice delayed. It is not good for our country. That is why I am so excited we are finally getting to this vote.

This is such a good nominee. He brings a depth of legal experience in both the public and private sectors, which will make him a tremendous asset to the Northern District Court.

Mr. Orrick received his bachelor's degree from Yale University, and he earned his law degree from Boston College. He graduated cum laude from both schools. After law school, he spent 5 years providing pro bono legal services for low-income clients in the State of Georgia.

Then Mr. Orrick returned home to the Bay Area, and he joined a very prominent San Francisco firm—Coblentz, Patch, Duffy, and Bass, where he spent 25 years as an associate partner and then the head of the firm's employment litigation practice.

In 2009 Mr. Orrick joined the Department of Justice as Deputy Assistant Attorney General in the Civil Division. His primary duty at the Justice Department was to oversee the Office of Immigration Litigation, representing the United States in all manners of immigration law.

Last year he returned to private practice in San Francisco. Mr. Orrick considers service to the community to be a hallmark of his legal career. He spent 11 years as chancellor and legal advisor to the Episcopal Diocese of California and 13 years working with the Good Samaritan Family Resource Center, a low-income housing nonprofit in San Francisco. This is a man who has given back over and over again.

At his law firm he supervised much of the firm's pro bono work, for which he received the San Francisco Bar Association's ''Outstanding Lawyer in Public Service'' Award.

The American Bar Association found that Mr. Orrick is ''unanimously well-qualified'' to be a Federal judge. Today is Bill Orrick's 60th birthday. I can think of no better gift than for us to finally act on this nomination.

I urge my colleagues to cast an ''aye'' vote. I think it is a vote you will be proud of in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. Mr. President, I rise today in support of a nomination as well. One of the other votes we will be casting at 4 o'clock is on the nomination of Marilyn Tavenner of Virginia to be the head of the Centers for Medicare and Medicaid Services, CMS.

I am so excited that we are voting on this matter today. CMS is the largest line item in the Federal budget. It is larger than the Department of Defense because both Medicare and Medicaid are such significant budgetary items.

We have not had a confirmed Administrator of CMS in the United States since 2006. We have been operating this program on which tens of millions of vulnerable Americans rely on a daily basis with a succession of part-time, acting, interim Administrators. It will be good for the country and for the mission of CMS to confirm an Administrator. I am excited that we are taking that vote today.

A few words about the nominee Marilyn Tavenner. First is her experience: Marilyn is from a rural community in Southside, VA. She grew up and wanted to be a nurse. She started her career as a nurse and served at hospitals, first rural and then urban hospitals, in Virginia for many years.

Her leadership skills and traits were recognized, and she became a nursing supervisor, obtaining greater education along the way. At one point, she was working at a hospital in Virginia that lost their CEO, and as the board wrestled with who should be an interim CEO, whether they should do a search or bring someone in from the outside, it was suggested Marilyn might be the person to do it. She wasn't interim CEO for long before the board decided she was, in fact, the person who should run the hospital.

She then had a career of running that hospital, then multiple hospitals and eventually worked for the HCA hospital chain running an entire region of hospitals and eventually became a vice president for HCA running all of their outpatient surgery centers for all of the United States.

At that point, I reached out to Marilyn—I had been elected Governor of Virginia in 2005—and asked her to be my secretary of Health and Human Services. Marilyn performed in an exemplary way as a cabinet secretary in my administration from 2006 to 2010 and helped me tackle all manner of Health and Human Services challenges, some of which she had significant background in—nursing education, for example—and others that might have been new—cessation of youth smoking—and some that were not even on the health side but were in the human services portfolio that had not been her work—foster care and mental health reform. In all those areas, Marilyn proved herself to be very able.

She has been essentially the chief operating deputy at CMS since early 2010. She was the No. 2 at CMS to the Administrator nominee Donald Berwick—a nominee who was never confirmed by the Senate—and in that role she worked closely with Donald Berwick and did wonderful work within CMS through the very challenging time of drafting, passing, and now the implementation of the Affordable Care Act.

Marilyn is the right person for the job for three reasons: First, if you care about patients, then Marilyn is your person. Marilyn, through all of her work, whether as a nurse, a hospital administrator, a regional health care executive, a cabinet secretary or a CMS administrator, has never forgotten it is fundamentally about patients and that before we get to health care we have to care about health. Marilyn brings a nurse's attitude, and what a great thing it would be for the nursing profession to have a nurse as the agency director of the Centers for Medicaid and Medicare Services. She brings a nurse's mentality, and she will do that every day on the job. That is her first priority.

The second reason Marilyn would be a strong CMS Administrator is that she is an expert, frankly, at finding savings and finding ways to reduce and control costs. We all know in the country we spend too high a percentage of GDP on health care—18 to 19 percent of our GDP on health care. Other nations in the world—Switzerland and others—spend 11 or 12 percent. We have a system that produces some spectacular professionals and some procedures that are second to none in the world, but we don't live as healthy as other nations and some of our outcomes are not quite as strong and we spend too much. So one of the subjects we talk about on this floor all the time is budgetary issues and what are the right ways the Federal Government can find savings in our own programs.

But also if we do innovative things in Medicaid and Medicare that would save money, those also become examples that can be learned throughout the health care industry to help us find appropriate savings. When I was Governor and we were dealing with the national recession and we were having to make cuts, there was no one in my cabinet or no other senior official whom I had who worked with me who was more creative and compassionate about trying to find targeted ways to achieve savings as Marilyn Tavenner. She is a whiz at this and yet never sacrifices her focus on patient care, which was the primary attribute of hers I mentioned. So as we wrestle with Medicaid and Medicare and the growth of those budgetary items, and we need to find ways to try to deal with them, I couldn't think of a better person than Marilyn Tavenner to be in that position.

The last attribute of hers that I think is truly an amazing one and a reason I support her is that she is a creative person and is always driven by finding true results. I could tell numerous stories from my time as Governor of her efforts to successfully help us ban smoking in restaurants and bars to improve our health, her efforts to help us improve our foster care system outcomes, to train more nurses, and expand the number of physicians in the State, but the story I will tell is one that was a shame for Virginia, but Marilyn helped us solve it by being creative and helping us focus on results,

which is what we need at the national level.

Here is a conundrum about Virginia. When I was elected Governor, we were in the top 10 in the Nation in per capita income, but in infant mortality we were about 35th in the Nation. It just didn't seem like those two things matched up; a high-income State with a successful economy and a low unemployment rate should be doing better in infant mortality. That had occurred to Governors before me; that this just didn't make sense. Why would we not be a better State when it comes to the health of our newborns?

I gave Marilyn the challenge—because I didn't know the answer and I didn't know what to do—as my Health and Human Services secretary, to dramatically reduce our infant mortality rate. You can do everything else you want, but the No. 1 thing I want you to do during my single 4-year term as Governor is help us figure out a way to dramatically reduce our infant mortality rate.

Others had made the effort, and the other efforts hadn't produced any results. But largely through a creative and exhaustive analysis of data—why did we have a problem—Marilyn approached the challenge and figured out why we had the problem. She figured out the myths and the facts and separated the myths and put them aside. She devised a very targeted strategy for dealing with the particular reasons we had a problem and, lo and behold, within a very few years, this intractable challenge we had in Virginia of an unacceptably high infant mortality rate began to dramatically change, and the changes continue because the changes Marilyn put into the system are what no one would ever want to undo.

Marilyn's experience, her focus on patients from her background as a nurse, her spectacular success at smart cost cutting but then especially her proven capacity to be creative and innovative in reaching results merit our support for her. I am excited we will be casting this vote today. I think the fact the United States will have a confirmed CMS Administrator who can then take that confirmation and plow forward on important initiatives will be for the good of this country.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. KAINE. Mr. President, I ask unanimous consent that the time during all quorums before the votes be charged equally to both sides.

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

Mr. KAINE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Mr. President, I rise in opposition to Mr. Orrick's nomination to be a District Judge for the Northern District of California and I would like to take a few moments to explain to my colleagues why I will be voting no.

Before I discuss the nominee, however, I will update my colleagues on where we stand with judicial confirmations. Thus far, the Senate has confirmed 187 District and Circuit nominees; we have defeated two. That's 187–2, which is a .989 batting average. That is an outstanding record.

So far this year, the Senate has confirmed 16 nominees. Today, if Mr. Orrick is confirmed, we will have confirmed the 17th nominee. At this stage in President Bush's second term only four were confirmed. That's a record of 17 to 4. This President is being treated exceptionally fairly.

The President has recently submitted a few new nominations. I know I have been reminding him that we can't do anything about vacancies without him first sending up nominees. But again, even with the recent nominations 61 of 85 nominations still have no nominee. That's nearly three out of four vacancies, and for judicial emergencies, only 8 of 35 vacancies have a nominee. So I just wanted to set the record straight before we vote on this nominee.

Again, I will be voting ''no'' on Mr. Orrick's nomination. I was troubled by his intervention in Utah, Arizona, South Carolina, and Alabama. In those States he led the effort to strike down the statutes in those States addressing the Federal Government's failure to enforce immigration laws. We are in the middle of marking up a comprehensive immigration bill. It is clear that enforcement is a problem.

I, and some of my colleagues, would like to strengthen enforcement, but Mr. Orrick was out there leading the effort to maintain the weak status quo. I don't know why that should lead to a lifetime appointment on the Federal bench.

I was also disappointed by Mr. Orrick's responses to many of my questions at his hearing and in follow-up questions for the record. At his hearing, I asked him a number of questions that he said he could not answer at the hearing, but that he would familiarize himself with the issues. I offered to submit those questions in writing to provide Mr. Orrick the opportunity to answer them—a courtesy this Committee commonly extends to nominees in these circumstances.

After granting Mr. Orrick this courtesy, I was disappointed that he still failed to answer many of my questions. So I extended the courtesy a second time, offering Mr. Orrick the opportunity to provide a responsive answer to my earlier questions. Unfortunately, the ''answers'' he provided to my second set of questions were as non-responsive as the first.

Now, I understand that it is not unusual for nominees to claim they are unable to answer a particular question, but I must say that the degree of Mr. Orrick's non-responsiveness rose to a level well above what we typically see from nominees.

Moreover, just because a particular answer might be awkward for the administration that does not justify refusing to provide that answer.

Now, although there were a host of questions Mr. Orrick would not answer, I will provide just one example. In the hearing, I asked Mr. Orrick about a particular Ninth Circuit case and asked if it was controlling. This was in connection with a brief he filed opposing the Defense of Marriage Act. I thought he mischaracterized the precedent and wanted an explanation. At a minimum, I wanted to know if he had a basic knowledge of the precedent and recognized it as current law. He answered, ''I will follow controlling precedent wherever it exists.''

That is a clever answer, but of course, it doesn't answer the question. So in my written questions, I asked again if the Adams case was controlling precedent. He responded that he was reluctant to answer because a similar case could come before him.

This struck me as odd for two reasons. First, if confirmed, he would likely recuse himself from any case where he crafted a part of the Justice Department's policy or stance. And second, I wasn't asking for his personal views on the Adams case. I was trying to assess his legal ability. I want to know whether he will recognize that a particular case is controlling—even if he, or the administration for that matter, may not agree with it. That is what serving as a district court judge is all about: Applying controlling case law, whether or not you agree with the holding.

So I sent him a second set of questions for the record, and asked him again if Adams was controlling precedent. He still would not answer. The second time, Mr. Orrick agreed that he should recuse himself from such cases, but then reserved the right not to recuse himself. And, I still don't have an answer to my original question raised in the hearing: Does Mr. Orrick recognize Adams as controlling precedent in the Ninth Circuit?

Unfortunately, based on this and other aspects of Mr. Orrick's record that I find troubling, I cannot support his nomination.

Following graduation from Boston College Law School in 1979, Mr. Orrick began practicing law in Savannah, GA, at Georgia Legal Services, a general legal practice representing low-income individuals in litigation. In 1984, Mr.

Orrick moved to California to join the law firm of Coblentz, Patch, Duffy, & Bass, LLP. His practice with the firm initially focused on complex commercial litigation. After making partner in 1998, his practice broadened to include employment litigation. His clientele included both individuals and corporations.

During this same period, Mr. Orrick also served the Episcopal Bishop of California, essentially acting as outside general counsel. This included advising the Diocese on interpretation of church canons, the various rights of congregations leaving the Diocese, and clergy's duties to report child abuse. He received compensation for these services.

In June 2009, Mr. Orrick joined the Department of Justice as a counselor to the assistant attorney general for the Civil Division in Washington, DC. His responsibilities included ''matters related to the Freedom of Information Act, tobacco litigation, increasing affirmative consumer litigation brought by the Civil Division, analysis of amendments to the False Claims Act, litigation reports, national security cases, and efforts to increase access to justice, including expansion of the Civil Division's pro bono efforts.'' In September 2009, he started supervising immigration litigation within the Division.

In June 2010, Mr. Orrick was appointed deputy assistant attorney general in the Civil Division, Department of Justice. In this role, he oversees the Office of Immigration Litigation, which is comprised of over 300 lawyers. This office handles ''all federal appellate litigation arising from petitions for review from the immigration courts and roughly 50% of the civil United States District Court immigration matters, primarily class actions, habeas and mandamus petitions, and certain Bivens actions.'' He also participates on several coordinating task forces that oversee immigration and national security related issues.

Mr. Orrick reports that throughout his career he has represented private individuals, small businesses, and large corporations in litigation matters before State and Federal courts. He estimates that approximately 97 percent of his practice has been in the area of litigation and has tried 16 cases to verdict, judgment, or final decision as either sole or lead counsel.

The American Bar Association's Standing Committee on the Federal Judiciary gave him a Unanimous ''Well Qualified'' rating.

PEREZ NOMINATION

Mr. GRASSLEY. Mr. President, at this time I would like to discuss the President's nominee for Secretary of Labor, Tom Perez.

Mr. Perez is not unknown to the Senate or even to the country as a whole now that he has been Assistant Attorney General for a long time. His tenure at the Civil Rights Commission has been marked with controversy, and that is putting it mildly. He was confirmed to his current post as Civil Rights Division Assistant Attorney General by a vote of 72 to 22. I was among those who supported his nomination to lead the Civil Rights Division, but unfortunately, based on reasons I will outline, I have come to regret that vote.

There are a number of issues regarding Mr. Perez's record that should give my colleagues pause. Today I wish to focus on the investigation I have been conducting with my colleague in the House Mr. ISSA, chairman of the Oversight and Government Reform Committee, as well as Mr. GOODLATTE, chairman of the House Judiciary Committee.

I would like to share with my colleagues the role Mr. Perez played in the quid pro quo between the City of St. Paul, MN, and the Department of Justice here in Washington where the Department agreed not to join two False Claims Act cases in exchange for the City of St. Paul withdrawing its case from the Supreme Court in a case called Magner v. Gallagher. Mr. Perez's actions in this case are extremely troubling for a number of reasons. In other words, if an individual takes extraordinary action to get a city to withdraw a case that is already on the docket of the Supreme Court, that is pretty serious intervention.

First and foremost, at this point no one disputes the fact that Mr. Perez orchestrated the entire arrangement. He manipulated the Supreme Court docket so that his favored legal theory, called the disparate impact theory, would evade review by the High Court. In the process, Mr. Perez left a whistleblower twisting in the wind. Those are the facts, and even Mr. Perez doesn't dispute those facts.

The fact that Mr. Perez struck a deal that potentially squandered up to $200 million from taxpayers in order to preserve the disparate impact theory is, of course, extremely troubling in and of itself. In addition to the underlying quid pro quo, however, the evidence uncovered in our investigation revealed that Mr. Perez sought to cover up the fact that the exchange even took place.

Finally—and let me emphasize that this should concern all of my colleagues—when Mr. Perez testified under oath about this case both to congressional investigators and during his confirmation hearing, Mr. Perez told a different story.

The simple but unavoidable conclusion is that the story Mr. Perez told is simply not supported by the evidence, so I will start by reviewing the underlying quid pro quo.

In the fall of 2011, the Department of Justice was poised to join a False Claims Act lawsuit against the city of St. Paul. The career lawyers—when I use the words ''career lawyers,'' I mean these folks who are not political appointees. The career lawyers in the U.S. attorney's office of Minnesota were recommending the Department of Justice join this false claims case. The career lawyers, even in the civil division at main Justice, were recommending that Justice join the case. The career lawyers in the Department of Housing and Urban Development were also recommending the Department of Justice join in this false claims case. Why is that important? Because the government participating in a false claims case makes it a much stronger case than when the individual pursues it by themselves.

What I just described to my colleagues was all before Mr. Perez got involved. At about the same time the Supreme Court agreed to hear a case called Magner v. Gallagher. In Magner, the City of St. Paul was challenging the use of the ''disparate impact'' theory under the FAIR Housing Act. The disparate impact theory is a mechanism Mr. Perez and the civil rights division have been using in lawsuits against banks for their lending practices. If that theory were undermined by the Supreme Court, it would likely spell trouble for Mr. Perez's lawsuits against the banks.

So Mr. Perez approached the lawyers handling the Magner case and he cut a deal. The Department of Justice agreed not to join two false claims cases in exchange for the City of St. Paul withdrawing Magner from the Supreme Court. In early February 2012, Mr. Perez even flew to St. Paul to finalize the deal. The next week the Department of Justice declined the first false claims case, called the Newell case. The next day, the City of St. Paul withdrew the Magner case from the Supreme Court.

Now, there are a couple of aspects about this deal I wish to emphasize. First, as I mentioned, the evidence makes clear Mr. Perez took steps to cover up the fact that he had bartered away the false claims cases. Cover-ups aren't good in government. On January 10, 2012, Mr. Perez called the line attorney in the U.S. attorney's office regarding the declination memo in the Newell case. To remind my colleagues, Newell was the case the same career attorneys were strongly recommending the United States join before Mr. Perez got involved. By the time of this phone call in January 2012, Mr. Perez was well on his way toward orchestrating this quid pro quo I have described.

Mr. Perez then called the line attorney, Mr. Greg Brooker, and instructed him not to discuss the Magner case in the memo he prepared outlining the reasons for the decision not to join that false claims case. Here is what he said. This is a quote:

> Hey, Greg. This is Tom Perez calling you—excuse me, calling you at 9 o'clock on Tuesday. I got your message. The main thing I wanted to ask you, I spoke to some folks in the Civil Division yesterday and wanted to make sure that the declination memo that you sent to the Civil Division—and I am sure it probably already does this—but it doesn't make any mention of the Magner case. It is just a memo on the merits of the two cases that are under review in the qui tam context.

End of that voicemail.

Approximately 1 hour later, Mr. Perez sent Mr. Brooker a follow-up e-mail, writing:

I left you a detailed voice message. Call me if you can after you have a chance to review [the] voice mail.

Several hours later Mr. Perez sent another follow-up e-mail, writing:

Were you able to listen to my message?

Mr. Perez's voice mail was quite clear and obvious. He told Mr. Brooker:

Make sure that the declination memo . . . doesn't make any mention of the Magner case. It is just a memo on the merits of the two cases.

What could be more clear than that?

In fact, Mr. Perez himself sent an e-mail less than an hour later explaining that he had left a detailed voice mail for Mr. Brooker. Yet when congressional investigators asked Mr. Perez why he left a voice mail, he told an entirely different story. Here is what he told the investigators:

What I meant to communicate was, it is time to bring this to closure, and if the only issue that is standing in the way is how you talk about Magner, then don't talk about it.

Well, I hope my colleagues are listening and they say to themselves: Give me a break. This is plainly not what he said in his voice mail. Mr. Perez, I was born at night, but I wasn't born last night. He didn't say anything about being concerned with the delay. He said:

Make sure you don't mention Magner. It is just a memo on the merits.

His intent was crystal clear.

Mr. Perez also testified Mr. Brooker called him back the next day and refused to omit the discussion of the Magner case that was being withdrawn from the Supreme Court. According to Mr. Perez, he told Mr. Brooker during this call to ''follow the normal process.''

But, again, this story is not supported by the evidence.

One month later, after Mr. Perez flew to Minneapolis to personally seal the deal with the city, a line attorney in the civil division e-mailed his superior to outline ''additional facts'' about the deal.

Point 6 read:

USA-MN—

U.S. Attorney Minnesota. That is abbreviated here.

U.S. Attorney Minnesota considers it nonnegotiable that its office will include a discussion of the Supreme Court case and the policy issues in its declination memo.

If Mr. Perez's story were true and the issue was resolved on January 11, then why, 1 month later, would the U.S. attorney's office need to emphatically state it would not hide the fact that the exchange took place? Thank God for honest line attorneys, career attorneys.

As I mentioned, Mr. Perez flew to Minneapolis to finalize the deal on February 3, and one would think a deal of this magnitude would be memorialized in a detailed written agreement. After all, you can't even rent a car without signing a detailed agreement. But was this agreement written? No, it wasn't.

After Mr. Perez finalized the deal, the career attorney asked if there was going to be a written agreement. What was Mr. Perez's response? He said:

No, just oral discussions; word was your bond.

Once again, the people listening to this are saying to themselves: Can you believe that? Here is Mr. Perez. He has just orchestrated a deal where the United States declined to join a case worth up to $200 million to the Federal Treasury in exchange for the City of St. Paul withdrawing a case from the Supreme Court. And when the career lawyers asked if this deal will be written down, he says, No. Your word was your bond.

As everyone knows, the reason we make arrangements such as this in writing is so there is no disagreement down the road about what the parties agreed to. As it turns out, there was, in fact, a disagreement about the terms of this unwritten deal. The lawyer for the City of St. Paul, Mr. Lillehaug, told congressional investigators on January 9, approximately 1 month before the deal was finalized, Mr. Perez assured him that ''HUD would be helpful'' if the Newell case proceeded after the Department of Justice declined to intervene. Mr. Lillehaug also told investigators that on February 4, the day after they finalized the deal, Mr. Perez told him HUD had begun assembling information to assist the city in a motion to dismiss the Newell complaint on ''original source'' grounds. But, according to Mr. Lillehaug, this assistance disappeared after the lawyers in the civil division learned about it.

Let me tell my colleagues the significance of that. Mr. Perez represents the United States. Mr. Newell is bringing a case on behalf of the United States. Mr. Perez is talking to lawyers on the other side and he tells them, after the United States declines to join the case we will give you information to help you defeat Mr. Newell, who is bringing the case on behalf of the United States. Mr. Newell, the whistleblower, was left hanging out to dry by Mr. Perez. In effect, Mr. Perez is offering, in that statement, to give the other side information to help defeat his own client.

I recognize this is a significant allegation, and Mr. Perez was asked about it under oath. His response? Mr. Perez said:

No, I don't recall ever suggesting that.

So on the one hand is Mr. Lillehaug, who says Mr. Perez made this offer first in January and then again on February 4, but the assistance disappeared after the lawyers in the civil division caught wind of it.

On the other hand is Mr. Perez, who testified under oath: I don't recall ever having made that offer. Who should we believe? Well, the documents support Mr. Lillehaug's version of events.

On February 7, a line attorney sent an e-mail to the director of the civil fraud section and related a conversation the assistant U.S. attorney in Minnesota had with Mr. Lillehaug. According to Mr. Lillehaug, the line attorney wrote that there were two additional items that were part of the ''deal that is not a deal'' and one of those two items was this:

HUD will provide material to the City in support of their motion to dismiss the original source grounds.

Internal e-mails show that when the career lawyers learned of this promise, they strongly disagreed with it and they conveyed their concerns to Tony West, head of the civil division. During his transcribed interview, Mr. West testified that it would have been inappropriate to provide this material outside of the normal discovery channels. Mr. West said:

I just know that wasn't going to happen and it didn't happen.

In other words, this is simple: When lawyers at the civil division learned of this offer, they shut down that offer. So, the documentary evidence shows the events transpired exactly as Mr. Lillehaug said they did. Mr. Perez offered to provide the other side with information that would help them defeat the whistleblower, Mr. Newell, in his case, and that case was on behalf of the United States and the taxpayers, and possibly $200 million. Well, I imagine this is simply stunning, the lack of common sense exhibited, when the American taxpayers hear about this.

Mr. Perez represents the United States. Any lawyer would tell you it is highly inappropriate to offer to help the other side defeat their own client.

This brings me to my final couple points I want to highlight for my colleagues.

Even though the Department traded away Mr. Newell's case, Mr. Perez has defended his decision, in part, by claiming that Mr. Newell still had his ''day in court.'' What Mr. Perez omits from his story is that Mr. Newell's case was dismissed precisely because the United States was no longer a party to it.

After the United States declined to join the case, the judge dismissed Mr. Newell's case based upon the legal language ''public disclosure bar,'' finding he was not, again, the ''original source'' of the information to the government. I want to remind my colleagues that we recently amended the False Claims Act precisely to prevent an outcome like this. Specifically, that amendment made clear that the Justice Department can contest the ''original source'' dismissal even if it fails to intervene, as it did in this case.

So the Department did not merely decline to intervene, which is bad enough, but, in fact, it affirmatively chose to leave Mr. Newell all alone in this case that Mr. Newell filed for the benefit of the United States. Of course, that is the whole point. That is why it was so important for the City of St.

Paul to make sure the United States did not join the case. That is why the city was willing to trade away a strong case before the Supreme Court. The city knew that if the United States joined the action, the case would almost certainly go forward. Conversely, the city knew that if the United States did not join the case and chose not to contest the original source, it would likely get dismissed.

Think about that—$200 million possibly down the drain. The Department trades away a case worth millions of taxpayer dollars. They did it precisely because of the impact the decision would have on the litigation. They knew that as a result of their decision, the whistleblower would get dismissed based upon ''original source'' grounds, since they did not contest it. And not only that, Mr. Perez went so far as to offer to provide documents to the other side that would help them defeat Mr. Newell in his case on behalf of Mr. Perez's client. Again, that client was the United States. Yet, when the Congress starts asking questions, they have the guts to say: We didn't do anything improper because Mr. Newell still had his day in court. Well, the problem with that is that they cut the limbs out from under him.

This brings me to my last point, and that has to do with the strength of the case. Throughout our investigation, the Department has tried to defend Mr. Perez's actions by claiming the case was ''marginal'' or ''weak.'' Once again, the documents tell a far different story.

Before Mr. Perez got involved, the career lawyers—again, not political appointees but career lawyers—at the Department wrote a memo recommending intervention in the case. In that memo, they describe St. Paul's actions as ''a particularly egregious example of false certifications.'' In fact, the career lawyers in Minnesota felt so strongly about the case that they took the unusual step of flying here to Washington, DC, to meet with HUD officials. HUD, of course, agreed that the United States should intervene, but that was before Mr. Perez got involved in the case.

The documents make clear that career lawyers considered this a strong case, but the Department has claimed that Mike Hertz, the Department's expert on the False Claims Act, considered it a weak case. In fact, 2 weeks ago Mr. Perez testified before my colleagues in the Senate HELP Committee that Mr. Hertz ''had a very immediate and visceral reaction that it was a weak case.'' But what do the documents show? They tell a different story. Mr. Hertz knew about the case in November 2011. Two months later a Department official took notes of a meeting where the quid pro quo was discussed. That official wrote down Mr. Hertz's reaction. This official wrote:

Mike—

Referring to Mr. Hertz—

Mike—Odd—Looks like buying off St. Paul. Should be whether there are legit reasons to decline as to past practice.

The next day that same official emailed the Associate Attorney General here in town and said:

Mike Hertz brought up the St. Paul ''disparate impact'' case in which the SG [Solicitor General] just filed an amicus brief in the Supreme Court. He's concerned about the recommendation that we decline to intervene in two qui tam cases against St. Paul.

So you have these documents appearing to show that Mr. Hertz's primary concern was not the strength of the case, as Mr. Perez led Senate colleagues to believe; Mr. Hertz was concerned that the quid pro quo Mr. Perez ultimately arranged was, in fact, improper. And, again, in his words, it ''looks like buying off St. Paul.''

Just last week the Justice Department sent my staff a critical 33-page slide show about the Department's case against St. Paul. In that document, the career lawyers made their strong case for intervention, for the Justice Department to intervene with Newell to bring this case about. The Department failed to provide this critical document to the committees, and we only learned about this document not from the Department of Justice but from a recent interview we had with a HUD employee. Why do I say this is a critical document? Because this document makes abundantly clear that career lawyers did not view this case as ''marginal,'' where Mr. Perez wants you to believe that other people in the Department, experts on false claims, thought it was a ''marginal'' or ''weak'' case. And obviously he did not view it as a weak case, as Mr. Perez testified before the HELP Committee—far from it.

Here is how the career lawyers summed up the case in one of the final slides of this document. These are quotes:

The City Repeatedly and Knowingly Misrepresented its Compliance with Section 3 to Obtain Federal Funds.

Tentative conclusions:

The City has long been aware of its obligations under section 3;

The City repeatedly told HUD and others that it was in Compliance with Section 3;

The City has failed to substantially comply with Section 3.

Does that sound like career lawyers describing a ''marginal'' or a ''weak'' case? Of course not. Yet that is what Mr. Perez told my colleagues on the HELP Committee. My colleagues are well aware of how I feel about the Whistleblower Protection Act, and my colleagues know how I feel about protecting whistleblowers who have the courage to step forward, often at great risk to their own careers. But this is about much more than the whistleblower who was left dangling by Mr. Perez. This is about the fact that Mr. Perez manipulated the rule of law in order to get a case removed from the Supreme Court docket. But most importantly, this is about the fact that when Congress started asking questions about this case and when Mr. Perez was called upon to offer his testimony under oath, he chose to tell an entirely different story. The unavoidable conclusion is that the story he told is flatly not supported by the facts.

We have to demand more. We have to demand that when individuals are called upon to answer questions before the Senate, that they shoot straight regardless of the consequences.

I do not believe Mr. Perez gave us the straight story when he was called upon to answer questions about this case, and for that reason, I recommend, first of all, that my colleagues study these issues. There is a lot in this that needs to be brought out about this nomination before we vote on it. This evidence I give is just part of the story.

I yield the floor.

The PRESIDING OFFICER (Mr. COONS). The Senator from Utah.

Mr. HATCH. Mr. President, I rise today to speak in support of the nomination of Marilyn Tavenner to serve as Administrator of the Centers for Medicare and Medicaid Services or CMS, one of the largest agencies ever in the history of the country. For a number of reasons, CMS has been without a confirmed Administrator since the fall of 2006.

CMS is the world's largest health insurer. It processes over a billion Medicare and Medicaid claims a year. It has a budget of nearly $1 trillion. It also provides services to over 100 million of our Nation's most vulnerable citizens receiving Medicare and Medicaid. So clearly this is a critical agency that needs a strong leader at the helm.

Thus far, from what I have seen, Ms. Tavenner has the qualifications to be that kind of a leader I believe her to be. She has clinical experience from being a nurse, executive experience from serving as a hospital administrator, and hands-on operational experience from her time as the secretary of health and human resources for the State of Virginia. That rare combination of skills will be essential when heading an agency as diverse as CMS. There is a reason she was voted out of the Senate Finance Committee on a voice vote and had the House majority leader come testify on her behalf.

Starting in 2010, she was appointed as the Deputy Administrator of CMS. Since November of 2011, she has served as the Acting Administrator. So far, she has shown a willingness to work with Members of both parties, which is a welcome development, particularly under this administration.

At a time when the Secretary of the Department of Health and Human Services is engaging in activities that are less than transparent and potentially illegal, it is even more important that an agency as vital as CMS be headed by someone with strong ethics and integrity.

Make no mistake, this agency's greatest challenges lie ahead. One of the biggest problems facing CMS in the near future is implementation of the

Federal- and State-based health insurance exchanges established under ObamaCare. These exchanges are supposed to be brought online later this year, but there are numerous obstacles that will have to be addressed. By most indications, it would take a miracle for the exchanges to be up and ready on time.

To date CMS has not been able to provide satisfactory answers to a number of questions posed by myself and other Members of Congress regarding the exchanges. For example, we have yet to see a breakdown of the budget for the federally facilitated exchange. Furthermore, we still know very little about the operational details of the exchanges and even less about how people will enroll. These are serious issues. With this system, you are asking American families to entrust the fate of their health care services to the empty words and deeds of an administration that has repeatedly shown a complete inability to be held accountable.

More importantly, with the recent revelations of potentially criminal behavior at the Internal Revenue Service, I am very concerned about trusting that agency's ability to work with CMS and HHS to deliver benefits for Americans through the exchanges.

Almost every day we see new indications that the health law is an unmitigated disaster. We are already seeing evidence that health insurance premium costs are continuing to rise and are projected to be, on average, 32 percent higher in the individual market. At the same time, according to numbers released yesterday by the Congressional Budget Office, by 2019 almost 14 million Americans who would have had employer-provided coverage will no longer have it.

Let me be very clear. ObamaCare is fundamentally flawed. The only real way to fix it is to repeal it and then start again. But until we can accomplish that goal, we need to make sure we are protecting our fellow citizens the best we can from all the negative effects of this law.

In addition to overseeing this massive new expansion of benefits, Ms. Tavenner will also be charged with helping to ensure the longevity and solvency of the existing Medicare trust fund, which is projected to go bankrupt in 2024. All told, between now and 2030, 76 million baby boomers will become eligible for Medicare. Even factoring in deaths over that period, the program will grow from approximately 47 million beneficiaries today to roughly 80 million beneficiaries in 2030.

Maintaining the solvency of the Medicare Program while continuing to provide care for our ever-increasing beneficiary base is going to require courageous solutions. I have had several conversations with Ms. Tavenner about the need for structural entitlement reforms to ensure that these programs are here for future generations. I sincerely hope we will continue to make progress on these critical issues.

Overseeing a massive bureaucracy such as the one at CMS is not a job for the faint of heart. I will be keeping a close eye on Ms. Tavenner as she takes the reins. If she is to be successful, she will have to realize she cannot do it alone. She will have to work with Members of Congress from both parties. I hope she will do so. I believe she will. Thus far I have reason to believe she will be one of the best leaders we can possibly have in the government. However, if it is under her leadership that CMS continues what has become a disappointing pattern in this administration—not responding to legitimate congressional inquiries and throwing promises of transparency by the wayside—I will use the full weight of my position as the ranking member on the Senate Finance Committee to hold her and others fully accountable. I do not think I am going to have to do that. I actually think she is that good.

I appreciate Ms. Tavenner's willingness to serve in this difficult position. While I still have many concerns about the policies of this administration and the direction CMS is heading, I plan to vote in favor of her confirmation because she has the ability and the potential to be a real leader and already has exemplified that in many ways. I encourage my colleagues to vote for her. I think Marilyn Tavenner is the right prescription at the right time to help with HHS and also with CMS which, as I said, is one of the largest agencies ever in the history of the world. She is a good woman. She is dedicated. She has the ability. I believe she will do a great job.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I want to, first of all, commend the Senator from Utah for his comments. We all know the Senator from Utah, like myself, has a real interest in making sure our government is more efficient and more effective in its operations, and know, as well, that the Senator from Utah has not always been necessarily supportive of health care reform, the Affordable Care Act. But I appreciate the comments of the Senator from Utah about Marilyn Tavenner.

I have known Marilyn Tavenner for 25 years. I think while we may disagree about the effectiveness of the Affordable Care Act, we do know one thing: We want CMS to be the most efficient, effective organization possible. I commend the Senator from Utah for his strong endorsement of Marilyn Tavenner. I think he spoke eloquently about her background. I am going to try to add a few comments, but I did not want to let him get away without my thanking him for his comments.

I rise today to join this bipartisan show of support for the President's nominee to lead the Centers for Medicare and Medicaid Services, Marilyn Tavenner. She comes to the floor this afternoon on a fairly unusual circumstance, considering some of the nominees we are considering. She came actually with a unanimous voice vote from the Senate Finance Committee. She is supported by a number of health care organizations, including the American Hospital Association, the SEIU, the American Nurses Association, just to name a few.

As I mentioned already, I have known Marilyn Tavenner for 25 years. She is the real deal. She will be a phenomenal choice to continue to lead CMS. Marilyn grew up in a small town in southside Virginia and worked her way through school. She began her health care career not as a hospital administrator or an executive, but she began on the front lines as an emergency room nurse.

Then through her ability, and her ability to relate to people and care, she rose to become CEO of a hospital and then a senior executive of a leading health care company. I know as Governor I called upon Marilyn on a repeated basis on health care issues that affected Virginia. Marilyn has always been committed to people and public service. She took that private sector knowledge and experience into the public sector even before her tenure with this administration when she joined my good friend, the junior Senator from Virginia TIM KAINE when he became Governor and served with his administration as the Virginia Secretary of Health.

Today, Marilyn has already served at the highest levels of CMS, where she has shown her ability to manage and operate one of the largest and most complex agencies in our whole government. By spending most of her career in the private sector, she knows the impact that regulations and rules have on the real world and understands the importance of not just achieving a policy goal but ensuring that it works in practice.

As we all know, passing a law like the ACA is a complicated process, particularly a law like this that has generated as much controversy. That means the role of the Administrator of CMS to be evenhanded, fact-based, effective, and efficient in implementing the dramatic transformation of the health care market that the ACA is going to provide will require a first class Administrator, somebody who understands how to get things done and somebody who is well-respected by both sides of the aisle. Marilyn Tavenner clearly fits that bill.

She is held in extraordinarily high esteem. We, again, heard the ranking member on the Finance Committee already speak in her support. She received unanimous support from the Finance Committee, but she is also held in extraordinarily high esteem by her peers. In fact, in February all of the previous living Senate-confirmed Administrators of the CMS—Democrats, Republicans, Independents, all of them who have run the agency in the past—sent a letter urging her confirmation,

noting that it was ''hard to imagine a candidate more worthy of bipartisan support.''

I look forward to voting with what I hope will be an overwhelming majority of my colleagues to confirm Marilyn for this very important role a little bit later this afternoon. I know I am about to give up my time and yield to the great new Senator from Massachusetts. I know she is going to be speaking about another nominee, someone with whom I have had the opportunity to visit a couple of times, for a role that may be almost as controversial as being head of CMS, being Administrator of EPA.

I want to say that in my conversations with Gina McCarthy she seems to bring a breadth of background of work at the State level, working under both Democratic and Republican administrations. I know the Senator from Massachusetts is going to speak to her qualifications, but as long as I am here I want to add my voice as well that I think Ms. McCarthy will be a great head of the EPA, and I look forward to joining my friend and colleague, the Senator from Massachusetts, in supporting her.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

GINA MCCARTHY NOMINATION

Ms. WARREN. Mr. President, I want to start by thanking the senior Senator from Virginia both for advancing a nomination that we will vote on this afternoon and for his comments about Gina McCarthy. She is, as the Senator says, a quite remarkable person, and she will be a wonderful director of the Environmental Protection Agency. I very much appreciate the Senator's comments about her, and I know Ms. McCarthy does as well, and the people of Massachusetts do as well.

I rise today to do something very simple. I ask my colleagues to give a simple vote to the President's nominee to head the Environmental Protection Agency. This is not fancy or ambitious, it is just a basic principle of good government in our constitutional system.

When the Founders of our Republic came together to write the Constitution, they knew the President would need help in administering this great and expansive Nation. Without help, without a government that was staffed, justice would not be established, our common defense would be threatened, and the blessings of liberty we hoped to secure through our laws would go unfulfilled.

The Founders of our Republic gave to the President the task of nominating individuals to serve and gave us the responsibility to advise on and consent to these appointments. For more than 200 years this process has worked. Presidents over the years have nominated thousands of qualified men and women who were willing to serve in key executive branch positions.

The Senate has considered nominations in a timely fashion and taken up-or-down votes. Of course, there have been bumps along the way, but we have never seen anything like this. Time and again, Members of this body have resorted to procedural technicalities and flatout obstructionism to block qualified nominees.

At the moment, there are 85 judicial vacancies in the U.S. courts, some of which are classified as ''judicial emergencies.'' That is more than double the number of judicial vacancies at the comparable point during President George W. Bush's second term. Yet right now there are 10 nominees awaiting a vote in the Senate, and they have not gotten one.

But that is not all. The nomination of the Secretary of Defense was held up for weeks and then filibustered. The nominee for the Secretary of Labor, Tom Perez, has been held up on an obscure technical maneuver. Then, of course, there is the determined effort to block Richard Cordray to head the Consumer Financial Protection Bureau—not because he is unqualified; in fact, he has received praise from industry and consumer groups alike. Even the Republicans who blocked him have praised his fairness and his evenhandedness. No, Rich Cordray is blocked because some Members of this body do not like the agency he heads. They know they do not have the votes to get rid of it or to weaken it, so instead they are holding the Director's nomination hostage.

Now we get to Gina McCarthy. This past Thursday, the Senate Environment and Public Works Committee was scheduled to vote on Gina McCarthy's nomination to head the Environmental Protection Agency. Right before the scheduled vote, all the Republicans decided not to show up. Under Senate rules, that meant there was no quorum and thus the vote could not take place.

The President has done his job. He named an outstanding nominee for the Administrator of the Environmental Protection Agency, Gina McCarthy. Gina has dedicated her professional life to the protection of our public health and to the stewardship of our environment. She was confirmed to her previous position at the EPA as Assistant Administrator for Air and Radiation by voice vote without objection.

Just to be clear, this means most of the Members of this Chamber have already voted to approve her once before.

Gina also has a long record of working effectively across party lines. She served under Republican and Democratic Governors alike, including working for Gov. Mitt Romney, the most recent Republican Presidential nominee. Her record in Massachusetts was stellar, and she has done all of us in the Commonwealth proud through her service in Washington.

Gina herself has also done her job and more. She has answered a staggering 1,120 questions from the Environment and Public Works Committee. That is the largest number of questions ever asked of a nominee facing a Senate confirmation. To put this in some perspective, 4 years ago the last confirmed Administrator of the EPA, Lisa Jackson, was asked 157 questions during her nomination process.

When Congress convened in January, many of us, both veterans and newcomers, were concerned that this kind of obstructionism would persist in the new Congress. We pushed hard for changes to the filibuster rules. We understood passions on both sides of the issue, and we listened to our colleagues. Ultimately, the two sides reached a compromise, a compromise that many of us were concerned about, but it included a clear understanding that the Democrats would not make substantial changes to the filibuster and, in return, the Republicans would not abuse its use. But in the past 3 months, abuse has been piled on abuse. Republicans have prevented votes on judges, on agency heads, and on administration Secretaries.

This is wrong. Republicans can vote no on any nominee they choose, but blocking a vote is nothing more than obstructionism. Blocking the business of government, the business of protecting people from cheating credit card companies, from mercury in the water or from unfair labor practices must stop.

The President has done his job. Gina McCarthy has done her job. Now it is time for the Senate to do its job. Gina McCarthy deserves a vote.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from New Hampshire is recognized.

Mrs. SHAHEEN. I am here to join my colleague Senator WARREN to also express my frustration about what is happening with the nominees to these critical agencies that are being held up by our colleagues on the other side of the aisle. As Senator WARREN said very eloquently, last week the Republican members of the Senate Environment and Public Works Committee chose not to appear for the important business of considering the nomination of Gina McCarthy. They made this decision with only a few minutes' notice. As a result, this action prevented an already overdue vote from taking place as scheduled.

The refusal to allow a vote on such fundamental business is unacceptable. The EPA conducts vital work to safeguard public health and protect our environment. Yet the agency has been without permanent leadership for months. It is the Senate's duty to act in a timely manner on these kinds of vacancies, and it is clear from Ms. McCarthy's impressive and expansive record that this nominee has earned and deserves a vote.

I understand and I respect those Senators who feel they have to vote against a nominee for substantive reasons. However, this failure to even appear at last Thursday's meeting and take a vote shows an alarming level of disregard for the importance of permanent leadership at the EPA and for the

Senate's confirmation process. As Senator WARREN said, committee Republicans have already asked Ms. McCarthy to answer over 1,100 questions for the record, more than three times what any previous nominee for this position has faced. She has provided 234 pages of answers, and it is past time that the committee held a vote. We need to move forward on filling the position of EPA Administrator so the agency can resume addressing today's public health challenges in the most effective manner.

Simply put, the type of obstructionism we saw last week has no place in this Senate, no place in our government, particularly for a position as critical as this one. In addition to its work to reduce harmful pollution at the national level, the EPA plays a vital role in safeguarding public health in our local communities.

For example, in my State of New Hampshire, testing in 2009 revealed elevated levels of contaminants in the wells of homeowners living in the town of Raymond because of their proximity to a Superfund site. Following this discovery, we worked with the EPA, with the State Department of Environmental Services, and with the town of Raymond to find a solution that would address the health concerns because the families didn't have safe drinking water. With the EPA's support, the town has extended its water lines to ensure that these homeowners and their families can be provided access to safe clean drinking water.

I had the opportunity to view the progress of this construction project in person last year. I applaud the EPA for working with communities on vital local priorities such as this.

Communities across our country face public health challenges, and the EPA plays an important role in addressing these challenges. Even now we are working in New Hampshire in a similar situation where wells have been contaminated in the town of Atkinson.

We can't continue to delay the Senate's responsibilities to provide agencies such as the EPA with the leadership they need to operate. With 30 years of public service in a variety of roles, Ms. McCarthy has both the experience and the expertise to do the critical job of leading the EPA. Her expansive and lengthy career is rooted in working at the forefront of pressing environmental issues for leading New England Governors of both political parties.

Most recently, Gina McCarthy served in Connecticut's Department of Environmental Protection under former Republican Gov. Jodi Rell. Before that, Ms. McCarthy served five different Massachusetts Governors, including Michael Dukakis and Mitt Romney—the Republican Party's own nominee for President in last year's election.

These diverse work experiences on a broad range of environmental issues have provided Ms. McCarthy with the first-hand knowledge of environmental and public health challenges we face. They are evidence of her ability to work with people on both sides of the aisle to address the problems faced as we look at agencies such as the EPA.

Ms. McCarthy was confirmed by the Senate to her current EPA post with overwhelming bipartisan support in 2009. That makes the boycott last week even more shocking. In her current role as the Assistant Administrator for the Office of Air and Radiation, Ms. McCarthy has worked with environmental advocates and industry leaders to reduce harmful emissions that threaten clean air. These efforts are particularly significant for downwind regions such as in New England, where we serve as the tailpipe to the rest of the Nation and suffer the effects of pollution from coal-fired powerplants in the middle part of the country. I am sure the Chair understands this issue.

In recognition of her successful tenure, Ms. McCarthy has received widespread praise from a diverse group of industry leaders who recognize her ability to find common ground and compromise.

Coming from New Hampshire, which is the second most forested State in the Nation, I know New Hampshire's forest products industry will benefit from an EPA Administrator with a strong reputation for constructive dialog. Following Ms. McCarthy's nomination, Donna Harman of the American Forest and Paper Association described her by saying: ''She's very data- and fact-driven, and that's been helpful for us as well as the entire business community.''

Leaders in an array of other sectors have voiced similar appreciation for the way in which Ms. McCarthy values finding common ground. Heaven knows we can use some common ground here.

Robert Engel of the American Automotive Policy Council praised the care she takes in listening to stakeholders, saying:

> We look forward to continuing to work with Gina McCarthy. She has demonstrated a willingness to consider the views of those affected by the agency she has been nominated to lead, and to find practical solutions to issues facing the automobile industry.

These words describe a public servant who understands the importance of listening, understanding, and bringing stakeholders together.

I am confident Gina McCarthy will be an excellent leader of the EPA. She deserves fair consideration. She deserves a timely vote.

I am pleased we received news that there will be a rescheduled vote later this week. I urge my colleagues across the aisle to move forward in good faith and give fair consideration to this nominee. The EPA must have a permanent Administrator who is an advocate for protecting public health and providing valuable support to our Nation's communities.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, what is the parliamentary procedure?

The PRESIDING OFFICER. The Senate is considering the Tavenner nomination en bloc and at 4:30 p.m. unanimous consent to move to a vote.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I would like to speak on another matter, as well as on the Marilyn Tavenner matter. Frankly, my remarks will take more than 4 minutes, so to what degree we can get the Senate to postpone votes, we will be working on that as I am speaking.

THE INTERNAL REVENUE SERVICE

Mr. President, over the last 5 days, information that I can describe only as very troubling has emerged about a systematic practice by the IRS to target conservative groups seeking tax-exempt status.

According to a report released last night by the Inspector General for Tax Administration, the IRS developed and used inappropriate criteria to identify applications from organizations applying for tax-exempt status based ''upon their names or policy positions instead of indications of potential political campaign intervention.''

In addition, the 48-page report finds that ineffective management of the IRS allowed for this inappropriate practice to stay in place for more than 18 months, resulted in substantial delays in processing certain applications, and allowed unnecessary information requests to be issued.

While the inspector general report does not say the IRS was intentionally partisan, it did find that the agency's narrow focus of the criteria gives the appearance that the IRS was not impartial in conducting its mission.

These actions by the IRS, if true, are a clear breach of the public's trust. Targeting groups based on their political views is not only inappropriate, but it is intolerable, unacceptable, and cannot be allowed.

I intend to get to the bottom of what happened. The inspector general's report is just the beginning. There are still many unanswered questions. The Senate Finance Committee, which has congressional oversight over the IRS, has just begun what will be a thorough investigation.

Some are now using this issue to try to score political points. Some of my friends across the aisle are claiming the IRS was just doing what Democrats wanted in examining these conservative groups.

Let me clear up this misperception. I, for one, have never advocated targeting conservative groups. This is important, let me be clear. What I have called for in the past, especially in 2010, and continue to call for today is closer examination of any and all groups already granted or applying for tax-exempt status—let me say that again, any and all groups.

Since the Citizens United case decided by the Supreme Court, there has been a dramatic increase in political

organizations masquerading as social welfare groups. We need to make sure these groups are complying with IRS political activity rules.

Any group claiming tax-exempt status under section 501(c)(4) of the Internal Revenue Code needs to prove it is following the letter of the law.

As the New York Times noted yesterday, ''No one has an automatic right to this tax exemption. Those seeking one should expect close scrutiny from the government to ensure it is not evading taxes.''

While I expect the scrutiny of the IRS to be thorough, I also expect it to be administered equally across the board, on conservative or liberal organizations and any in between.

Americans expect the IRS to do its job without passion or prejudice. The IRS can't pick one group for closer examination and give the other a free pass. But that is apparently what they did here. That was the agency's big mistake, and now they have to answer for it.

The Senate Finance Committee has launched a formal bipartisan investigation. A team of investigators from my staff and the staff of Senator HATCH has begun compiling questions and seeking additional documents from the IRS. There seems to be some inconsistencies in the timeline regarding who knew what and when, and we will get to the bottom of it.

As part of the investigation, I went straight to the top and met with Acting Commissioner Steve Miller yesterday. It was a tough talk. I told Mr. MILLER the actions of the IRS were inexcusable and warned he is in for serious questioning from this committee and from others. I told Mr. MILLER the committee demanded nothing less than his complete cooperation and total transparency.

The Finance Committee will hold a hearing on Tuesday to examine this issue. There needs to be a full accounting of what happened at the IRS and who knew what, when, how long did this practice go on, and what other groups were flagged for additional scrutiny.

There is another important question that needs to be asked: Is there a fault in the Tax Code that may have contributed to the IRS taking such unacceptable steps? Do we need a better definition of what organizations qualify for tax exemption? Do we need to revisit the role tax-exempt organizations play in our political system? What part of the Tax Code has to be changed for us to guarantee this overreach never happens again? And there are many more questions.

This will be an issue we delve into in tax reform as well. Clearly, something is amiss for the IRS to behave the way it did. The actions of the IRS are unacceptable and people will be held accountable.

TAX REFORM

Mr. President, let me take a moment to turn briefly to a related topic. As some may know, the Senate Finance Committee has been working on comprehensive tax reform for the last 2 years. We have held more than 30 hearings and heard from hundreds of experts on how tax reform can simplify the system for families, spark economic growth, create jobs, and make U.S. businesses more competitive.

Last Thursday I teamed with House Ways and Means Committee Chairman DAVE CAMP to launch a Web site to get even more input directly from the American people. We launched taxreform.gov to give folks in Montana, in Michigan, and all across America an opportunity to weigh in on tax reform. Since the launch of the site less than a week ago, we have received thousands of ideas directly from the American people on how to improve the Code.

I want to thank all those who have shared their ideas and opinions, and I encourage more people to log on to taxreform.gov to let us know what they think of the Nation's tax system and what it should look like.

NOMINATION OF MARILYN TAVENNER

Mr. President, if I might, one other issue I want to address is the nomination of Marilyn Tavenner.

Marilyn Tavenner has been nominated to be Administrator for the Centers of Medicare and Medicaid Services, otherwise known as CMS. As head of CMS, Ms. Tavenner would be in charge of administering Medicare, Medicaid, and the Children's Health Insurance Program, among others.

Roughly one in three Americans relies on health coverage under the jurisdictions of CMS—one in three. This includes 50 million Medicare patients, 56 million Medicaid patients, and more than 5.5 million children in the Children's Health Insurance Program. In my home State of Montana, 167,000 seniors and 8,300 military retirees rely on Medicare alone.

Marilyn Tavenner is an experienced health care professional. She has proven herself to be a strong leader, and I believe she is the right woman to lead CMS, a view shared by my colleagues on both sides of the aisle.

Ms. Tavenner is a proud native Virginian and her congressional delegation, all of them, warmly introduced her—if they were all not there, in spirit—at a confirmation hearing before the Finance Committee last month. Democratic Senators MARK WARNER and TIM KAINE and Republican House majority leader ERIC CANTOR all spoke on her behalf. Here is what House majority leader CANTOR said:

> I don't think there is any secret that I differ with the Obama administration in a lot of matters in health care policy . . . but if there is anyone that I trust to try to navigate [these] challenges, it is Marilyn Tavenner.

Two weeks ago, the Finance Committee approved Ms. Tavenner's nomination with a unanimous vote. She has earned this broad support from both sides of the aisle and the confidence of many of us because of her demonstrated abilities.

She started as a nurse, quickly rose through the ranks to become a hospital administrator, served 4 years as Virginia's Secretary of Health and Human Resources before joining CMS in 2010, and she has served as acting administrator for the last year and a half. I am confident we will get a strong vote for this nomination because Marilyn Tavenner has a reputation for being a pragmatist and a person who doesn't give up.

One story I wish to share—and this is important—is of Marilyn working the night shift in the intensive care unit at Johnston-Willis Hospital in Richmond, VA, as a nurse. At 2 a.m. a rescue squad brought in a young woman to the emergency room. She had been in a terrible car accident and crashed through the windshield of her old Volkswagen bug. Badly injured and having suffered massive blood loss, she was pronounced dead. But Ms. Tavenner and the doctors went to work to revive her. The surgeon on call told reporters:

> We came up with a game plan, and it was right on target. We used about 60 units of blood. Marilyn was very supportive in everything . . . The patient ultimately walked out of the hospital.

That is Marilyn Tavenner. She doesn't give up. We need that type of leader at CMS, believe me. Her experience in health care is real, it is varied, and it will serve us well in this position.

One final note. As someone pointed out, CMS has operated without a confirmed administrator for several years, so I am glad we are moving forward with this nomination. We need a confirmed administrator, with all the work she has to do, especially implementing the Affordable Care Act. That was an essential bill that created good law. In a few months the health care marketplaces will be open for enrollment, and tax credits and subsidies will be available to help families and small businesses pay for health care. It is a critical time to have someone with Ms. Tavenner's experience confirmed and in charge at CMS. She has done a good job in the past, and she will do a good job in the future.

I urge my colleagues to support me in supporting her nomination.

● Mr. CASEY. Mr. President, I support the nomination of Marilyn Tavenner to be the Administrator of the Centers for Medicare and Medicaid Services, CMS. I strongly support her nomination and was sorry to miss today's vote. I voted for her confirmation in the Finance Committee and would have done so today as well.

It has been over 6 years since CMS has had a confirmed Administrator, and the agency will benefit from having someone with Ms. Tavenner's skills and expertise at the helm. Her experience as the Secretary of Health and Human Resources in Virginia and with the Hospital Corporation of America as well as the time she has already served

as Acting Administrator and Principal Deputy Administrator of CMS have prepared her well for the challenges and opportunities she will confront in this position.

I thank her for her willingness to serve at this important time, and I look forward to working with her in the months and years ahead.●

The PRESIDING OFFICER. Under the previous order, the question is: Will the Senate advise and consent to the nomination of William H. Orrick, III, of the District of Columbia, to be United States District Judge for the Northern District of California?

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Pennsylvania (Mr. CASEY) and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Tennessee (Mr. CORKER).

Further, if present and voting the Senator from Tennessee (Mr. CORKER) would have voted ''no.''

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

The result was announced—yeas 56, nays 41, as follows:

[Rollcall Vote No. 125 Ex.]

YEAS—56

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

NAYS—41

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

NOT VOTING—3

Casey	Corker	Lautenberg

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate prior to a vote on the Tavenner nomination.

The question is, Will the Senate advise and consent to the nomination of Marilyn B. Tavenner, of Virginia, to be Administrator of the Centers for Medicare and Medicaid Services?

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from Pennsylvania (Mr. CASEY) and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

The result was announced—yeas 91, nays 7, as follows:

[Rollcall Vote No. 126 Ex.]

YEAS—91

Alexander	Franken	Murphy
Ayotte	Gillibrand	Murray
Baldwin	Graham	Nelson
Barrasso	Grassley	Portman
Baucus	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Hatch	Reid
Blumenthal	Heinrich	Roberts
Blunt	Heitkamp	Rockefeller
Boozman	Heller	Rubio
Boxer	Hirono	Sanders
Brown	Hoeven	Schatz
Burr	Inhofe	Schumer
Cantwell	Isakson	Scott
Cardin	Johanns	Sessions
Carper	Johnson (SD)	Shaheen
Chambliss	Kaine	Shelby
Coats	King	Stabenow
Coburn	Kirk	Tester
Cochran	Klobuchar	Thune
Collins	Landrieu	Toomey
Coons	Leahy	Udall (CO)
Corker	Levin	Udall (NM)
Cornyn	Manchin	Vitter
Cowan	McCain	Warner
Donnelly	McCaskill	Warren
Durbin	Menendez	Whitehouse
Enzi	Merkley	Wicker
Feinstein	Mikulski	Wyden
Fischer	Moran	
Flake	Murkowski	

NAYS—7

Crapo	Lee	Risch
Cruz	McConnell	
Johnson (WI)	Paul	

NOT VOTING—2

Casey	Lautenberg

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

AGRICULTURE REFORM, FOOD, AND JOBS ACT OF 2013—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 73, S. 954.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 73, S. 954, a bill to reauthorize agricultural programs through 2018.

The PRESIDING OFFICER. The Senator from Mississippi.

DISTURBING BEHAVIOR

Mr. WICKER. Mr. President, I rise this evening to discuss a disturbing pattern of behavior, a culture of intimidation that continues to emerge from the Obama administration.

For the past few days, headline after headline has revealed one new controversy after another. In every case Americans are right to wonder what kind of leadership led to this and just how far this culture of intimidation goes.

Americans need to learn the extent to which this misconduct has occurred by the heavy hand of the executive branch of government.

The first indication was on Friday of last week, and it involved the Internal Revenue Service issuing an apology for targeting conservative groups seeking nonprofit status and treating conservative groups more harshly than other groups.

These groups were excessively scrutinized if they used the words ''patriot'' or ''tea party.'' As we would later learn from the inspector general report, not only were these groups targeted, but senior officials knew about it for at least a year and made no report to the Congress. It has also been confirmed that confidential information about some of these groups was leaked to the liberal nonprofit group ProPublica.

The whole situation disgraces the basic constitutional freedoms to which every American is entitled. It is appalling that Americans have been deliberately targeted for IRS scrutiny based on their political beliefs or affiliations. No American should fear arbitrary government harassment simply because of the expression of his or her views.

The administration needs to be held accountable for its failure to protect Americans. An apology is not sufficient in this instance. An internal inspector general investigation talking about mismanagement errors will not suffice in this instance. The acknowledgement that mistakes were made and that changes, indeed, need to be made will not, in and of itself, rebuild the public trust that has been broken.

Particularly troubling is that the IRS is not the only agency in which these types of abuses have occurred. Americans are also right to be outraged by the news that Health and Human Services Secretary Kathleen Sebelius has been fundraising among the industry people she regulates on behalf of the President's health care law.

As reported in the Washington Post on May 10, Secretary Sebelius ''has gone, hat in hand, to health industry officials, asking them to make large financial donations.''

Presumably these donations are being collected in order to pay for an advertising campaign in the media, including television. Further investigation is necessary to determine the extent to which these solicitations constitute a conflict of interest. It is curious that the Secretary of Health and Human Services is seeking support from the health industry now when these affected parties were largely ignored or in many cases intimidated during the debate on the President's health care law.

Meanwhile, questions remain about the administration's handling of the September 11, 2012, terrorist attack on the U.S. consulate in Benghazi that left four Americans dead, including Ambassador Chris Stevens. During his recent news conference, the President tried to deflect serious concerns about altered talking points by calling it a political ''sideshow.'' I do not think the American people are going to be convinced that it is a sideshow. The real sideshow is the President's attempt to distract from an unraveling narrative that began with the administration wrongly casting blame on an inflammatory YouTube video. Subsequent testimony from State Department whistleblowers, who came forward despite administration pressure, has only expanded the controversy surrounding the administration's apparent misrepresentation of the terrorist attack to the American people.

Let's not forget that it was President Obama who promised, after he took office, that his administration would be ''the most open and transparent in history.'' It is increasingly clear that the President's rhetoric does not match this reality.

Whether these scandals continue to make mainstream news, our questions and inquiries will not stop until we get answers. The administration's conflicting storylines and blame games are inexcusable in the wake of serious allegations. In America, those in power are not above the law, and those responsible must be held accountable. A Member of this body on the other side of the aisle asked publicly on the radio this morning: What does it take to get fired in this town? A good question coming from the other side of the aisle.

What we are continuing to see is a culture of intimidation, a pattern of big-government heavyhandedness and overreach by the administration. What is lacking is credibility and integrity from those elected to serve.

Each scandal is distinct in its grievances but not isolated in its impact. A New Yorker article published yesterday by Amy Davidson noted ''the Obama Administration's strange belief that if it can just find the right words, that reality will comply and bend to meet it—that its challenges are so extraordinary that the use of any exceptions built into normal processes should be regarded as unexceptional.''

Americans deserve direct, straightforward answers, and they deserve the facts. They deserve to know why the IRS deliberately targeted conservative groups and gave liberal groups a pass, why Secretary Sebelius solicited the health care industry to help implement ObamaCare, and why the administration downplayed the atrocities in Benghazi and pressured fact witnesses to stay silent. It time for the President and his inner circle to provide a full explanation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, good evening.

THE BUDGET

While I was waiting for a chance to say a few words on the floor, I was on the phone and had a conversation with someone who has run a couple of very successful companies in our country. I do not know if he is a Democrat or a Republican, but it was an interesting conversation. We talked about how the economy is coming along, and we talked about how the companies he is especially interested in are doing. We sort of looked ahead.

One of the things I asked is, what do you think we could be doing here, where we are working in our Nation's Capital in the U.S. Senate?

He pretty much said there are three things we need to do. He said: You need to answer maybe three questions for us. One, can you govern in a divided Washington, a divided Congress? He said: No. 2, can you be—can we be as a nation—fiscally responsible? And the third thing he said was, can you provide some certainty with respect to the Tax Code to actually know what taxes are going to look like, not just this week or this month or just this year, but how about having some certainty going forward?

I think there is a lot of wisdom in what he said. As some other folks have been talking about here on the floor today, when we were not passing the Water Resources Development Act, a good bipartisan bill, I think a responsible bill, an encouraging step, if you will, but in between we have had other people speak and talking about one side or the other moving forward on a budget. Someone talked about other issues that are in the news these days.

I want to follow up on some of the earlier conversations today with respect to demonstrating that we can govern, that we can be fiscally responsible and we can provide some certainty with respect to the Tax Code. Folks who might be listening in to what is going on in the Senate this afternoon may or may not know the way the budget process works. Obviously this is budget 101.

In my old role as State treasurer and Governor of Delaware—in Delaware we have two budgets. Not one but two budgets. We have an operating budget and we have a capital budget, a brick-and-mortar budget. The brick-and-mortar budget is for schools, K–12, sort of postsecondary education; infrastructure: roads, highways, bridges, prisons, that kind of thing. But we have an operating budget as well. Here we only have one. For, gosh, I want to say about 30—40 years, actually, the way we are supposed to run our finances as a country basically called for the President to submit a budget, usually in February, one budget not two but one budget. The Congress is expected to come in and sort of pivot off of that budget and create what we call a budget resolution. The Senate passes a budget resolution, the House does. The idea is to be able to do that sometime in April, and hopefully by the end of April agree between the House and Senate on that budget resolution.

People think a budget resolution is a budget. But it is not. It is a resolution, a framework for a budget. It is not actually signed by the President. It is something we work out. It provides a foundation on which to pass a number of maybe a dozen or so appropriations bills that cover everything from agriculture to transportation.

The budget resolution provides a framework for any revenue measures we might need to pass as well in order to get us closer to a balanced budget or to meet some kind of responsibilities for running our country. But the idea is for the Senate to pass a budget resolution, the House to pass a budget resolution, and we create a conference committee and work out our differences.

For the last 4 years, our friends in the Republican Party delighted in accusing the Democrats of never passing a budget. What they meant was we never passed a budget resolution, that framework. I think of the budget resolution as a skeleton. The skeleton is the bones, if you will. But we put the meat on the bones when we pass the dozen or so appropriations bills, and whatever revenue measures are needed. That is the meat on the bones. Then eventually we have a full budget.

Right now, as our colleagues know, we passed in the Senate a budget resolution several weeks ago. It called for deficit reduction. It did not balance the budget over the next 10 years, but it further reduced the budget deficit and put us on a path to stabilize our debt, and to get us on a trajectory where debt as a percentage of gross domestic product is starting to come down—not as much as I would like, probably not as much as the Presiding Officer would like, but to get us headed in the right direction. It was a 50/50 deal, 50 percent deficit reduction on the spending side, 50 percent on the revenue side.

Actually, ironically, the last time we had a budget—1998, 1999, 2000, 2001 in the Clinton administration—Erskine Bowles, then the President's Chief of Staff and a woman named Sylvia Matthews, now Sylvia Matthews Burwell who is our new OMB Director, worked along with the Republican House, Republican Senate to come up with a deficit reduction plan in 1997 that led to four balanced budgets in a row.

Their deal, worked out with Republicans, was a 50/50 deal. Fifty percent of the deficit reduction was on the spending side, 50 percent was on the revenue side. Anyway, this year the Senate passed a budget resolution, passed with all Democratic votes, no Republicans. It is a 50/50 deal, half of the deficit reduction on spending, half on the revenue side.

Over in the House, they have a different approach. The Republicans in the House argue, with some justification, that they get more deficit reduction accomplished. You might quibble with some of their assumptions. They assume the repeal of ObamaCare. They also assume that even though they are going to repeal it, the $1 trillion in deficit reduction that CBO, the Congressional Budget Office, says flows from ObamaCare over the next 10 years in the Affordable Care Act—even though they assume repealing ObamaCare, they still assume the $1 trillion in deficit reduction. I do not know if that is entirely consistent, but that is part of their assumption. So they end up with deficit reduction that is dependent solely on the spending side. No revenues, it is all on the spending side.

So they passed their budget resolution. We passed ours. They passed theirs with almost all Republican votes, we passed ours with all Democratic votes. When that happens, the idea is to say, here is the Senate budget resolution, here is the House budget resolution. Why don't we create a conference committee—I used to think of it as a compromise committee—where some of the Senators, Democrat and Republican, gather together and work out the differences between the two budget resolutions. That is what people sent us here to do.

The Presiding Officer knows I like to sometimes ask people who have been married a long time, what is the secret for being married a long time? I usually ask this to people who have been married 50, 60, or 70 years. I get some real funny answers. I got a great answer about a week ago. A couple has been married 55 years. I asked the wife and husband. I said to the wife: What is the secret to being married 55 years?

She looked at her husband, and she said, he will tell you that he can either be right or he can be happy, but he cannot be both. I thought that was pretty funny. He said something to the effect of, when you know you are wrong, admit it. When you know you are right, let it go. That is pretty good advice.

I think the best answer I ever heard to that question of what is the secret to being married a long time—I have heard this from a number of people. The answer is the two Cs, communicate and compromise. Think about that. The two Cs, communicate and compromise. I think that is not only the secret to an enduring union between two people, but I think it is also the secret to a vibrant democracy, communicate and compromise.

It is kind of ironic that our Republican friends, after beating us over the head for 4 years for not supposedly passing a budget—although if you looked at what we put in place, some of the legislation was law; we actually did have a budget. We had spending caps and directions to reduce spending in a lot of different categories. We saved in deficit reduction well over $1 trillion as a result.

But, ironically, the very people who criticized us for not passing a budget have now, here in the Senate, made it impossible for us to create that conference committee, a compromise committee between the House and the Senate, and take the next logical step of reconciling the differences between the Senate-passed budget resolution and the House's.

It is not going to be easy to do that, but we need to get started. If you think about the way we spend money—I want to commend the chair of the Budget Committee. She has had some very sad losses in her family. We extend our sympathy there. I want to commend the Senator and her committee for taking on a tough job, one of many tough jobs she has taken on, and to give us a budget resolution that we can go to conference with. I want to have a chance to do that.

I want to mention this and I will yield. We had a bunch of Realtors in from Delaware. They wanted to talk about the budget and how we are doing. I explained that if you think of the Federal budget, think of it as a pie, think of it like a pizza pie or a chocolate pie, but think of it as a pie. The way I explained this is, over half of that pie is entitlement program spending. That is things we are entitled to by virtue of our age, our station in life, our service, Medicare, Medicaid, Social Security, some of our veterans' benefits. But over half of the budget of that pie for spending, over half of it is entitlement spending and it is growing.

Another roughly 10 to 15 percent of that pie is interest on the debt. With the debt growing, interest on the debt—thank God the interest rates are low right now or that would go through the roof. Interest on the debt continues to maybe creep up. If you add those two together, it is about 70 percent of the pie we are thinking about.

That leaves another 30 percent. What is in the remaining 30 percent? The rest of the whole Federal Government. About half of that 30 percent is defense. About half of that 30 percent is everything else from agriculture to transportation and everything in between—law enforcement, courts, Federal prisons, the FBI, education, housing, environment. Everything else is in that 15 percent.

The difference between the Senate-passed budget resolution and the House-passed budget resolution is the House would make some changes in entitlement spending. We do some of that as well. We do more to try to reduce spending. But the real difference is what happens with that 15 percent of—we call it domestic discretionary spending. The other 15 percent in discretionary spending is defense.

But they would take, in their budget resolution in the House, that 15 percent over the next 10 years and take it down to roughly 5 percent—5 percent. That is everything in the Federal Government other than defense and entitlements and interest. That is everything else. That includes workforce development, starting with early childhood education programs, Head Start, all the way from kindergarten up to high school; programs especially promoting the education in STEM, science, technology, engineering and math, postsecondary education. It includes infrastructure; roads, highways, bridges, everything broadly defined in infrastructure. It includes investments in research and development that can create products and technologies that can be commercialized and sold all over the world. All of that stuff is the rest of 15 percent and it goes down to about 5 percent.

I do not think that is smart. I do not think that is smart for growing the economic pie because of things—the areas we need to invest in or look for. We need a world-class workforce. No. 2, we need terrific infrastructure, much better than our decaying infrastructure. The third thing we need is to invest in R&D that can be commercialized and turned into products.

In any event, we have a difference in priorities here. The Senate-passed budget resolution is not perfect, but I think it is a very good document and a good starting point. The Republicans have their ideas, some with merit, some not. But the next thing we need to do is we need to meet. We need to create that conference committee and we need to go to work and let the chair of the committee and her counterpart over here, Senator SESSIONS, do their job, along with their House counterparts. But they cannot do their job until Republicans in the Senate agree to form a conference committee and go to conference. We need that to happen. Rather than just talking about and pointing fingers at one another, we actually need to do that. We need to stop pointing fingers, join hands, and see if we cannot work this out.

I yield the floor again, with my thanks to Senator MURRAY for the leadership she continues to provide for all of us.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak for up to 10 minute as in morning business, and following me, the Senator from Rhode Island will speak for 5 minutes as in morning business.

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

THE BUDGET

Mrs. MURRAY. Mr. President, I want to thank the Senator from Delaware who spoke about the fact that we are

now 53 days since passing the Senate budget. We are pushing very hard as Democrats to keep this process moving and get our budget to a conference committee. I appreciate his coming out and explaining why that is so important. I agree with him.

We believe with all the urgent challenges we face today, there is every reason to get to work right away on a bipartisan budget deal. There is no reason to delay this until the next crisis. But we have come out here now seven times and asked for consent to go to conference to work on the budget with the House, and seven times the Senate Republicans have stood and said, no, we do not want to go to work on the budget.

Given how much Senate Republicans have talked about regular order over the last several years, we are rather surprised on this side that they are now resisting this very important next step in this bipartisan negotiation. By the way, it is not just Democrats who are saying they want to go to conference. There are quite a few Senate Republicans who are surprised, as we are, that they are not allowing us to go.

My colleague Senator MCCAIN said blocking conference is ''incomprehensible'' and ''insane.'' Senator CORKER said that to ''keep from appointing conferees is not consistent.'' Senator FLAKE said he ''would like to see a conference now.''

I sincerely hope the Republican leaders in the Senate will listen to the Members of their own party, because we have a lot of problems to solve and we have to get started. Our children today, young adults, need a world-class education to succeed in the global economy they are entering. Many of them are graduating in the next several weeks. Too many Americans are out of work yet or still underemployed. Our national infrastructure is quickly becoming an obstacle rather than an asset to our competitiveness.

We need to do more to responsibly tackle our long-term deficit and debt challenges and make our Tax Code work better for our middle class. The debate about all of those challenges couldn't be more important. We should start working toward a bipartisan budget deal that works for our families, our economy. We should do it as soon as possible and engage the American people in a thorough and responsible debate.

That is why I, frankly, was very disappointed to see that today, instead of meeting to discuss moving toward a bipartisan conference between the House and Senate, House Republicans are meeting to discuss what they will ask for in exchange for not tanking the economy a couple of months from now.

Instead of moving with us toward the middle and joining us at the table ready to compromise, they spent their afternoon debating what to write on a ransom note and saying if they don't get what they want, they are going to allow the United States to default. That is an unprecedented event that would devastate our entire economy.

I think a lot of families across our country are very concerned that House Republicans haven't learned any lessons at all from the past 2 years, and that we are looking at more brinkmanship, more governing by crisis, and more harm for our American families and our businesses.

House Republicans are even telling us they are willing to put foreign creditors before our seniors, our veterans, and our businesses and claiming that somehow this plan will protect the economy.

That is absurd. A default is a default. If the Federal Government pays its foreign creditors—but defaults on its obligations to our families and our communities—the results are going to be catastrophic. Rating agencies would rightly see that as a serious abdication of our responsibility. Our fragile economy would be seriously threatened, and people across the country would lose their faith again in our government's ability to function.

Fortunately, I hope and think it will not come to all of that. Republicans have been saying default would be a ''financial disaster'' for the global economy and ''you can't not raise the debt ceiling.'' A few months ago, Republicans acknowledged how dangerous it would be to play games with the debt limit and how politically damaging it would be to play politics with the potential economic calamity and dropped their demands.

What has changed since then? Why are Republicans once again issuing this empty threat that does nothing more than rattle the markets and increase uncertainty across our country. Maybe the House Republicans think since we won't hit the debt ceiling until later than we originally expected, there could be less pressure to get a deal and more opportunity for them to extract some kind of political concession.

That is exactly the wrong way to look at this because even if we know they are going to reverse course eventually, the Republican strategy of holding our economy hostage and creating this uncertainty again and trying to push us toward another crisis has terrible consequences. All of us remember the summer of 2011 when extreme elements in the Republican Party demanded economically damaging policies, leading to a downgrade of our Nation's credit.

Economic growth and job creation slowed to a halt, consumer confidence plummeted, and out of that summer came sequestration. That was a policy that was meant to serve only as a trigger and, in fact, was only implemented because Republicans were focused on protecting the wealthiest Americans and biggest corporations from paying even a penny more in taxes rather than working with us on a deal to prevent sequester.

Now what do we have? Sequestration. It is forcing families and communities across the country to cope with layoffs and cuts to services they count on, things such as childcare and public safety. Yesterday, we learned that DOD civilian employees, many of whom are veterans, by the way, are going to be furloughed.

We have to replace sequestration. We need to do it with a balanced and responsible deficit reduction plan, but we also have to stop lurching from crisis to crisis that allows those kinds of policies to be enacted. There is absolutely no reason to double down on an approach that has those kinds of effects on the families and communities we serve and on those who bravely served our country.

Contrary to what we are now, unfortunately, hearing from the House, I believe with more time to reach a fair and bipartisan agreement we have all the more reason for us to move to a conference quickly and get a budget agreement. Let's get to work. Our country's challenges—rather than a looming artificial deadline or crisis—should guide this debate, and it shouldn't be controversial. There are responsible Senate leaders on both sides of the aisle who agree.

I hope Senate Republicans will listen to members of their own party who are calling for a conference and bring us one step closer to negotiating a bipartisan budget deal in a responsible way instead of insisting that we run down the clock.

I know there are factions in our government that believe compromise is a dirty word and that getting a deal will not be easy, but I continue to believe it can and needs to be done because alongside those who refuse to compromise there are responsible leaders who came here to show Americans that their government works. It would be deeply irresponsible for the House to continue delaying a conference and for Senate Republicans to continue to cover for them, especially if they are doing it for political reasons or to keep the negotiations out of the public eye or to, what I have heard, avoid taking a few tough votes.

I urge Republican colleagues to reconsider their approach. Join us in a budget conference ready to compromise and work with us toward a bipartisan deal the American people deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma

Mr. INHOFE. Mr. President, it is my understanding that Senator REED is speaking next. I would like to ask that I be recognized as in morning business at the conclusion of his remarks.

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

The Senator from Rhode Island.

Mr. REED. First, Mr. President, let me rise to commend Senator MURRAY for her extraordinary leadership on the Budget Committee and in so many other ways in the Senate. She did a remarkable job in bringing together a

budget that responds to the urgent need we see in the United States today to create jobs, to strengthen the economic recovery and, in fact, to provide more momentum to this recovery, much more.

In my State of Rhode Island, despite certain gains, we are still at roughly 9 percent unemployment. This is unacceptable. We have to do more.

The first step on that path is to move this budget to conference. That is what Senator MURRAY has spoken about, and that is what is so critical. Fifty-three days ago, under her leadership, the Senate passed a budget. The budget invested $100 billion in a targeted jobs and infrastructure package that would start creating new jobs quickly. And that is what my constituents need. Indeed, when I go back to Rhode Island that is what people are asking about: Where are the jobs?

The budget would begin, in this jobs and infrastructure package, to repair public roads, bridges, and help prepare workers for the 21st century. All of these things are essential to our present economic need for job creation, our future productivity, and our future ability to compete in an increasingly competitive global economy. Our budget path, as laid out by Senator MURRAY, would end the economically damaging sequester and make the tough and balanced choices we need for sound fiscal policies.

Now the House Republicans also passed a budget. The next step in regular order is to go to conference. Admittedly, the House Republican budget stands in stark contrast to our budget, and it is clear we have a lot of work to do to reach an agreement. For example, the House Republican budget calls for a total of $4.6 trillion in cuts, it voucherizes Medicare, it would leave the sequester in place, and it calls for tax cuts that benefit the wealthiest Americans.

I believe these and other choices in the House Republican budget would be a very bad deal for the people of Rhode Island. These are the kinds of differences that must be and can only be resolved effectively in conference. Again, the first step to do that is to appoint our conferees, to go to conference, and to begin the difficult discussions and negotiations to provide the American public the answers they are looking for.

So it is past time we move to conference with the House. And I hope there is a real chance that Senate and House Democrats can negotiate a bipartisan agreement with our Republican colleagues in the House of Representatives, and with our Republican colleagues in the Senate that will move the country forward.

Unfortunately, despite the insistence over months and months and months by Republicans in the House and in the Senate that we go to regular order, that we pass a budget—that was the biggest problem they were talking about for many months, last year and the year before. Now here we are looking for regular order, and they are looking the other way and block us from moving forward and conferencing the Senate and House budgets. That can't go on. We have to get to conference. We have to take the next step.

We can't delay. We have 11.7 million Americans out of work and looking for jobs. We have to address the sequester.

As Senator MURRAY just said, yesterday the Secretary of Defense announced hundreds of thousands of civilian personnel will be furloughed, civilian personnel that support from our military forces. That will not only disrupt their lives, which is the first great toll, but it will also disrupt the efficiency and the ability of the Department of Defense to fully and capably carry out its mission. These are critical issues.

We have to make sure, again, that the full faith and credit of the United States is not jeopardized by another manufactured crisis over the debt ceiling, which is once again on the horizon.

We have to deal very soon with all of these issues. The logical and appropriate step is to go to conference. We have a lot of work to do.

Let me also say I am encouraged that I have heard that Leader REID is prepared to call up for a vote the nomination of Richard Cordray to head the Consumer Financial Protection Bureau. This is critical because a well-regulated marketplace is not only good for consumers, it is good for companies. That is something that could add to this economic recovery, this certainty, this knowledge that consumers will have the information they need.

Also, I presume and hope that very soon we will have a vote with respect to the pending doubling of the student loan interest rate. Last year we avoided this by pushing it forward a year. We have another deadline facing us July 1. We have to make sure students don't face another crippling increase in interest rates they pay on student loans.

Student loans are a huge burden on the generations that are coming up. In fact, it could delay our economic progress by a decade or more as students can't buy homes and form households because they are saddled with the debt. So we have to work on that too. We just can't lurch from crisis to crisis.

The first thing to do, the immediate thing we should do, is to invoke regular order. Let's go ahead, let's go to conference. Let's start dealing with the issues that affect the people of America. Let's start serving their primary concerns—creating jobs and a stable economy—and doing that through regular order and the procedures that we have adopted and used for decades.

I yield the floor.

UNANIMOUS CONSENT AGREEMENT—S. 954

Mr. REID. Mr. President, I ask unanimous consent that on Monday, May 20, at a time to be determined by me, after consultation with Senator MCCONNELL, the Senate proceed to the consideration of Calendar No. 73, S. 954.

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

The PRESIDING OFFICER. The Senator from Oklahoma.

IRAN SANCTIONS IMPLEMENTATION ACT

Mr. INHOFE. Mr. President, it is very rare that we have an opportunity to do something that is in the benefit of our country in terms of our protection. It doesn't cost anything. If anything, it makes money, and it is something I am going to share. It is a bill I introduced today, which is S. 965.

Let me give a little background to let you know why we are introducing this bill and why the Iran Sanctions Implementation Act of 2013 is significant.

First of all, it is imperative that we know, because most people don't understand this, that Iran's source of revenue comes from oil exports. This is something that one of our fine Senators has had as one of his efforts, to come up with something that is going to effectively embargo the country of Iran.

We have a lot of countries, for example, that we don't import anything from, but they do have a very large supply of oil. To date, Iran is exporting about 1.25 million barrels of oil. That amounts to somewhere in the neighborhood of $100 million a day or about $3 billion a month.

The influence of Iran is something throughout the Middle East, and it ranges from Yemen all the way to Sudan, to Hamas, to Hezbollah, to Lebanon, and, of course, to Syria. One of the concerns I have had for a long period of time is that Iran—one of the things the President did that I think we are going to live to regret is 4 years ago he did away with our ground-based interceptor in Poland. And when this happened, that was set up to knock down missiles that might be coming from the east into the United States.

We have 44 ground-based interceptors on the west coast, and I am comfortable we can knock down anything coming from that way, but from the east, we don't. It would take maybe one shot—it would have to be a fortunate one—from the west coast.

Anyway, the reason I bring this up and why it is pertinent to the legislation we are introducing right now is that our intelligence has shown us since 2007 that Iran is going to have the bomb—the weapon, the nuclear capability—and the delivery system to send something from Iran by 2015.

If we had stayed with our effort to have the radar in the Czech Republic and the ground-based interceptor in Poland, we would be well prepared to protect ourselves. However, that is not the case. So I look at Iran—and a lot of people don't agree with this; I may be the only one who will say this—as the greatest threat we have in the Middle East. We all talk about Syria and the problems taking place in Syria—the 70,000 people who have been the victims

of Assad's barbaric slaughter of his own people—but we know that Iran—the Iranian security and intelligence services—is propping up the Assad regime by advising and assisting the Syrian military forces, providing essential, lethal military supplies and progovernment military.

I am going to read something now that I just received to quantify how much Iran is doing to assist Syria. This was in the Economist magazine. It said:

> Iran reportedly sent $9 billion to Assad to see it through sanctions on Syria.

In other words, several countries, including us, had sanctions on Syria, and this is one reason we were sending money over there. That tells us our sanctions on Iran are not nearly as tight as they should be. And that was in the Economist. So it is very serious.

Lebanese Hezbollah, Iran's proxy, is participating in a direct combat role aligned with Iranian strategic interests in Syria, and we know Syria provides crucial access to Iranian proxies that include Hezbollah, Hamas, and the Palestinian Islamic jihad. Iran is continuing an extensive, expensive, and integrated effort to maintain Syria as a base for fomenting future regional instability.

Iran is all in in Syria, as evidenced by the frequent presence on the ground in Syria of Iranian force commander Major General Qassem Suleimani. Suleimani is on the U.S. Treasury and U.S. Security Council's watch lists for alleged involvement in terrorist activity and proliferation of nuclear missile technology. So this is how serious that situation is over there.

A subordinate of Suleimani, Brigadier General Hassan Shateri, was a senior Iranian commander who was killed in the Damascus countryside. The death of Iranian generals on Syrian soil is a strong indication of Iran's commitment to the regime.

Further, we know Iran has supplied Syria with ballistic missiles and chemical weapons, and the Assad regime in Syria, which is presently the greatest threat to stability in the Middle East, is being propped up by Iran. Iran is able to do this because it earns $3 billion a month in oil revenue. Now, if Iran—and this is a key point—did not have access to this money, its ability to influence the region would be significantly curtailed. In other words, they cannot pose a threat without their oil revenues.

So the reason we have the threat from and the problems we have in Syria is because of the money that is being sent to Syria, and the source of that money is oil revenue, and it shows that the effort we have made in Iran is not really enough because they have access to that many resources.

Fortunately, the international community has generally recognized this. Last year Senator KIRK of Illinois led the Senate in the consideration of sanctions against Iran's oil trade. At that time Iran exported 2½ million barrels of oil a day, and Senator KIRK sought an outright global embargo against Iranian oil. During the debate, however, many members of the international community stated they would not be able to wean themselves off of Iranian oil quickly enough to comply with the sanctions without causing a significant shock to oil prices and, in turn, their economies. So these are countries that would like to have complied with sanctions against Iran, but they felt it was not in their best interests to do so. So the sanctions were amended to require the international community to significantly reduce its reliance on Iranian oil.

That legislation passed through the Senate, and Iran's oil exports have since fallen by about half. So instead of the 2½ million barrels a day going out, it is down to 1¼ million—about half. This is a significant reduction, but with the Iranian regime intent on harming the United States and our allies, we have to do all we can to tighten sanctions and more fully isolate them.

Our Nation doesn't import oil from Iran, and we haven't for a number of years. We embargoed them a long time ago. But despite our abundant untapped natural resources, we remain the largest oil importer in the world, and so we have a strong role to play in making the Iran oil embargo as effective as possible.

Natural gas has always been a major U.S. energy resource, but it was just a few years ago that the energy industry believed the United States was on the verge of becoming a major natural gas importer. Permits were issued and facilities were under construction to handle the massive amounts of natural gas we were expecting to import to meet the domestic energy demand. Then came the development of two critical technologies. One is horizontal drilling, and the other is, of course, something we have known about for a long time—hydraulic fracturing.

Hydraulic fracturing was actually developed in the State of Oklahoma—in Duncan, OK, where I will actually be this coming weekend—way back in 1949. By the way, it is very safe. There has never been a confirmed case of groundwater contamination using hydraulic fracturing. But when all this came about, all of a sudden we had a huge boom here in the United States. This is all on private land. I want to make that very clear. Because the oil and gas industry developed and perfected these methods, which are environmentally safe, we are now able to economically reach oil and natural gas in places we never thought would be possible, and production has skyrocketed.

Harold Hamm, who I think arguably is the most successful independent oil operator in America today, is from Oklahoma. He happens to be up in North Dakota right now, but he has been at the forefront of these technologies and has used them to unlock the Bakken shale formation in North Dakota. And that is where he is actually at this time.

Before these practices were used there, oil development was expected to remain just a memory of the past, but with these technologies, he has turned North Dakota into one of the greatest economic success stories in the Nation. The change has been remarkable, and it occurred nearly overnight. North Dakota has grown its oil production by 300 percent, to 660,000 barrels of oil a day in just 4 years. The unemployment rate in North Dakota is 3.3 percent. Normally, we say 4 percent unemployment is full employment. Well, they are actually below full employment. His biggest problem right now is finding people to work. A driver in the oilfields makes $100,000 a year. This is what is happening in North Dakota.

The promise of shale oil and gas development has spread well beyond North Dakota in recent years. It is happening in my State of Oklahoma, in Pennsylvania.

Let's put this chart up here. That is significant. I can remember until recently people were thinking everything has to be in the oil belt. All the oil production has to be west of the Mississippi. But look at it now. This is in the lower 48 States. The shale plays that are taking place now are in places, yes, of course, where we would expect it, in Oklahoma, but look up here. That is in Pennsylvania. That is up there at Marcellus. And we have opportunities all over. So it is completely all over the country, not just in the western part of the United States. Where oil and gas activities have historically been isolated to just a few regions of the country, such as Oklahoma and Texas, they are now all over the country. Because of these great domestic resources, I believe we can achieve domestic independence in a matter of months.

The use of hydraulic fracturing and horizontal drilling has caused domestic energy production to soar over the last few years. Production is now over 7 million barrels a day—40 percent higher than it was in 2008. But, as the Congressional Research Service recently confirmed, all of this production is on State and private land—none of it on Federal land. In fact, on Federal land, in spite of the boom that has been taking place, production has actually been reduced because of President Obama's war on fossil fuels. Production has actually been reduced on Federal lands, and that is kind of embarrassing because we can see on the second chart that a significant amount of our Nation's oil and gas resources are on Federal land, which are all but completely off limits.

This chart shows the Federal lands. They are not producing on any of these Federal lands, but look at the potential that is there and what we could do. It is incredible to look at. You can look at all of this land in the Montana west, in Alaska, offshore. The yellow land is

the Bureau of Land Management land, the orange is the Fish and Wildlife land, the light green is the Forest Service land, the dark green is the National Park Service, and the light blue is the Department of Defense. All of the Outer Continental Shelf is managed by the Federal Government, and oil is under many of these places, but the vast majority of it is locked up by the Obama administration and no one can get to it.

We know the resources are there. They are massive. Everyone has agreed it is there. The Institute of Energy Research recently issued a report based on the most recent, though outdated, government data about these off-limit lands and showed that if we enacted policies that allowed aggressive development of these Federal resources, the process would generate $14.4 trillion in economic activity and would create 2½ million jobs and reduce the deficit by $2.7 trillion, all over the next 40 years.

Why is this land locked up? One answer is because of President Obama. He has allowed his alliance with the environmental left to run roughshod over issues as important as encouraging stability in the Middle East through a full isolation of Iran.

If the President would lead, the United States, acting independently, without any assistance from any other nation, could singlehandedly offset all of Iran's oil exports by simply expanding our own domestic production on Federal lands.

This is why I have introduced this Iran Sanctions Implementation Act of 2013. My bill would require the President to establish Iranian oil replacement zones on Federal lands so that the production from these zones will reach the 1¼ million barrels of oil a day. This amount, 1.25 million barrels a day, is what Iran is exporting at the current time.

Here is the point. The reason we are talking about coming up with a very small amount is, if the President wants to continue his war on fossil fuels, that is fine, if he doesn't want to develop our potential public lands. But if he could take a very small amount, such as 1.25 million barrels of oil a day—and do it anywhere, give him the discretion as to where he wants to do this—it could be here if he wants to do it out in the West, or ANWR up in Alaska, it could be over there or offshore on the east coast. By the way, that is off the shore of Virginia, and Virginia wants to be able to develop that land.

This is enough oil to fully offset all current Iranian oil exports. If the President unlocks our energy potential and allows the production of an additional 1.25 million barrels a day in the United States, we would reduce our imports by the same amount. If we are not importing this oil to the United States, then other nations—these are the nations that are currently importing it from Iran—would be able to import it from those places where we no longer would have to.

There are friendly countries—Saudi Arabia, Kuwait—where we are actually importing oil. But they would be able to sell their oil to the other countries, our friends, such as Japan and other countries.

What we are saying is we have an opportunity here. When you look at these areas, you can see why it should be pretty easy for the administration to allow us to open one of these areas. The first one would be ANWR, this right up in Alaska. You can see four potential areas, the first being ANWR. The U.S. Geological Survey reported, in a 1998 study, the latest comprehensive study of its kind, that the oil reserves there are up to 16 million barrels of oil per day.

Imagine what we are talking about there. We are only talking about coming with 1.25 million barrels to offset the amount other countries are importing from Iran, to stop them from doing it. It doesn't require the President to make this area an Iranian oil replacement zone, but it would allow him to do it. This would provide enough oil to offset Iranian oil exports for about 12,000 days or about 35 years.

The second is the Rocky Mountain West—parts of Wyoming, parts of Utah, and parts of Colorado. In 2005 the RAND Corporation estimated that oil shale reserves in this area could be as high as 1.8 trillion barrels of oil.

The third is the Utica shale in Pennsylvania. Pennsylvania—I hear a lot about the Marcellus up there. We are talking about oil now. We are not talking about natural gas. We are talking about oil. But USGS estimated in 2011 that the reserves in this region are up to 940 million barrels of unconventional oil.

The fourth area is the Outer Continental Shelf. I mentioned North Carolina and Virginia. Their legislatures have all encouraged their production. They have a lot they can benefit from. Of course nationally—in national security we have a lot to benefit from, too.

With all those areas, if we stop the flow of oil from Iran, then we can stop the machine that finances Iran's nuclear weapons program. Many say that getting oil from the Rocky Mountains, Alaska, Outer Continental Shelf, will take years. By then Iran will not be a problem. But it doesn't take years to get it out.

I mentioned a while ago Harold Hamm, the person who is the biggest independent in the country. I called him up because I was going to be on a major television show one night and I knew they were going to challenge me. The President has always said it doesn't do any good to open up public lands because if you do that it could take 10 years before that could reach the economy. I asked him, I said: Harold Hamm, make sure you give me an accurate response to what I am going to ask you because I am going to use your name on national TV. Make sure you are accurate. If you had a rig set up right now, off limits on public land, in New Mexico, how long would it take you to lift the first barrel of oil and get it into the economy?

He said, without a flinch: Seventy days.

I said: Seventy days? We are talking about 10 weeks, not 10 years.

So he described what would happen each day. You could do it in 10 weeks. We are talking about all of this could take place in 10 weeks.

By the way, I have to say no one has challenged me on this ever since I used his name and his speculation a few weeks ago.

I know this is a little bit complicated, but there is another reason. The reason I think the President would be willing to do something like this is we are not asking him to lift the restrictions on all of the public land. It would be great if he did that. Just think, we would be totally independent of any other country for our ability to develop our own energy. But we are saying find a zone where we can actually pick up an additional 1.25 million barrels a day. We can take that away from where we are currently importing it from friendly countries and allow them to export it to nations that are currently buying oil from Iran.

I think we have made it very clear that if you want to do something that is going to have the effect of stability in the Middle East, you have to get rid of Iran. As I said before, Iran is a direct threat to the United States once they reach what our intelligence says is going to be a nuclear capability and a delivery capability by 2015.

Over and above that, today we could stop them because 70 percent of their revenue comes from oil exports. We could stop the exports altogether with this legislation. That is something I certainly hope the President will look at. We are not asking for hundreds and hundreds of millions of barrels a day to be released from our Federal sources. We are asking only for 1.5 million barrels a day. On top of that, we don't have any obligation with this legislation to go any further. This would be something he could do that would provide stability in the Middle East and would keep Iran from funding the terrorist activity that is currently taking place by Asad in Syria.

I yield the floor.

The PRESIDING OFFICER (Mr. HEINRICH). The Senator from Connecticut.

MORNING BUSINESS

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

FOOD ALLERGY AWARENESS WEEK

Mr. DURBIN. Mr. President, Food Allergy Awareness Week recognizes how

serious and how wide spread food allergies are in this country. One in every 13 children in the United States is affected by a life-threatening food allergy. According to the Centers for Disease Control and Prevention, food allergy reactions send someone to the emergency room every 3 minutes.

The rising prevalence of food allergies is an important public health issue that is already felt in schools, restaurants, and workplaces across the country. According to the National Institutes of Allergy and Infectious Disease, food allergies cause 30,000 cases of anaphylaxis and more than 200 deaths every year. We need to support research to develop new therapies and understanding to ultimately prevent and cure food allergies.

As the number of kids living with dangerous and in some cases deadly food allergy attacks at school has increased, some States and cities have responded by improving access to epinephrine auto-injectors as an important strategy to respond safely and quickly when students experience anaphylaxis. While many children with known food allergies are permitted to bring their epinephrine auto-injectors to school, 25 percent of epinephrine administrations in schools involve individuals without a previously known allergy. Many students who will need epinephrine have no history of food allergies and therefore do not carry epinephrine. Further, schools provide a setting where children are exposed to new foods that may trigger severe allergy attacks. Therefore, the decision for schools to stock their own epinephrine can be lifesaving.

I commend the state of Illinois for being a leader in this fight and passing legislation in 2011 to allow schools to stock emergency epinephrine auto-injectors. Last Congress, I worked with my colleague, Senator KIRK, to introduce legislation that would encourage states to require schools to stock epinephrine and to allow trained designated personnel to administer epinephrine in an emergency.

My hope is that Food Allergy Awareness Week can help the public to appreciate the extent of the problem and, importantly, the severity of the disease. It is a health threat that affects every race, age, income group and geographic area, and is growing at a frightening pace. What the public increasingly needs to understand is that this is not simply an inconvenient condition. As the tragic deaths of children each year show, it is frequently a life-threatening disease. Food Allergy Awareness Week is a first step to a better understanding and a greater commitment to our response.

BROTHERHOOD OF LOCOMOTIVE ENGINEERS 150TH ANNIVERSARY

Mr. DURBIN. Mr. President, I rise today to recognize a group of American workers celebrating an impressive anniversary this month.

On July 1, 1862, President Abraham Lincoln signed the Pacific Railroad Act into law and set the Nation on a course to complete the transcontinental railroad.

Less than a year later, in 1863, the Brotherhood of Locomotive Engineers and Trainmen was founded to represent the thousands of individuals working to build one of the largest infrastructure projects in the history of this country.

In the century and a half since, the rail industry has served as the lifeblood of rural America, a critical player in our Nation's transportation network, and as one of the largest private employers in the United States.

My home State of Illinois, both then and now, has relied heavily on strong rail infrastructure to propel us forward. From my hometown of East St. Louis and across our State, railroads have written our history.

As one of the first States in the union to embrace freight rail and rail travel, we saw Chicago grow, spoke by spoke and mile after magnificent mile, into the metropolis it is today. And with more lines of track radiating in more directions than anywhere else in the Nation, it's hard to imagine our great city without its railroads.

Even today, we are continuing our long tradition with the construction of a high-speed rail network that is both innovative and important to Illinois' economy and future competitiveness. But without the workers who construct, operate and maintain it, that high-speed network likely would not be possible.

One hundred-fifty years after its birth, the Brotherhood's 55,000 active and retired members continue to devote their lives to the rail industry and improving the American transportation system.

That's an impressive achievement, and I hope my colleagues will join me in recognizing their hard work as the Brotherhood of Locomotive Engineers and Trainmen's celebrates its 150th anniversary. Thank you and congratulations.

VOTE EXPLANATION

Ms. WARREN. Madam President, during the period of April 15, 2013 through April 24, 2013, I was unavoidably absent from the following votes as a result of events related to the tragic terrorist bombings in Boston, MA—roll call votes 96, 104, 105, 106, 108, 109, and 110. Had I been present, I would have voted yes on vote 96 on the nomination of Beverly Reid O'Connell of California, to be U.S. District Judge for the Central District of California; no on vote 104 on Amendment No. 717 to S. 649, the Safe Communities, Safe Schools Act of 2013; yes on vote 105 on Amendment No. 730 to S. 649, the Safe Communities, Safe Schools Act of 2013; yes on vote 106 on the nomination of Derrick Kahala Watson, of Hawaii, to be United States District Judge for the District of Hawaii; yes on vote 108 on the nomination of Jane Kelly, of Iowa, to be United States Circuit Judge for the Eighth Circuit; yes on vote 109 on the nomination of Sylvia Mathews Burwell, of West Virginia, to be Director of the Office of Management and Budget; and yes on vote 110 on adoption of the Motion to Proceed to S. 743, the Marketplace Fairness Act.

VOTE EXPLANATION

Mr. NELSON. Mr. President, I was necessarily absent for votes on amendments to the Water Resources Development Act on Tuesday, May 14, 2013, and Wednesday, May 15, 2013. Had I been present, I would have voted against amendment No. 868 and amendment 815. I would have voted to in favor of amendment 889.

RETIREMENT OF AIR FORCE SECRETARY MICHAEL DONLEY

Mr. MCCAIN. Mr. President, today I honor an outstanding leader and public servant. After over 30 years of service to our Nation both in and out of uniform, Secretary Michael Donley is retiring from his current position as Secretary of the U.S. Air Force. On this occasion, I believe it is fitting to recognize Secretary Donley's years of service to our great Nation.

Mr. Donley has over 30 years of experience in the national security community, including service in the Senate, White House, and the Pentagon, as well as in the private sector. Mr. Donley served in the U.S. Army from 1972 to 1975 with the XVIIIth Airborne Corps and 5th Special Forces Group, Airborne. He was also a professional staff member on the Senate Armed Services Committee.

Mr. Donley supported two Presidents and five National Security Advisers during his service at the National Security Council from 1984 to 1989. He conceived and organized the President's Blue Ribbon Commission on Defense Management, coordinated White House policy on the Goldwater-Nichols DOD Reorganization Act of 1986, and wrote the national security strategy for President Reagan's second term. Prior to assuming his current position, Mr. Donley served as the Director of Administration and Management in the Office of the Secretary of Defense.

Air Force Secretary Michael Donley will retire from public service June 21, after nearly 5 years in the position. Prior to his confirmation as the Secretary of the Air Force, he served as Acting Secretary—making him the longest serving Secretary of the Air Force in the service's history.

Secretary Michael Donley's leadership will be missed throughout the government. I join many past and present members of the Senate Armed Services Committee in my gratitude to Secretary Donley for his outstanding leadership and his unwavering support of servicemembers. Secretary Donley's

service has enabled the Air Force to continue to fly, fight, and win in air, space, and cyberspace. I wish him fair winds and following seas.

RECOGNIZING THE 65TH INFANTRY REGIMENT

Mr. NELSON. Mr President, today I wish to recognize and honor the achievements of the 65th Infantry Regiment known as the ''Borinqueneers'' for their contribution to the defense of our great Nation.

The Borinqueneers were a segregated Puerto Rican Army unit which served our Nation with great distinction during World War I, World War II, and the Korean war. The Borinqueneers served our Nation with valor during a period of history in which their own nation's sovereignty was dependent upon the United States.

The Borinqueneers earned 10 Distinguished Service Crosses, 256 Silver Stars, 606 Bronze Stars, and 2,771 Purple Hearts. Six hundred and seventy Borinqueneers gave the ultimate sacrifice for both Puerto Rico and the United States.

After watching the Borinqueneers in action during his visit to Tokyo, General Douglas MacArthur wrote the following,

The Puerto Ricans forming the ranks of the gallant 65th Infantry Regiment give daily proof on the battlefields of Korea of their courage, determination and resolute will to victory, their invincible loyalty to the United States and their fervent devotion to those immutable principles of human relations which the Americans of the Continent and of Puerto Rico have in common. They are writing a brilliant record of heroism in battle and I am indeed proud to have them under my command. I wish that we could count on many more like them.

I would also like to honor the men and women of Puerto Rico, who wear the uniform of the United States military to this day and continue the legacy of the Borinqueneers. The Borinqueneers have brought great credit upon themselves, the U.S. Army, Puerto Rico, and the United States of America.

TRIBUTE TO PEGGY EVANS

Mrs. FEINSTEIN. Mr. President, I rise today to recognize the dedicated career and service to the Congress and the Nation of Ms. Margaret ''Peggy'' Evans, who is retiring at the end of this month after over 22 years of service in both the executive and legislative branches of our government. She has dedicated most of her life to helping keep our Nation and its citizens secure, and we honor her for her service.

Peggy is leaving the Senate as the budget director of the Senate Select Committee on Intelligence. During her 4 years on the committee, Peggy has been integral to the development and passage of four annual intelligence authorizations bills, including three within a span of 15 months. She oversaw the committee's budget staff in drafting the classified annexes to the bills, worked collaboratively with the intelligence community agencies and the Office of Management and Budget, and negotiated legislation with other Senate and House committees.

Through her time with the committee, Peggy brought new and creative proposals to the committee and was a fierce advocate for programs that she believed would provide greater effectiveness or efficiency to the intelligence community. She also worked very closely with our committee's Technical Advisory Group, our science and technical advisors, especially in the group's review of imagery satellites, which will no doubt come to be seen as being ahead of its time.

Prior to coming to Capitol Hill, Ms. Evans had served 13 years at the Central Intelligence Agency. Reflecting her many skills, she worked in both the analysis and the operations side of the CIA and also led covert action programs. Although we may not disclose the details, Peggy spent much of her CIA career countering terrorist groups and the proliferation of weapons of mass destruction.

Her next national security assignment was in the White House Office of Management and Budget. During her 5 years in that job, Peggy rose from a budget examiner to be Acting Deputy Associate Director for National Security—the President's senior civil servant adviser on the national security budget.

During her time in the private sector, Peggy has also founded and led two companies, one that builds environmentally sustainable homes and one that provides environmental consulting services to homeowners, builders, and facilities managers. These companies earned numerous Energy Star and Green Home Choice Awards.

She is a renaissance woman, skilled in public and private life, and the committee wishes her continued success in her professional endeavors as she returns to private life.

But Peggy's devotion to the Nation's security is matched by her dedication to her family. Peggy and her husband Roger Ney have raised six children and guided them through college and into the start of their careers. With her retirement, she will have more time to spend with them and with her hobbies of reading, pottery, soccer, memorizing arcana from the ''Lord of the Rings,'' designing homes, and spending time at the beach.

I am pleased to have the opportunity to publicly thank Peggy and to note my appreciation for her dedicated and dignified efforts. We will miss your insight and experience and your commitment to pursuing the right policies to protect our Nation.

SALUTING OUR VETERANS

Mr. MANCHIN. Mr. President, I am filled with so much pride every time I meet our military veterans who come to the Nation's capital to visit the memorials built to honor them and to commemorate the wars in which they served so courageously.

Today, 31 veterans from West Virginia, representing three generations of warriors, are here to see the memorials that commemorate their sacrifice and valor and for a special ceremony honoring World War II veterans.

And on the occasion of their visit, I want to express my deepest gratitude to these special men who helped keep America free and made the world safer for liberty-loving people across our country and beyond our borders.

I also want to say how much I appreciate the Honor Flight Network, which, since 2005, has arranged for World War II, Korea and Vietnam veterans from all over the country to visit the memorials in Washington—free of any cost to the veterans.

In West Virginia, the driving forces behind the Honor Flight Network are the Denver Foundation and Little Buddy Radio, located in Princeton. These nonprofits were founded by Bob Denver—also known as ''Gilligan'' from the iconic television show ''Gilligan's Island''—and his wife, Dreama, a West Virginia native.

But it was Charlie Thomas Richardson, the Operations Manager at Little Buddy Radio, who got the ball rolling in West Virginia. He introduced the Honor Flight Network to our State, building on the organization established in 2005 by Earl Morse, a physician assistant and retired Air Force Captain in Springfield, OH, to honor the veterans he had cared for.

The 31 veterans from West Virginia visiting Washington today came from Pocahontas, Raleigh, Greenbrier, Mercer, Giles, Wyoming, Nicholas, Fayette and Marion counties.

They range in age from 63 to 94. And while their step has slowed, their spirit is keen, their pride is undiminished, and their patriotism is unbridled.

Eleven served in World War II, one in World War II and Korea, 10 in Korea, one in Korea and Vietnam, four in Vietnam, and two in all three wars.

Two other veterans are serving as escorts for the group, along with three high school ROTC cadets.

These brave West Virginians served this great country in a wide variety of ways—as a B–24 pilot over Italy in World War II; in a heavy mortar company at ''Heartbreak Ridge'' in Korea; as a helicopter door gunner in Vietnam.

They stitched up wounds in hospitals; they assembled bombs; they inspected combat aircraft; they operated radios and radars; they cooked; and they built roads through jungles and bridges over rivers.

They won the Bronze Star, the Soldier's Medal, the Purple Heart and

Presidential Citations. Some were lieutenants, some sergeants, some corporals. Some served abroad, some stateside.

But they all served this great country. No matter the war, no matter the rank, no matter the duty, everyone of them answered America's call. In our time of need, they stepped forward and said, ''I'll do it—I'll protect this country.''

These heroic West Virginians came to Washington to tour our beautiful Capitol, the World War II Memorial, the Korean War Memorial and the Vietnam War Memorial.

But the tour of the World War II Memorial is a little different than in the past. On the third Always Free Honor Flight in less than a year, the visit will include a special ceremony called ''Flags of Our Heroes'' to honor World War II veterans who passed away before they could ever see their memorial.

Sadly, we are losing World War II veterans at the rate of approximately 800 per day—members of what we have come to recognize, and rightly so, as the ''Greatest Generation.''

This generation of Americans was united by a common purpose and by common values—duty, honor, courage, service, integrity, love of family and country. And their triumph over tyranny will be remembered forever.

The ''Flags of Our Heroes'' ceremony involves taking a photograph of an American flag with a family photo of the deceased veteran in front of the Memorial. The photo and an Honor Flight certificate will then be presented to the family—a way to show this Nation's respect and regard for their hero.

This is such a fitting gesture because, at the northern end of the World War II Memorial, the words of General George Marshall are inscribed, and they are well worth remembering every time we salute our veterans and every time this Nation prepares for war: ''Our flag will be recognized throughout the world as a symbol of freedom on the one hand and overwhelming force on the other.''

May it ever be so, and may God bless the United States of America and all the men and women who keep us free.

NATIONAL POLICE WEEK

Ms. WARREN. Mr. President, today, we honor the service of our brave men and women in the law enforcement community. As we look around at American flags flying at half-staff today, we remember those we have lost. In the years since President John F. Kennedy designated May 15th Peace Officers Memorial Day, and the week in which that date falls National Police Week, tens of thousands of people from departments throughout the United States and agencies around the world have come to Washington, DC., to mark this day.

As they say, there is no such thing as an off-duty police officer. Our men and women in law enforcement work tirelessly to protect our communities. While it is often in emergencies that we remark at their courage and perseverance, we know that they remain vigilant every day. Especially this year, as our community recovers from the cowardly and despicable terrorist attack in Boston last month, we acknowledge the hazards that our police officers face and the sacrifices that they make in the service of their communities. We remember Sean Collier and pay respect to his family, to his friends, and to his brothers and sisters in the police force.

The members of our law enforcement community have earned our respect, gratitude, and support. In Massachusetts, we honor Andrew J. Tufts, Frederick G. Mercer, John W. Powers, James A. Callahan Sr., Ryan Tvelia, Kevin E. Ambrose, Jose Torres, John P. Gibbons III, and Peter James Kneeland. They are among 321 law enforcement heroes who died in the line of duty, whose names have been engraved this spring on the National Law Enforcement Officers Memorial here in Washington, DC.

As we take this moment to thank our police officers for all that they do every day, we are also reminded that we must continue to work in Congress to make sure that our agencies have the resources they need in their important work protecting our communities.

VETERANS' OUTREACH ACT OF 2013

Mr. SANDERS. Mr. President, as the chairman of the Senate Veterans' Affairs Committee, I have pledged to improve outreach activities to better inform our Nation's over 22 million veterans of the benefits to which they are entitled.

Legislation I introduced last week, the Veterans' Outreach Act of 2013, would authorize the Department of Veterans Affairs to carry out a 2-year demonstration project to award grants to State and local government programs and nonprofit organizations to improve the coordination and collaboration of veterans' health care and benefit services across Federal, State, and local assets. By providing State and local government programs and nonprofit organizations the opportunity to submit a grant proposal with stated goals and objectives, VA would be able to better leverage the countless services across the Nation that support veterans and their family members. Finally and most importantly, my legislation would require recipients to submit outcomes data back to VA in order to document a recipient's ability to increase awareness, efficiency, and effectiveness of Federal, State, and local outreach activities; enhance the availability of Federal, State, and local resources for veterans; and strengthen the overall culture of community-based support within a given community across our great Nation. With this 2-year demonstration project, VA will be able to examine what outreach activities work and reassess its outreach strategy accordingly.

Last month I was in Brooklyn, NY, where I met two combat veterans from the wars in Iraq and Afghanistan. One was a U.S. Marine Corps captain and the other was a sergeant in the U.S. Army. Both were receiving health care at VA and struggling to pay for their copays. Similarly, both were unaware of their eligibility to receive 5 years of free health care at VA following their most recent discharged from Active-Duty. Most displeasing was the lack of understanding of this very same health care benefit by senior VA officials who accompanied me that day. If senior VA officials are unaware of such a principal health care benefit available to combat veterans of the Iraq and Afghanistan wars, much more remains to be done inside and outside of VA to ensure veterans of all eras are informed and understand the benefits and services they are entitled.

I urge my colleagues to ask veterans across their State and see how many understand all of the benefits and services available to them. For instance, countless veterans across this Nation remain unaware that some of them may be entitled to one-time dental care if they apply at VA within 180 days of separation from Active Duty. Little known benefits like this, can go a long way in placing our newest generation of veterans on sound footing following their exit from military service. Other veterans may be eligible for no-cost or low-cost health care and medications if they meet eligibility requirements for VA health care. To claim this coverage they must enroll at their local Department of Veterans Affairs medical center. These uncertainties surrounding VA health care eligibility will most certainly be compounded by the additional health care options that become available as we approach implementation of the Affordable Care Act. Veterans need to know and understand their options.

The men and women who have sacrificed so much in defense of this country deserve to know about the benefits and care to which they are entitled, and it is VA's job to make sure they know. Simply knowing about benefits in certain instances is not enough. If VA is trying to reach rural veterans, knowing where and when a mobile vet center will visit your community is critical. If VA is trying to reach more and more veterans in the community, knowing when and where the local medical center or community-based outpatient clinic will hold events and activities can drive up the number of veterans in attendance. Furthermore, VA needs to do more to proactively identify outreach efforts that work locally while leveraging the countless services supporting veterans that are made available by organizations all across the country.

Highly able and willing organizations and agencies are already providing

quality social services and outreach into communities across the Nation. Some of these organizations report a lack of coordination and collaboration with local VA facilities. Additionally, many small nonprofits and local organizations sometimes lack the additional resources needed to strategically develop guidance and partnerships with and across Federal, State, and local assets. More effective and localized outreach will better address the community-based needs of today's veterans and do so in a cost-efficient way.

This legislation goes beyond authorizing VA to issue grants. This legislation would also allow VA to enter into cooperative agreements and arrangements with various State agencies to carry out, improve, or enhance outreach activities for veterans. Simply put, if a State is already supporting our Nation's veterans, then this legislation would allow VA to reinforce the bond between Federal and State resources to ensure local veterans outreach activities are streamlined and cost-avoidances identified.

One thing is undeniable, and that is that VA should be making every effort to ensure veterans are aware of the benefits and services afforded to them. I recently held a committee hearing where we heard about some of the progress the Department has made in addressing the important issue of outreach. We also heard from community-based organizations that are coordinating and collaborating across Federal, State, and local levels to leverage resources in order to provide cost-effective programs. But what struck me the most was the steadfastness with which each of these community-based organizations identifies veterans and links them to the Federal, State, and local benefits and services they are entitled.

Widely available information and a clear understanding of the information are two basic components of effective outreach. If our Nation's veterans are to take full advantage of the benefits and service they have earned, effective outreach is indispensable. When our Nation's over 22 million veterans are able to take advantage of these benefits and services, they more often than not are placed on a positive path toward an encouraging future.

Mr. President, we have made a solemn commitment to aid veterans after they leave military service. We can only honor this commitment if veterans and their families are aware of the benefits and services available to them. This legislation would strengthen VA's outreach and support the organizations and agencies that seek to stand shoulder to shoulder with VA in support of our nation's heroes.

ADDITIONAL STATEMENTS

TRIBUTE TO MICHAEL HARTER, PH.D., M.S. ED.

● Mr. HELLER. Mr. President, today I wish to recognize Dr. Michael Harter, senior provost and chief executive officer of Touro University's Western Division. After more than three decades of dedication to excellence in higher education, Dr. Harter is retiring. My home State of Nevada has benefited tremendously from Dr. Harter's contributions as a researcher, educator and advocate. As he enters retirement, Dr. Harter leaves an inspiring legacy of leadership that will be long felt in the lives and careers of the countless medical professionals he helped to educate.

Since 2004, Dr. Michael Harter has shown exceptional commitment as the administrative and academic head of Touro University's Western Division, including its Nevada campus. He not only helped to establish Touro University Nevada, but his leadership and vision has also contributed to Touro's development as one of the fastest growing medical schools in the region. Despite significant challenges associated with rising costs and a difficult economic climate, Dr. Harter has shown remarkable perseverance and commitment, and he has enhanced Touro University's reputation as an institution.

Prior to his tenure at Touro University, Dr. Harter served as vice dean of the University of Nevada School of Medicine, and he was also the founding executive director of Family Development Programs, Inc. of Ohio. In addition to his educational experience, Dr. Harter has served Nevada's medical profession and health care community as a passionate and dedicated advocate, and has received numerous recognitions and awards for his service. The Nevada State legislature recently recognized Dr. Harter for his ''dedication and contributions to the elevation of the educational system in Nevada to the highest caliber.''

I want to acknowledge and thank Dr. Michael Harter for his many years of dedicated service as an educator, researcher, administrator, and community advocate. I ask my colleagues to join me in congratulating Dr. Harter on his retirement, and in wishing him many successful and fulfilling years to come.●

REMEMBERING DANIELLE DUNLAP

● Mr. ISAKSON. Mr. President, I wish to honor in the RECORD Miss Danielle Dunlap of Atlanta, GA. A few weeks ago, I was very saddened to learn of the passing of this 25-year-old Peace Corps volunteer, who was known as ''Dani'' by her overseas community. Danielle was stationed in Ghana when her life was cut tragically short by illness. Like so many of our Peace Corps volunteers, she was a role model who dedicated her life to serving others. During her time in Ghana, Danielle touched the lives of individuals and families in Ghana by working with them to improve their lives in the areas of nutrition, HIV/AIDS, malaria, and sanitation. Her colleagues in Ghana said that she was proud of her role as a volunteer trainer, helping to mentor newly arriving volunteers in the projects to which she was so devoted.

Born in Germany, Danielle's love for all things international began long before her days as a Peace Corps volunteer. She studied abroad in South Korea and Haiti, where she learned Korean and Spanish.

Danielle was clearly a bright and gifted individual. She graduated from Brown University in 2010 with a bachelor's degree in neuroscience. She tutored young students at the Academy at Harvard Square in Cambridge, MA, and she was a swim instructor for students with asthma.

Danielle Dunlap was a model of service and character, and it is Americans such as her who make this country great. The Nation mourns the loss of an incredible individual at such a young age, and my heart and my prayers go out to Danielle's family and friends.●

RECOGNIZING KELO-TV

● Mr. JOHNSON of South Dakota. Mr. President, today I wish to honor KELO-TV, a South Dakota institution, for 60 years of excellence in broadcasting. Since 1953, South Dakotans have turned to KELO for reliable news and information about their local communities.

Theater promoter Joe L. Floyd had a vision of providing all South Dakotans, even those in the most isolated parts of our State, with access to television programming. Volatile weather and vast distances made this no easy feat. Tornadoes caused towers to collapse in the early years, but the dedicated KELO team always restored service promptly.

On May 19, 1953, KELO-TV made its inaugural broadcast and South Dakota's first television station was born. Dave Dedrick signed KELO on the air for the first time. ''Serving the mighty Sioux Empire, this is KELO-TV Channel 11 Sioux Falls,'' he boomed. Dedrick became the face of the network, not only as the station's longtime weatherman but as Captain 11, a fictional character in KELO's hugely popular afterschool children's program. Captain 11 ran for nearly 42 years, making it America's longest running children's program.

KELO has always grown with the times and strived to bring the latest technological innovations to their viewers. In 1955, KELO began to broadcast the news live from the second floor of the Hollywood Theater building. KELO aired the first live telecast of a sporting event in South Dakota in 1957. In 1968, KELO pushed the envelope yet again by becoming the first station in the area to broadcast live and in color. Every step of the way, KELO has gone to great lengths to provide the best programming for all South Dakotans. In 1991, as soon as the technology became available, KELO began to closed-caption of many of their programs to better serve deaf and hearing-

impaired viewers. In 1997, KELO installed the first live Doppler radar network in South Dakota. This innovation was crucial in providing South Dakotans with the most accurate storm forecasts so they could protect themselves and their families. In 2003, HDTV came to KELOLAND and in 2009, KELO made the transition to a digital-only signal.

KELO has garnered national recognition for superior news coverage and their commitment to the community. The National Association of Broadcasters, NAB, honored KELO with the ''Friend in Need'' Service to America Award in 1999 for exceptional coverage of the devastating tornado that ripped through Spencer, SD. Not only did KELO's advance coverage save lives, but money raised from their telethon helped victims to rebuild the town. In 2000, KELO received a national Emmy Award for its ''Tradition of Caring'' public service campaign. Employees at the station starred in public service announcements to raise awareness for local organizations in need. The program continues to highlight organizations across South Dakota to this day. In 2004, KELO was honored with the Edward R. Murrow Award, one of the most prestigious awards in the industry, for coverage of the 2003 tornado outbreak known as ''Tornado Tuesday.''

Over 60 years of broadcasting KELO has earned the public's trust through a dedication to journalistic excellence. South Dakotans rely on KELO to stay connected to their communities. Whether it be news, sports, or weather, KELO delivers the information that South Dakotans need most. It is a great honor to recognize KELO-TV for 60 years of community partnership, and I wish them many years of continued success.●

MESSAGES FROM THE HOUSE

At 11:34 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 180. An act to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty.

H.R. 1580. An act to affirm the policy of the United States regarding Internet governance.

The message also announced that the House agreed to the following concurrent resolution, without amendment:

S. Con. Res. 10. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha.

ENROLLED BILL SIGNED

At 1:34 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 360. An act to award posthumously a Congressional Gold Medal to Addie Mae Collins, Denise McNair, Carole Robertson, and Cynthia Wesley to commemorate the lives they lost 50 years ago in the bombing of the Sixteenth Street Baptist Church, where these 4 little Black girls' ultimate sacrifice served as a catalyst for the Civil Rights Movement.

The enrolled bill was subsequently signed by the President pro tempore (Mr. LEAHY).

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1580. An act to affirm the policy of the United States regarding Internet governance; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 953. A bill to amend the Higher Education Act of 1965 to extend the reduced interest rate for undergraduate Federal Direct Stafford Loans, to modify required distribution rules for pension plans, to limit earnings stripping by expatriated entities, to provide for modifications related to the Oil Spill Liability Trust Fund, and for other purposes.

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–1498. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation; Tuscaloosa Dragon Boat Races; Black Warrior River; Tuscaloosa, AL'' ((RIN1625–AA08) (Docket No. USCG–2013–0190)) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1499. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Miscellaneous Amendments (RRR)'' (RIN2137–AE78) received during adjournment of the Senate in the Office of the President of the Senate on May 2, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1500. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Harmonization with the United Nations Recommendations on the Transport of Dangerous Goods: Model Regulations, International Maritime Dangerous Goods Code, and the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air'' (RIN2137–AE83) received during adjournment of the Senate in the Office of the President of the Senate on May 2, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1501. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Revision of Maximum and Minimum Civil Penalties'' (RIN2137–AE96) received during adjournment of the Senate in the Office of the President of the Senate on May 2, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1502. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Miscellaneous Petitions for Rulemaking (RRR)'' (RIN2137–AE79) received during adjournment of the Senate in the Office of the President of the Senate on May 2, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1503. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Harmonization with International Standards (RRR)'' (RIN2137–AE87) received during adjournment of the Senate in the Office of the President of the Senate on May 2, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1504. 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; 12th Annual Saltwater Classic; Port Canaveral Harbor; Port Canaveral, FL'' ((RIN1625–AA00) (Docket No. USCG–2013–0200)) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1505. 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; XA The Experimental Agency Fireworks, Pier 34, East River, NY'' ((RIN1625–AA00) (Docket No. USCG–2013–0208)) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1506. 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 Zones; Fireworks Displays in Captain of the Port Long Island Sound Zone'' ((RIN1625–AA00) (Docket No. USCG–2013–0227)) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1507. 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; Atlantic Intracoastal Waterway; Wrightsville Beach, NC'' ((RIN1625–AA00) (Docket No. USCG–2012–1082)) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1508. 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; Corp. Event Finale UHC, St. Thomas Harbor; St. Thomas, U.S.V.I.'' ((RIN1625–AA00) (Docket No. USCG–2013–0086)) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1509. 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; Blue Water Resort and Casino West Coast Nationals; Parker, AZ'' ((RIN1625–AA00) (Docket No. USCG–2013–0095)) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1510. 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; V.I. Carnival Finale, St. Thomas Harbor; St. Thomas, U.S.V.I.'' ((RIN1625–AA00) (Docket No. USCG–2013–0085)) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1511. 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 Zones; Annual Fireworks Events in the Captain of the Port Buffalo Zone'' ((RIN1625–AA00) (Docket No. USCG–2012–1084)) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1512. 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; Pasquotank River; Elizabeth City, NC'' ((RIN1625–AA00) (Docket No. USCG–2013–0259)) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1513. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations: Moss Point Rockin' the Riverfront Festival; Robertson Lake and O'Leary Lake; Moss Point, MS'' ((RIN1625–AA08) (Docket No. USCG–2013–0015)) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1514. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations: West Palm Beach Triathlon Championship, Intracoastal Waterway; West Palm Beach, FL'' ((RIN1625–AA08) (Docket No. USCG–2012–0552)) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1515. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations: Third Annual Space Coast Super Boat Grand Prix, Atlantic Ocean; Cocoa Beach, FL'' ((RIN1625–AA08) (Docket No. USCG–2013–0071)) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1516. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation: Hebda Cup Rowing Regatta, Trenton Channel; Detroit River, Wyandotte, MI'' ((RIN1625–AA08) (Docket No. USCG–2013–0211)) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1517. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations; North Carolina Cut, Atlantic Intracoastal Waterway, Wrightsville Beach, NC'' ((RIN1625–AA09) (Docket No. USCG–2013–0197)) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1518. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Matters Incorporated by Reference'' (RIN2127–AL25) received during adjournment of the Senate in the Office of the President of the Senate on May 2, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1519. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Organization and Delegation of Duties'' (RIN2127–AL44) received during adjournment of the Senate in the Office of the President of the Senate on May 2, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1520. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Self-Reporting of Out-of-State Convictions'' (RIN2126–AB43) received during adjournment of the Senate in the Office of the President of the Senate on May 2, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1521. A communication from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, a report entitled ''2012 Annual Progress Report on the National Strategy for Transportation Security''; to the Committee on Commerce, Science, and Transportation.

EC–1522. A communication from the Acting Associate General Counsel for General Law, Office of the General Counsel, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Deputy Secretary, Department of Homeland Security, received in the Office of the President of the Senate on May 13, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–1523. A communication from the Acting Associate General Counsel for General Law, Office of the General Counsel, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Under Secretary, National Protection and Programs Directorate, Department of Homeland Security, received in the Office of the President of the Senate on May 13, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–1524. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–124 ''Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–1525. A communication from the Acting Director of the Office of Regulatory Affairs and Collaborative Action, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Residential, Business, and Wind and Solar Resource Leases on Indian Land'' (RIN1076–AE73) received during adjournment of the Senate in the Office of the President of the Senate on May 10, 2013; to the Committee on Indian Affairs.

EC–1526. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled, ''Report to Congress on the Social and Economic Conditions of Native Americans: Fiscal Years 2007 and 2008''; to the Committee on Indian Affairs.

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. THUNE (for himself and Mr. CASEY):

S. 955. A bill to amend the Public Health Service Act to provide liability protections for volunteer practitioners at health centers under section 330 of such Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PAUL:

S. 956. A bill to permanently suspend application of certain agricultural price support authority; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BENNET (for himself, Mr. BURR, Mr. HARKIN, Mr. ALEXANDER, and Mr. ISAKSON):

S. 957. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the pharmaceutical distribution supply chain; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDALL of Colorado (for himself, Mr. BLUNT, Mr. BENNET, Mr. VITTER, Ms. BALDWIN, and Mr. BEGICH):

S. 958. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level, and for other purposes; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. ALEXANDER, Mr. ROBERTS, Mr. FRANKEN, and Ms. MIKULSKI):

S. 959. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to compounding drugs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ (for himself and Mr. CORKER):

S. 960. A bill to foster stability in Syria, and for other purposes; to the Committee on Foreign Relations.

By Mr. BLUNT:

S. 961. A bill to improve access to emergency medical services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HELLER (for himself, Mr. INHOFE, Mr. VITTER, and Mr. RUBIO):

S. 962. A bill to prohibit amounts made available by the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 from being transferred to the Internal Revenue Service for implementation of such Acts; to the Committee on Finance.

By Mr. COBURN (for himself, Mr. BURR, Mr. GRAHAM, Mr. ISAKSON, and Mr. BARRASSO):

S. 963. A bill preventing an unrealistic future Medicaid augmentation plan; to the Committee on Finance.

By Mrs. MCCASKILL (for herself and Ms. KLOBUCHAR):

S. 964. A bill to require a comprehensive review of the adequacy of the training, qualifications, and experience of the Department of Defense personnel responsible for sexual assault prevention and response for the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. INHOFE (for himself, Mr. MCCONNELL, Mr. CORNYN, Mr. WICKER, Mr. RISCH, Mr. BOOZMAN, Mr. BURR, Mr. HOEVEN, Mr. COATS, Mr. HATCH, and Mr. LEE):

S. 965. A bill to eliminate oil exports from Iran by expanding domestic production; to the Committee on Energy and Natural Resources.

By Mr. CARDIN (for himself and Mr. ENZI):

S. 966. A bill to amend the Internal Revenue Code of 1986 to increase participation in medical flexible spending arrangements; 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 Mr. GRAHAM (for himself, Mr. HOEVEN, Mr. WHITEHOUSE, Mr. BEGICH, Ms. HEITKAMP, Ms. MURKOWSKI, and Mrs. BOXER):

S. Res. 142. A resolution designating May 15, 2013, as ''National MPS Awareness Day''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. GRAHAM, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 13, a bill to authorize the Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration, to award grants on a competitive basis to public and private entities to provide qualified sexual risk avoidance education to youth and their parents.

S. 22

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 22, a bill to establish background check procedures for gun shows.

S. 170

At the request of Ms. MURKOWSKI, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 170, a bill to recognize the heritage of recreational fishing, hunting, and recreational shooting on Federal public land and ensure continued opportunities for those activities.

S. 294

At the request of Mr. TESTER, the names of the Senator from Virginia (Mr. WARNER) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of S. 294, a bill to amend title 38, United States Code, to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with mental health conditions related to military sexual trauma, and for other purposes.

S. 309

At the request of Mr. HARKIN, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Hawaii (Mr. SCHATZ), the Senator from Louisiana (Mr. VITTER), the Senator from South Dakota (Mr. JOHNSON), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Wyoming (Mr. BARRASSO), the Senator from Georgia (Mr. ISAKSON), the Senator from North Carolina (Mr. BURR), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Nebraska (Mrs. FISCHER), the Senator from North Dakota (Mr. HOEVEN), the Senator from Colorado (Mr. UDALL), the Senator from Texas (Mr. CORNYN) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. 309, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 313

At the request of Mr. CASEY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 313, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 351

At the request of Mr. CORNYN, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 351, a bill to repeal the provisions of the Patient Protection and Affordable Care Act of providing for the Independent Payment Advisory Board.

S. 367

At the request of Mr. CARDIN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 367, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 403

At the request of Mr. CASEY, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 403, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 460

At the request of Mr. HARKIN, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 460, a bill to provide for an increase in the Federal minimum wage.

S. 512

At the request of Mr. GRASSLEY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 512, a bill to amend the Elementary and Secondary Education Act of 1965 to aid gifted and talented and high-ability learners by empowering the Nation's teachers, and for other purposes.

S. 557

At the request of Mrs. HAGAN, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 557, a bill to amend title XVIII of the Social Security Act to improve access to medication therapy management under part D of the Medicare program.

S. 603

At the request of Mr. BARRASSO, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 603, a bill to repeal the annual fee on health insurance providers enacted by the Patient Protection and Affordable Care Act.

S. 653

At the request of Mr. BLUNT, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 653, a bill to provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia.

S. 654

At the request of Ms. LANDRIEU, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 654, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 655

At the request of Mrs. GILLIBRAND, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 655, a bill to amend the Workforce Investment Act of 1998 to authorize the Secretary of Labor to provide grants for Urban Jobs Programs, and for other purposes.

S. 700

At the request of Mr. KAINE, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 700, a bill to ensure that the education and training provided members of the Armed Forces and veterans better assists members and veterans in obtaining civilian certifications and licenses, and for other purposes.

S. 731

At the request of Mr. MANCHIN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 731, a bill to require the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Office of the Comptroller of the Currency to conduct an empirical impact study on proposed rules relating to the International Basel III agreement on general risk-based capital requirements, as they apply to community banks.

S. 734

At the request of Mr. NELSON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 734, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit

Plan by veterans' dependency and indemnity compensation.

S. 761

At the request of Mrs. SHAHEEN, the names of the Senator from Virginia (Mr. WARNER) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of S. 761, a bill to promote energy savings in residential and commercial buildings and industry, and for other purposes.

S. 762

At the request of Mr. THUNE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 762, a bill to amend the Food and Nutrition Act of 2008 to improve the supplemental nutrition assistance program.

S. 783

At the request of Mr. WYDEN, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Arizona (Mr. FLAKE) were added as cosponsors of S. 783, a bill to amend the Helium Act to improve helium stewardship, and for other purposes.

S. 789

At the request of Mr. BAUCUS, the names of the Senator from Massachusetts (Ms. WARREN), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 789, a bill to grant the Congressional Gold Medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

S. 813

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S. 813, a bill to require that Peace Corps volunteers be subject to the same limitations regarding coverage of abortion services as employees of the Peace Corps with respect to coverage of such services, and for other purposes.

S. 815

At the request of Mr. MERKLEY, the names of the Senator from Alaska (Mr. BEGICH), the Senator from New York (Mr. SCHUMER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 815, a bill to prohibit the employment discrimination on the basis of sexual orientation or gender identity.

S. 820

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 820, a bill to provide for a uniform national standard for the housing and treatment of egg-laying hens, and for other purposes.

S. 865

At the request of Mr. WHITEHOUSE, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 865, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. 871

At the request of Mrs. MURRAY, the names of the Senator from Texas (Mr. CORNYN), the Senator from Illinois (Mr. DURBIN), the Senator from Hawaii (Ms. HIRONO) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 871, a bill to amend title 10, United States Code, to enhance assistance for victims of sexual assault committed by members of the Armed Forces, and for other purposes.

S. 892

At the request of Mr. KIRK, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 892, a bill to amend the Iran Threat Reduction and Syria Human Rights Act of 2012 to impose sanctions with respect to certain transactions in foreign currencies, and for other purposes.

S. 897

At the request of Ms. WARREN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 897, a bill to prevent the doubling of the interest rate for Federal subsidized student loans for the 2013–2014 academic year by providing funds for such loans through the Federal Reserve System, to ensure that such loans are available at interest rates that are equivalent to the interest rates at which the Federal Government provides loans to banks through the discount window operated by the Federal Reserve System, and for other purposes.

S. 917

At the request of Mr. CARDIN, the names of the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Kansas (Mr. MORAN) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. 917, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain qualifying producers.

S. 937

At the request of Mr. FLAKE, the names of the Senator from South Carolina (Mr. SCOTT) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 937, a bill to prohibit the Internal Revenue Service from applying disproportionate scrutiny to applicants for tax-exempt status based on ideology, and for other purposes.

S. 941

At the request of Mr. RUBIO, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 941, a bill to amend title 18, United States Code, to prevent discriminatory misconduct against taxpayers by Federal officers and employees, and for other purposes.

S. 942

At the request of Mr. CASEY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor 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. 947

At the request of Mrs. HAGAN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 947, a bill to ensure access to certain information for financial services industry regulators, and for other purposes.

S. 953

At the request of Mr. REED, the names of the Senator from Michigan (Ms. STABENOW), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Virginia (Mr. KAINE), the Senator from Massachusetts (Ms. WARREN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 953, a bill to amend the Higher Education Act of 1965 to extend the reduced interest rate for undergraduate Federal Direct Stafford Loans, to modify required distribution rules for pension plans, to limit earnings stripping by expatriated entities, to provide for modifications related to the Oil Spill Liability Trust Fund, and for other purposes.

S. RES. 75

At the request of Mr. KIRK, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. Res. 75, a resolution condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

AMENDMENT NO. 866

At the request of Mr. MERKLEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of amendment No. 866 proposed to S. 601, a bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARDIN (for himself and Mr. ENZI):

S. 966. A bill to amend the Internal Revenue Code of 1986 to increase participation in medical flexible spending arrangements; to the Committee on Finance.

Mr. CARDIN. Mr. President, I rise to introduce the Medical FSA Improvement Act of 2013. I wish to thank my friend and colleague, Senator ENZI, for joining me in this effort. Our bill would amend the Internal Revenue Code to allow employees who use health flexible spending arrangements, FSAs, to cash out any remaining balance in their account at the end of a plan year. This provision replaces current IRS policy in which any unspent FSA funds revert to the employer at the end of the plan year for activities related to plan administration.

FSAs are an important benefit for all workers as they allow employees to set

aside pre-tax dollars to pay for out-of-pocket health care expenditures, including dental and vision services. Many families count on their FSAs to help cover their monthly expenses for prescription drugs, co-pays for doctors' visits, children's dental care, and medical equipment and supplies for disabled family members.

In an economy where every penny counts, it just does not make sense for employees who may have overestimated their anticipated yearly out-of-pocket health care expenditures at the beginning of a plan year to be penalized by having to forfeit unspent funds to their employer at the end of a plan year. It also leads to wasteful spending when employees try to avoid forfeiting their FSA balances by rushing at the end of a plan year to purchase unnecessary health-related items, such as multiple pairs of eyeglasses.

One-third of the Federal workforce currently use FSAs, as do millions of State, county and local public employees, and workers in private industry. We should encourage employees to put money into FSAs to help defray their out-of-pocket health care costs, to use these funds wisely, and not have them fear losing hard-earned money at the end of a plan year just because their health care expenditures may be less than anticipated.

I urge my colleagues to support this bipartisan legislation, which will help America's working families better manage their personal finances.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 142—DESIGNATING MAY 15, 2013, AS ''NATIONAL MPS AWARENESS DAY''

Mr. GRAHAM (for himself, Mr. HOEVEN, Mr. WHITEHOUSE, Mr. BEGICH, Ms. HEITKAMP, Ms. MURKOWSKI, and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 142

Whereas mucopolysaccharidosis (referred to in this resolution as ''MPS'') are a group of genetically determined lysosomal storage diseases that render the human body incapable of producing certain enzymes needed to break down complex carbohydrates;

Whereas MPS diseases cause complex carbohydrates to be stored in almost every cell in the body and progressively cause cellular damage;

Whereas the cellular damage caused by MPS—

(1) adversely affects the human body by damaging the heart, respiratory system, bones, internal organs, and central nervous system; and

(2) often results in intellectual disabilities, short stature, corneal damage, joint stiffness, loss of mobility, speech and hearing impairment, heart disease, hyperactivity, chronic respiratory problems, and, most importantly, a drastically shortened life span;

Whereas symptoms of MPS are usually not apparent at birth;

Whereas, without treatment, the life expectancy of an individual afflicted with MPS begins to decrease at a very early stage in the life of the individual;

Whereas research has resulted in the development of limited treatments for some MPS diseases;

Whereas promising advancements in the pursuit of treatments for additional MPS diseases are underway as of the date of agreement to this resolution;

Whereas, despite the creation of new remedies, the blood-brain barrier continues to be a significant impediment to effectively treating the brain, which prevents the treatment of many of the symptoms of MPS;

Whereas the quality of life of the individuals afflicted with MPS, and the treatments available to those individuals, will be enhanced through the development of early detection techniques and early intervention;

Whereas treatments and research advancements for MPS are limited by a lack of awareness about MPS diseases;

Whereas the lack of awareness about MPS diseases extends to individuals within the medical community;

Whereas the cellular damage that is caused by MPS makes MPS a model for the study of many other degenerative genetic diseases; and

Whereas the development of effective therapies and a potential cure for MPS diseases can be accomplished by increased awareness, research, data collection, and information distribution: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 15, 2013, as ''National MPS Awareness Day''; and

(2) supports the goals and ideals of ''National MPS Awareness Day''.

NOTICE OF HEARING

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has scheduled a hearing entitled, ''Offshore Profit Shifting and the U.S. Tax Code—Part 2.'' The Subcommittee will continue its examination of the structures and methods employed by multinational corporations to shift profits offshore and how such activities are affected by the Internal Revenue Code and related regulations. Witnesses will include representatives from the Department of the Treasury, the Internal Revenue Service, representatives of a multinational corporation, and tax experts. A witness list will be available Friday, May 17, 2013.

The Subcommittee hearing has been scheduled for Tuesday, May 21, 2013, at 9:30 a.m., in room 106 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at (202) 224–9505.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on May 15, 2013, at 2:30 p.m. in room 253 of the Russell Senate Office Building. The Committee will hold a hearing entitled, ''The Road Ahead: Advanced Vehicle Technology and Its Implications.''

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 15, 2013, at 9 a.m., to hold a hearing entitled, ''U.S. Policy Toward Iran.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. BOXER. 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 May 15, 2013, at 9:30 a.m. to conduct a hearing entitled ''Performance Management and Congressional Oversight: 380 Recommendations to Reduce Overlap and Duplication to Make Washington More Efficient.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. BOXER. 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 May 15, 2013, at 2:30 p.m.

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

COMMITTEE ON INDIAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on May 15, 2013, in room SD–628 of the Dirksen Senate Office Building, at 2:30 p.m.

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

COMMITTEE ON VETERANS' AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on May 15, 2013, at 10 a.m. in room SR–418 of the Russell Senate Office Building.

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

SUBCOMMITTEE ON NATIONAL SECURITY AND INTERNATIONAL TRADE AND FINANCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on National Security and International Trade and Finance be authorized to meet during the session of the Senate on May 15, 2013, at 2 p.m., to conduct a hearing entitled ''Improving Cross Border Resolution to Better Protect Taxpayers and the Economy.''

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

NATIONAL MPS AWARENESS DAY

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 142, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

A resolution (S. Res. 142) designating May 15, 2013, as ''National MPS Awareness Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. BLUMENTHAL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 142) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR THURSDAY, MAY 16, 2013

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m. on Thursday, May 16, 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 for their use later in the day; that following any leader remarks, the Senate proceed to executive session to consider Calendar No. 91, the nomination of Ernest J. Moniz, under the previous order.

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

PROGRAM

Mr. BLUMENTHAL. There will be a rollcall vote at approximately 2 p.m. on confirmation of the Moniz nomination.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. BLUMENTHAL. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:39 p.m., adjourned until Thursday, May 16, 2013, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 15, 2013:

THE JUDICIARY

WILLIAM H. ORRICK, III, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

MARILYN B. TAVENNER, OF VIRGINIA, TO BE ADMINISTRATOR OF THE CENTERS FOR MEDICARE AND MEDICAID SERVICES.